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PART I



June 14, 1974—Pages 20777–20950

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Confidential Secretary to the Deputy Associate Director (Domestic and Anti-Poverty Operations) is excepted under Schedule C.

Effective on June 14, 1974, § 213.3359 (p) is added as set out below.

§ 213.3359 Action.

* * * * *

(p) One Confidential Secretary to the Deputy Associate Director (Domestic and Anti-Poverty Operations).

(5 U.S.C. 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.74–13709 Filed 6–13–74;8:45 am]

PART 213—EXCEPTED SERVICE

Civil Aeronautics Board

Section 213.3340 is amended to show that one position of Secretary to the Director, Bureau of International Affairs, is expected under Schedule C.

Effective on June 14, 1974, § 213.3340 (f) is added as set out below.

§ 213.3340 Civil Aeronautics Board.

* * * * *

(f) One Secretary to the Director, Bureau of International Affairs.

(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.74–13708 Filed 6–13–74;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President; Correction

In the FEDERAL REGISTER of August 10, 1973, FR Doc. 73–16524, on page 21621, § 213.3303(i)(6) was inadvertently revoked. This section should read as follows:

§ 213.3303 Executive Office of the President.

* * * * *

(i) *Office of Telecommunications Policy.* * * *

(6) Confidential Secretary to the Director.

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

[FR Doc.74–13711 Filed 6–13–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the General Counsel is excepted under Schedule C.

Effective on June 14, 1974, § 213.3316 (p)(3) is amended as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(p) *Office of the General Counsel.* * * *

(3) One Special Assistant to the General Counsel.

(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.74–13710 Filed 6–13–74;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases portions of Cimarron County in Oklahoma from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No area in Oklahoma remains under quarantine.

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

§ 73.1a [Amended]

In § 73.1a, paragraph (d) relating to the State of Oklahoma is deleted.

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

Effective date. The foregoing amendment shall become effective June 11, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 11th day of June 1974.

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

[FR Doc.74–13712 Filed 6–13–74;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 112—PACKAGING AND LABELS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments and Correction Notice

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by correcting typographical errors made in a document published in the FEDERAL REGISTER, Volume 39, Number 92, on May 10, 1974.

The errors in the document occurred in the preamble for amending § 112.7 on page 16856 and in § 113.97(c)(1)(vi) on page 16865.

1. The preamble for amending § 112.7 is corrected by changing (e)(5) to (d)(5) in the third line.

2. Section 113.97 (c)(1)(vi) is corrected by changing "at" to "and" in the fourth line.

These amendments are administrative and corrective and make no substantive changes in the affected regulations.

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

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 11th day of June 1974.

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

[FR Doc.74-13686 Filed 6-13-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-8-AD; Amdt. 39-1874]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Model Airplanes

Screws of low strength were inadvertently installed at various locations in the control systems of certain models of Beech airplanes during manufacture. Since these screws could affect the long term reliability of the control systems of these model airplanes, an Airworthiness Directive (AD) is being issued applicable to certain models and serial numbers of Beech 33, 35, 35-33, 36, 55, 56TC, 58, 80, 90, 95-55 and A100 series airplanes, requiring inspection and replacement of the low strength screws with adequate strength screws within the next 100 hours' time in service. Beechcraft Service Instruction No. 0629-150 provides information concerning this subject matter.

Since the condition described herein is likely to exist in other airplanes of the same type design, a situation exists which requires expeditious adoption of this amendment. Accordingly, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89, 31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to the following models and serial numbers:

Models	Serial No.	Item No. (refers to items in table 1)
F33A	CE-447 through CE-463	(1), (2).
F33A	CE-372	(2).
F33C	CJ-31 through CJ-39	(1), (2).
G33	CD-1292 through CD-1304	(1), (2).
35-C33, 35-C33A	CD-1066 and CE-62	(2).
35-B33	CD-700	(2).
V35B, V35B-TC	D-9478 through D-9480, D-9482 through D-9531, D-9533 through D-9536, and D-9539.	(1).
A36	E-441 through E-474	(1), (2).
A36	E-323	(2).
D55 and D55A	TE-485, TE-615, TE-703, and TE-710	(2).
E55 and E55A	TE-923 through TE-937, TE-939, TE-940, TE-942, and TE-943.	(1), (2).
E55 and E55A	TE-790, TE-911	(2).
E55 and E55A	TE-905	(1), (2).
56TC	TG-78 and TG-83	(2).
58 and 58A	TH-49 and TH-180	(2).
	TH-145 and TH-343 through TH-384	(1), (2).
58 and 58A	TH-77, TH-114, TH-217, TH-324	(2).
	TH-340	(1), (2).
95-A55	TC-241	(1).
95-B55 and 95-B55A	TC-1510 and TC-661	(2).
95-B55 and 95-B55A	TC-1570 through TC-1607	(1), (2).
B80	LD-470 through LD-473	(1), (3), (5), (6), (7).
C90, E90	LJ-508 through LJ-610 and LW-61 through LW-79	(1), (3), (5), (6), (7).
A100	B-174 through B-178 and B-180	(1), (3), (4), (5), (6), (7).
95-C55 and 95-C55A	TE-271	(2).
95-C55 and 95-C55A	TE-415	(1).

Compliance: Required as indicated, unless already accomplished:

To reduce the possibility of mechanical fastener fatigue failure, accomplish the following within 100 hours' time in service after the effective date of this AD.

For affected models and serial numbers, determine those Item Numbers applicable thereto by referring to the column above entitled "Item Numbers". Next, determine the number, type and location of screws by referring to Table 1 (see below). Replace each screw at the specified location except that an existing screw need not be replaced if inspection shows that the head has at least one raised or depressed "X" mark. Replace the screws one at a time at the hinge brackets to retain original alignment of the bracket. Any alternate method of compliance with this AD must be submitted to and approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0629-150 covers the subject matter of this AD.

TABLE 1

Item 1. Two AN502-10-10 screws securing each hinge bracket at leading edge of rudder or ruddevator.

Item 2. Two AN502-10-10 screws securing each hinge bracket at leading edge of elevator.

Item 3. Two AN502-10-12 screws securing elevator control cables to forward bellcrank under pilot's compartment left hand floorboard.

Item 4. Two AN503-8-8 screws securing elevator control cables to aft bellcrank in fuselage tail section.

Item 5. Two AN503-8-10 screws securing rudder control cables to forward bellcrank under pilot's compartment floorboard aft of left hand rudder pedals.

Item 6. Two AN503-8-6 screws securing rudder control cables to aft bellcrank in the fuselage tail section.

Item 7. Two AN503-8-6 screws securing aleron control cables to bellcrank under floorboard just forward of the rear spar.

This amendment becomes effective June 18, 1974.

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

Issued in Kansas City, Missouri, on June 4, 1974.

GEORGE R. LA CAILLE,
Acting Director, Central Region.

[FR Doc.74-13543 Filed 6-13-74;8:45 am]

[Docket No. 73-EA-6; Amdt. 39-1876]

PART 39—AIRWORTHINESS DIRECTIVE

Avco Lycoming Aircraft Engines

On page 9515 of the FEDERAL REGISTER for April 17, 1973, the Federal Aviation Administration published a proposed amendment applicable to Avco Lycoming IGO-540 and IGSO-540 series aircraft engines.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697], § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published, except to reflect the following corrections to the list of affected aircraft which corrections are necessary to update the amendment. Because of the air safety aspect of the Notice, notice and public procedure on the corrections are impractical.

1. Delete 411-49 and insert in lieu thereof 311-49.

2. Delete 2591-50 through 2631-50 and insert in lieu thereof 2591-50 through 2602-50, and insert thereafter 2606-50 through 2631-50.

3. Delete all after 2752-50 up to the words "and subsequent".

4. Delete in the Note 351 and insert in lieu thereof 351A.

This amendment is effective June 21, 1974.

Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1421 and 1423) and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 6, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

AVCO LYCOMING.—Applies to all IGO–540 series engines except IGO–540 series engines with serials Nos. 311–49 and subsequent; and to all IGSO–540 series engines except IGSO–540 series engines with serials Nos. 2558–50 through 2563–50, 2565–50 through 2582–50, 2584–50 through 2589–50, 2591–50 through 2602–50, 2606–50 through 2631–50, 2637–50, 2640–50, 2647–50 through 2652–50, 2657–50 through 2692–50, 2694–50 through 2713–50, 2718–50 through 2727–50, 2730–50 through 2750–50, 2752–50, and subsequent; and except all IGO and IGSO–540 series engines overhauled (also known as remanufactured) by Lycoming after October 29, 1970.

Compliance required as indicated after the effective date of this AD, unless already accomplished.

To prevent failures of connecting rod assemblies P/N 72606, P/N 73174, and P/N 75548, accomplish the following:

(a) Engines with connecting rod assemblies that have accumulated 400 hours or more in service since new or overhaul must have the connecting rod assemblies replaced with new connecting rod assembly, P/N 77450, within the next 50 hours in service.

(b) Engines that have connecting rod assemblies with less than 400 hours in service since new or overhauled must have the connecting rod assemblies replaced with new connecting rod assembly, P/N 77450, within the next 100 hours in service.

(c) Upon request, with substantiating data submitted through an FAA maintenance inspector, the compliance time may be increased by the Chief, Engineering and Manufacturing Branch, FAA eastern region.

NOTE.—Lycoming Service Bulletin No. 351A covers this subject.

[FR Doc.74–13549 Filed 6–13–74;8:45 am]

[Docket No. 74–SO–57; Amdt. No. 39–1875]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA–28–140 Series Airplanes

There have been failures of the throttle control cable ball joint assembly on the Piper PA–28–140 airplanes that could result in a failure to control engine power. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require the replacement of the ball joint assembly with a spherical rod end bearing and an alignment bracket at the carburetor on PA–28–140 airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (37 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER.—Applies to PA–28–140 Airplanes Serial Numbers 28–25001 to 28–26331 Inclusive; 28–26401 to 28–26946 Inclusive; 28–7125001 to 28–7125641 Inclusive, and 28–7225001 to 28–7425354 Inclusive.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent the loss of power due to a failed ball joint assembly, accomplish the following:

(a) Remove the lower engine cowl.

(b) Remove the throttle control cable ball joint assembly (P/N 31747–00) from throttle control cable and carburetor throttle level or alignment bracket if installed.

(c) Accomplish the following in accordance with instructions in Piper Kit 760 780V or an equivalent procedure approved by Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region:

(1) Install Alignment Bracket (Piper Part Number 99929–0) unless already installed to the carburetor throttle lever using two each AN3–5A Machine Bolts, AN960–10 Flat Washers and MS20365–1032C Nuts.

(2) Install spherical rod end bearing (Piper Part Number 452–557) to throttle control cable and the 99929–0 Alignment Bracket using one AN3–10 Machine Bolt, one Piper Part Number 62833–101 Washer, one AN310–3 Nut, one MS24665–132 Cotter Pin and two Piper Part Number 63900–78 Spacers.

(3) Adjust so that the throttle closes completely and has some cushion at the throttle control handle in the cockpit.

(4) Check the inspection hole for visible threads and tighten the jam nut against the rod end.

(d) Replace the lower engine cowl.

Piper Service Letter No. 670 or other approved later revision pertains to this same subject.

This amendment becomes effective June 21, 1974.

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

Issued in East Point, Georgia, on June 5, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–13635 Filed 6–13–74;8:45 am]

[Airspace Docket No. 74–SW–13]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Hobbs, N. Mex., control zone and transition area.

On May 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 15143) stating the Federal Aviation Administration proposed to alter the Hobbs, N. Mex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the Hobbs, N. Mex., control zone is amended to read:

HOBBS, N. MEX.

That airspace within a 5-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 3.5 miles each side of the Hobbs VORTAC 222° radial extending from the 5-mile radius zone to 10.5 miles SW of the VORTAC.

(2) In § 71.181 (39 FR 440), the Hobbs, N. Mex., transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), within 3.5 miles each side of the Hobbs VORTAC 222° radial extending from the VORTAC to 11.5 miles SW, and within 5 miles each side of the Hobbs VORTAC 042° radial extending from the VORTAC to 21 miles NE.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Fort Worth, Tex., on June 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74–13636 Filed 6–13–74;8:45 am]

[Airspace Docket No. 74–SW–20]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter controlled airspace in the Cotulla, Tex., terminal area.

On May 2, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 15307) stating the Federal Aviation Administration proposed to alter the Cotulla, Tex., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 15, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the Cotulla, Tex., control zone is amended to read:

COTULLA, TEX.

That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 266° radial extending from the 3-mile radius zone to 11 miles west of the VOR.

(2) In § 71.181 (39 FR 440), the Cotulla, Tex., transition area is amended to read:

COTULLA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.); within 2 miles each side of the Cotulla VOR 266° radial extending from the 5-mile radius area to 14 miles west of the VOR; and within

8 miles north and 5 miles south of the Cotulla VOR 086° and 266° radials extending to 5 miles west and 12 miles east of the VOR.

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Fort Worth, Tex., on June 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13637 Filed 6-13-74;8:45 am]

[Airspace Docket No. 74-SW-19]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Laredo, Tex. (Laredo Auxiliary No. 2 Airport).

On May 2, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 15308) stating the Federal Aviation Administration proposed to designate the Laredo, Tex. (Laredo Auxiliary No. 2 Airport), transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., August 15, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

LAREDO, TEX. (Laredo Auxiliary No. 2 Airport)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laredo Auxiliary No. 2 Airport (latitude 27°28'0" N., longitude 99°13'45" W.) and within 2.5 miles each side of the Laredo, Tex., VORTAC 091° radial extending from the 5-mile radius area to 18.5 miles east of the VORTAC.

Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Fort Worth, Tex., on June 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-13638 Filed 6-13-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-169]

PART 153—ANTIDUMPING

Ceramic Wall Tile From the United Kingdom

JUNE 7, 1974.

On March 26, 1974, there was published in the FEDERAL REGISTER (39 FR 11207) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to ceramic wall tile from the United Kingdom. A finding of dumping applicable to this merchandise was published as T.D. 71-129, in the FEDERAL REGISTER of May 18, 1971 (36 FR 9009).

The above-mentioned notice set forth the reasons for the proposed modification, and interested persons were afforded an opportunity to make written submissions in connection therewith.

No written submissions having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," ceramic wall tile from the United Kingdom is no longer being, nor is it likely to be, sold in the United States at less than fair value by Pilkington's Tiles Sales Ltd., Manchester, England, and the finding of dumping with respect to such merchandise is hereby modified to exclude ceramic wall tile produced and sold by this company. Accordingly, § 153.43 of the Customs Regulations is amended to show the exclusion of ceramic wall tile produced and sold by this company from the finding of dumping:

Merchandise	Country	T.D.	Modified by—
Ceramic wall tile, except that produced and sold by Pilkington's Tiles Sales, Ltd., Manchester, England.	United Kingdom.	71-129	74-169

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C.) 160, 173)

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13546 Filed 6-13-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Use of Lecithin as Optional Anti-Sticking Agent; Confirmation of Effective Date of Order Amending Standards of Identity

An order was published in the FEDERAL REGISTER of February 19, 1974 (39 FR 6109), amending the standard of identity for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread (21 CFR 19.750, 19.765 and 19.775) to permit the use of lecithin as an optional anti-sticking agent in these foods, and provided for the filing of objections on or before March 21, 1974.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948, 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective April 22, 1974.

Dated: June 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-13678 Filed 6-13-74;8:45 am]

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Use of Enzyme Modified Cheese As An Optional Ingredient

A notice of proposed rule making to amend the definitions and standards of identity for pasteurized process cheese (21 CFR 19.750), pasteurized process cheese food (21 CFR 19.765), and pasteurized process cheese spread (21 CFR 19.775) was published in the FEDERAL REGISTER of October 2, 1973 (38 FR 27299), based on a petition submitted by L. D. Schreiber Cheese Co., Inc., 1607 Main St., Green Bay, WI 54305. The petition proposed that the subject standards be amended to permit the use of enzyme modified cheese as an optional ingredient. In addition, the Commissioner of Food and Drugs proposed on his own initiative certain editorial changes in § 19.750(a)(1) (21 CFR 19.750(a)(1)) for the purpose of simplification in the event of future additions to § 19.750(d) and for consistency with §§ 19.765(a)(1) and 19.775(a)(1).

A period of 60 days were allowed for comments regarding this proposal. Eight comments were received. The issues raised by the comments and the Commissioner's responses are as follows:

1. Three comments were received from members of the food industry; all were in favor of the proposal as published.

2. One comment from a consumer favored the proposal but further stated an unwillingness to pay the same high price for a food made with the aid of enzyme modified cheese as that now required for "genuine old aged cheese."

The Commissioner advises that the Federal Food, Drug, and Cosmetic Act and the regulations thereunder do not allow the use of false or misleading labeling which would lead a consumer to believe the food was made from aged natural cheese. Terms such as "aged" or "sharp" cannot be used on the label when the flavor does not result from the use of aged natural cheese. When enzyme modified cheese is used, this fact must be declared in the statement of ingredients on the label of the pasteurized process cheese, cheese food, and cheese spread.

3. Four comments from consumers expressed the opinion that they did not want enzymes in cheese products because they questioned the safety of such use.

The Commissioner notes that several kinds of enzymes are present in and natural to milk from which cheese is made. These enzymes have historically contributed to the development of the flavor

and body of natural cheese varieties. In addition, most of the standards of identity for natural cheeses have for many years provided for the addition of safe and suitable enzymes to be used during the processes of manufacturing the cheeses. These enzymes plus the enzymes from the milk aid in flavor and body development of the cheeses. These same cheeses have then been used to manufacture pasteurized process cheeses, cheese foods, and cheese spreads. This amendment provides for the addition of the same safe and suitable enzymes to cheese(s), under controlled conditions as to amount and length of time. When the desired degree of flavor and body has been developed the enzymes themselves are deactivated or removed. The enzyme treated cheese is then used as an optional ingredient, along with cheese and other mandatory and optional ingredients, in the manufacture of pasteurized process cheeses, cheese foods, and cheese spreads.

The Commissioner concludes that, based on a review of the legislative intent of the Food Additives Amendment, the use of safe and suitable food additives such as enzymes is specifically expressed as a principal purpose of the law. This matter was elaborated upon in the order ruling on the proposal to amend 21 CFR 19.530, published in the FEDERAL REGISTER of June 17, 1972 (37 FR 12065). The Commissioner further concludes that, based on the definition of the terms, "safe and suitable" under § 10.1(d) (21 CFR 10.1(d)), published in the FEDERAL REGISTER of May 15, 1974 (39 FR 17304) the consideration of safety has been met in regard to these proposed amendments.

Having considered the information submitted by the petitioner, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to amend the standards of identity for pasteurized process cheese, pasteurized process cheese food, and pasteurized process cheese spread as set forth below.

Due to the revisions of §§ 19.525 and 19.530 (21 CFR 19.525, 19.530) and the promulgation of § 19.531 (21 CFR 19.531), published in the FEDERAL REGISTER of June 30, 1972 (37 FR 12935), the name creamed cottage cheese has been removed from § 19.750(a)(1) (21 CFR 19.750(a)(1)) because it is obsolete and the names "cottage cheese dry curd" and "lowfat cottage cheese" have been added. The purpose of these editorial changes is to update the list of cheeses not used for making pasteurized process cheese.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 19 be amended as follows:

1. In § 19.750 by revising paragraph (a)(1) and by adding a new paragraph (d)(9) to read as follows:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

(a)(1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, lowfat cottage cheese, cottage cheese dry curd, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim milk cheese for manufacturing with an emulsifying agent prescribed by paragraph (c) of this section into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) of this section may be used.

* * * * *

(d) * * *

(9) Safe and suitable enzyme modified cheese.

* * * * *

2. In § 19.765 by adding a new paragraph (e)(9) to read as follows:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(9) Safe and suitable enzyme modified cheese.

* * * * *

3. In § 19.775 by adding a new paragraph (f)(10) to read as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(10) Safe and suitable enzyme modified cheese.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 13, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: June 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–13679 Filed 6–13–74;8:45 am]

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Applesauce; Confirmation of Effective Date of Order Amending Standards of Identity and Fill of Container

In the FEDERAL REGISTER of March 5, 1974 (39 FR 8322), the Commissioner of Food and Drugs, in accordance with the procedure established in § 10.8 (21 CFR 10.8), issued an order amending the canned applesauce standards of identity and fill of container, §§ 27.80 and 27.81 (21 CFR 27.80 and 27.81), taking into consideration the recommended international standard for canned applesauce prepared by the Codex Alimentarius Commission. The order allowed for the filing of objections on or before April 4, 1974.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendments promulgated by that order became effective May 6, 1974.

Dated: June 7, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–13680 Filed 6–13–74;8:45 am]

SUBCHAPTER C—DRUGS

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

PART 149b—AMPICILLIN

Change in Effective Date and Corrections

Correction

A. In FR Doc. 74–8919, appearing at page 13877 in the issue of Thursday, April 18, 1974, the first two sentences under § 141.544 [Amended] should read as follows:

"1. In column 2 on page 9936, the last eight lines of paragraph (a)(1) in § 141.544 are deleted.

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

B. And in the fourth line of subparagraph 149b.23(a)(1), the word "ampillin" should read "ampicillin".

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Variances From Performance Standards

Correction

In FR Doc. 74-8915, appearing at page 13880 in the issue of Thursday, April 18, 1974, the word "Revoked" appearing in brackets after § 1020.30 should read "Amended".

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

General Counsel

Section 2.6 Administrator's delegations of authority, is amended to decentralize matters heretofore under the immediate jurisdiction of the General Counsel and to increase Chief Attorney authority accordingly.

It is found that it is impractical and contrary to the public interest to give preliminary notice and to postpone the effective date of this regulation until July 15, 1974 (§ 1.12 of this chapter) because the changes are rules of agency organization, procedure and practice, technical in nature and only made to conform the regulation to the present organization of the General Counsel.

In § 2.6 paragraphs (e) (1), (2), (3), the introductory portion of (4), and paragraph (5) are amended, paragraphs (e) (1) (iii) and (7) are added and paragraph (f) is revoked. The added and amended material reads as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(e) *General Counsel.* (1) Under the Federal Tort Claims Act, pursuant to the provisions of 28 U.S.C. 2672, authority is delegated to the General Counsel, Deputy General Counsel and Assistant General Counsel, or those authorized to act for them, to:

* * * * *

(iii) Authority delegated to the General Counsel may be redelegated by him to selected Chief Attorneys or those authorized to act for them.

(2) Under the provisions of 38 U.S.C. 236, the General Counsel, Deputy General Counsel, Assistant General Counsel and Chief Attorney, or those authorized to act for them, are authorized to consider, ascertain, adjust, determine, and settle tort claims cognizable thereunder and to execute an appropriate voucher and other necessary instruments in connection with the final disposition of such claims.

(3) Under the provisions of "The Federal Medical Care Recovery Act," 42 U.S.C. 2651, et seq. (as implemented by Part 43, Title 28, Code of Federal Regulations), authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and Chief Attorney, or those authorized to act for them, to collect in full, compromise, settle, or waive any claim and execute the release thereof; however, claims in excess of $20,000 may be compromised, settled, or waived only with the prior approval of the Department of Justice.

(4) Under the Federal Claims Collection Act of 1966, 31 U.S.C. 951, et seq., authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and Chief Attorney, or those authorized to act for them, to:

* * * * *

(5) Pursuant to the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241, the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and Chief Attorney, or those authorized to act for them, are authorized to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his or her service occurring subsequent to August 31, 1964.

* * * * *

(7) All authority delegated in this paragraph to Chief Attorneys will be exercised by them under the supervision of and in accordance with instructions issued by the General Counsel.

(f) [Revoked]

(72 Stat. 1114; (38 U.S.C. 210))

This VA Regulation is effective May 31, 1974.

Approved: May 31, 1974.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.74-13698 Filed 6-13-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 144—POSTAGE METERS AND METER STAMPS

Correction

In FEDERAL REGISTER Doc. 73-17146 appearing at page 22383 in the issue for Monday, August, 20, 1973, the following change should be made on page 22385 in the second line of paragraph numbered 12: change "§ 144.1" to "§ 144.3".

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-13674 Filed 6-13-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

PART 39—ENVIRONMENTAL FINANCING

Policies and Procedures

Section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Environmental Financing Act) authorizes the Environmental Financing Authority to purchase State or local public-body obligations which finance the "non-Federal share" of the cost of a project for the construction of waste treatment works. Under this section the Environmental Protection Agency: (1) May certify to the Environmental Financing Authority that the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs, (2) must approve the project for grant assistance under the FWPCA, and (3) will guarantee the timely payment by the public body of principal and interest on the obligation.

Proposed regulations were published in the FEDERAL REGISTER for this program on August 23, 1973 (38 FR 22635). Written comments received from interested parties are on file with the Environmental Protection Agency. The Agency has carefully considered all comments submitted by the public, as well as comments made by EPA, State agency, and Department of the Treasury personnel. A number of these comments have been adopted or substantially satisfied by changes in, deletions from, or additions to this subpart. Publication of this part has been approved by the Board of Directors of the Environmental Financing Authority.

Major changes in this part are as follows:

(1) The definition of "non-Federal share" in § 39.105-3 has been changed, in light of agency comments as to legislative intent, to limit the "non-Federal share" to the amount remaining after the Federal share is subtracted from the total eligible costs included in determining the Federal share for grant assistance. Accordingly, site acquisition and certain other costs associated with the project but not eligible for FWPCA grant assistance will not be eligible for financial assistance from the Authority.

(2) The time at which a public body would normally submit an application for financial assistance has been changed in § 39.110(c) to the period after it has been awarded a Step 3 or combination Step 2 and 3 construction grant and solicited bids for obligations to finance the "non-Federal share" of the eligible costs of the project.

(3)(a) Section 39.110(d) has been changed to require solicitation for bids only on obligations over $250,000. For obligations of $250,000 and under the public body must only show that it has made an effort to place the obligation with at least two local or regional banks.

(b) A new provision has been included in § 39.110(d) to require an applicant for EFA financing, who is also eligible for Farmers Home Administration Loans under the Consolidated Farm and Rural Development Act to document that either (i) loans may not be obtained from the Farmers Home Administration on reasonable terms as defined in § 39.105–5; or (ii) the Farmers Home Administration has denied loan assistance for the non-Federal share of project costs. This provision was added for the purpose of calling attention to the loan program of the FHA as it applies to eligible projects and the favorable terms of such loans. It should be noted that FHA may make loans up to the amount of project costs after the Federal share is deducted.

(4) The repayment period for an obligation in § 39.118 has been limited to the useful life of the project or thirty years, whichever is less, in order to be consistent with the Title II construction grant regulations.

(5) Section 39.120(d) was added to clarify the extent to which obligations purchased by the Authority may be subordinated.

Where justified, a deviation from any substatutory requirement of this part may be granted pursuant to § 30.1001 of this chapter.

This part is promulgated as a final regulation. However, because of the numerous changes and additions which have been made throughout this part, public comment is again invited for the purpose of possible future changes in the regulation or possible proposed legislative changes. In particular, comment is invited upon the new provisions of the following sections: §§ 39.105–3 and 39.110 (d). Interested parties are encouraged to submit written comments, views, or data concerning this part to the Director, Grants Administration Division (PM–216), Environmental Protection Agency, Washington, D.C. 20460. All such submissions received within sixty days after promulgation of this regulation will be considered with respect to the need for amendment of this part.

The Environmental Financing Act provides that the interest rate on obligations purchased by the Authority shall be determined by the Secretary of the Treasury after he takes into consideration current market yields on Government and municipal obligations. Thus, the interest rate on obligations purchased by the Authority will depend on market yields at the time of purchase. At the time of issuance of this Part (May 1974) the interest rate determined by the Secretary was 6½ percent. Pursuant to § 39.105–5 of this Part, notification of any changes in this rate will be published by EPA in the FEDERAL REGISTER.

Effective Date. This part shall become effective July 15, 1974.

Dated: June 7, 1974.

JOHN QUARLES,
Acting Administrator.

1. The title of this Subchapter is hereby amended from "Grants" to "Grants and Other Federal Assistance."

2. Part 39 is added to read as follows:

Sec.
39.100 Purpose.
39.105 Definitions.
39.105–1 The authority.
39.105–2 Federal share.
39.105–3 Non-federal share.
39.105–4 Public body.
39.105–5 Reasonable terms.
39.110 Application.
39.115 Limitation on assistance.
39.118 Repayment period.
39.120 Certification.
39.125 Guarantee.

AUTHORITY: Sec. 12 of the FWPCA Amendments of 1972 Pub. L. 92–500, 33 U.S.C. 1281n.

§ 39.100 Purpose.

This part establishes policies and procedures (a) to insure that inability to borrow necessary funds on reasonable terms does not prevent the construction of any waste treatment works for which a grant has been or will be awarded in compliance with the Federal Water Pollution Control Act and (b) to provide for the guarantee by the Administrator of full and timely payment of principal and interest on any obligation purchased by the Environmental Financing Authority in reliance on any certification granted hereunder.

§ 39.105 Definitions.

Words and terms used in this part which have been defined in §§ 35.905 to 35.905–2b of this chapter shall have the meaning set forth therein. The following words and terms shall have the meaning set forth below.

§ 39.105–1 The Authority.

The Environmental Financing Authority established pursuant to the Environmental Financing Act of 1972 (section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500, 33 U.S.C. 1251 et seq.)).

§ 39.105–2 Federal Share.

The amount of any grant awarded under Part 35 of this chapter for construction of waste treatment works.

§ 39.105–3 Non-Federal Share.

The amount remaining after the Federal share is subtracted from the total eligible costs included in determining the Federal share. (EFA assistance is subject to the limitation set forth in § 39.115.)

§ 39.105–4 Public Body.

A public body is a State (see § 35.905–20 of this chapter), an interstate agency (see § 35.905–13 of this chapter), or a municipality. A municipality is a city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities) created by or pursuant to State law, or an Indian tribe or an authorized Indian tribal organization, having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the Act. This definition excludes a special district, such as a school district, which does not have as one of its principal responsibilities the treatment, transport, or disposal of liquid wastes (as in § 35.905–14 of this chapter).

§ 39.105–5 Reasonable terms.

Reasonable terms are a rate less than or equal to the interest rate established by the Secretary of the Treasury at which the Authority will buy obligations of comparable maturities. Notification of the interest rate will be published by the Administrator in the FEDERAL REGISTER from time to time.

§ 39.110 Application.

(a) A public body which has applied for a grant under section 8 regulations (§ 35.800 of this chapter) or under § 35.930–1(a) (3), (4), or (5) of this chapter, or which has committed itself to finance the non-Federal share of any project(s) awarded such a grant, may apply through the relevant State agency to the Regional Administrator for a commitment from the Authority to purchase or participate in any obligation issued by the public body to finance the non-Federal share of the project.

(b) Application may be made for authority financing of the non-Federal share of Step 1 or Step 2 project costs only in conjunction with the application for financial assistance for Step 3.

(c) The application shall normally be submitted after award of a Step 3 or combination Step 2 and Step 3 construction grant. The application may be submitted in conjunction with the grant application if Authority financing is necessary to assure award of the grant.

(d) The application shall document that the public body is unable to obtain on reasonable terms as defined in § 39.105–5 sufficient credit to finance the non-Federal share of the project(s). Such documentation shall include: (1) The results of a public solicitation for bids for obligations to finance the non-Federal share, or, in the case of applications for commitments from the Authority to purchase not in excess of $250,000 of obligations a summary of the efforts by the public body to sell such obligations to at least two local or regional banks that ordinarily purchase municipal bonds and (2) a statement from a municipal bond underwriter, which submitted or which might normally have submitted a bid for the obligations, or from the two or more local or regional banks in the case of obligations not in excess of $250,000, of the credit, legal, or other reasons why the obligations could not be sold on reasonable terms, as defined herein. In addition, any public body eligible for loan assistance under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921), as amended, and the regulations adopted

thereunder, shall document that (i) any loan which might be obtained under provisions of such Act would not be available on reasonable terms as defined in § 39.105–5 of this Part; or (ii) The Farmers Home Administration has, pursuant to its authority under such Act, denied loan assistance to the public body for the non-Federal share of total project costs.

(e) The application shall include a detailed schedule of estimated revenues for the treatment works system and their disposition over the life of the obligations which the Authority is requested to purchase. The schedule shall show that sufficient amounts will be available to meet each payment of principal and interest on such obligations and to provide for reasonable reserves for future payments. The Regional Administrator shall not certify that such obligations are eligible for purchase by the Authority unless he determines it is reasonable to anticipate that adequate revenues will be available.

(f) The application shall be accompanied by a legal opinion establishing that the applicant has legal authority to obligate itself for payment of the non-Federal share, to construct the project(s) and to issue the obligations, and that the obligations will be legal and binding obligations.

(g) The Regional Administrator may require the submission of additional financial or other information which he considers necessary.

§ 39.115 Limitation on assistance.

The amount of any grant, loan, or other assistance available from another Federal agency, a State, or other third parties for the non-Federal share of a project will be deducted from the amount which would be otherwise financed by the Authority, unless such assistance is not available on reasonable terms.

§ 39.118 Repayment period.

The repayment period for any obligation financed by the Authority shall be for a reasonable term not to exceed the useful life of the project or thirty years, whichever is less.

§ 39.120 Certification.

(a) Upon being satisfied that the requirement of the Environmental Financing Act and of these regulations have been fulfilled, the Regional Administrator may certify to the Authority, through the Administrator, that the public body is unable to obtain on reasonable terms sufficient credit to finance the non-Federal share of the project and that the obligations proposed to be issued to the Authority are otherwise eligible for purchase by it, provided that no such certification may be made in the case of a project for which the permanent financing occurred prior to October 18, 1972.

(b) The public body receiving certification must agree to:

(1) Maintain the facilities in good repair and operating condition during the period in which obligations financed by the Authority are outstanding.

(2) Maintain insurance and bonding adequate to protect the guarantor.

(3) Maintain and preserve until 3 years after the obligations financed by the Authority have been retired financial reports (including annual operating budgets) necessary to reflect receipt of revenues for repayment.

(4) Adopt a financial system designed to provide revenues adequate to assure repayment of principal and interest of obligations financed by the Authority. Such financial systems must be comparable to the capital cost recovery system relating to the Federal share of project costs in accordance with section 204(b) of the Act.

(5) Notify the Regional Administrator or his successor whenever it appears that projected annual revenues will be insufficient to meet payments for principal, interest, and operating costs.

(6) Revise its rate or rate structure with the approval of the Regional Administrator or his successor whenever such revisions are required to assure that annual revenues will be sufficient to meet projected operating costs and required payments of principal and interest.

(7) The enforcement of the foregoing conditions by the Regional Administrator or his successor in a court of competent jurisdiction.

(c) If the public body receiving certification will not be the operating agency, then such public body must produce evidence satisfactory to the Regional Administrator that the operating agency will meet the applicable requirements of paragraph (b) of this section.

(d) Obligations guaranteed by the Administrator may be subordinate to obligations issued prior to October 18, 1972, pursuant to instruments requiring such subordination. The Regional Administrator may consider a request for guarantee of obligations which will have equal standing with obligations which are issued to finance costs directly associated with the project but which are not eligible for guarantee by the Administrator.

§ 39.125 Guarantee.

The Administrator hereby unconditionally guarantees pursuant to section 12(e)(2) of the Act to the Authority and its successors or assigns full and timely payment of interest and principal in accordance with the terms of any obligation purchased by or issued to the Authority in reliance on any certification granted by a Regional Administrator pursuant to § 39.120.

[FR Doc.74–13632 Filed 6–13–74;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Miscellaneous Amendments

On December 23, 1971 (36 FR 24876), pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated subpart A, General Provisions, and subparts D, E, F, G, and H which set forth standards of performance for new and modified facilities within five categories of stationary sources: (1) Fossil fuel-fired steam generators, (2) incinerators, (3) portland cement plants, (4) nitric acid plants, and (5) sulfuric acid plants. Corrections to these standards were published on July 26, 1972 (37 FR 14877), and on May 23, 1973 (38 FR 13562). On October 15, 1973 (38 FR 28564), the Administrator amended subpart A, General Provisions, by adding provisions to regulate compliance with standards of performance during startup, shutdown, and malfunction. On March 8, 1974 (39 FR 9308), the Administrator promulgated Subparts I, J, K, L, M, N, and O which set forth standards of performance for new and modified facilities within seven categories of stationary sources: (1) Asphalt concrete plants, (2) petroleum refineries, (3) storage vessels for petroleum liquids, (4) secondary lead smelters, (5) brass and bronze ingot production plants, (6) iron and steel plants, and (7) sewage treatment plants. In the same publication, the Administrator also promulgated amendments to subpart A, General Provisions. Corrections to these standards were published on April 17, 1974 (39 FR 13776).

Subpart D, E, F, G, and H are revised below to be consistent with the October 15, 1973, and March 8, 1974, amendments to subpart A. At the same time, changes in wording are made to clarify the regulations. These amendments do not modify the control requirements of the standards of performance. Also, to be consistent with the Administrator's policy of converting to the metric system, the standards of performance and other numerical entries, which were originally expressed in English units, are converted to metric units. Some of the numerical entries are rounded after conversion to metric units. It should be noted that the numerical entries in the reference methods in the appendix will be changed to metric units at a later date.

The new source performance standards promulgated March 8, 1974, applicable to petroleum storage vessels, included within their coverage storage vessels in the 40,000 to 65,000 gallon size range. The preamble to that publication discussed the fact that vessels of that size had not been included in the proposed rule, and set forth the reasons for their subsequent inclusion. However, through oversight, nothing was set forth in the regulations or preamble prescribing the effective date of the standards as to vessels within the 40,000 to 65,000 gallon range.

Section 111(a)(2) of the Act specifies that only a source for which construction is commenced after the date on which a pertinent new source standard is prescribed is subject to the standard unless the source was covered by the standard as proposed. In this case, the date of prescription or promulgation of the standard is clearly the operative date since there was no proposal date. Accordingly, § 60.1 is amended below to conform to the language of section 111(a)(2), and all persons are advised hereby that the provisions of Part 60

promulgated March 8, 1974, apply to storage vessels for petroleum liquids in the 40,000 to 65,000 gallon size range for which construction is commenced on or after that date.

On March 8, 1974, § 60.7(d) was added to require owners and operators to retain all recorded information, including monitoring and performance testing measurements, required by the regulations for at least 2 years after the date on which the information was recorded. This requirement is therefore deleted from Subparts D, E, F, G, and H specific to each new source in this group to avoid repetition. On March 8, 1974, the definitions of "particulate matter" and "run" were added to § 60.2. Therefore the definition of "particular matter" is removed from Subparts D, E, F, G, and H, and the term "repetition," used in these subparts in sections pertinent to performance tests, is changed to "run."

On October 15, 1973, § 60.8(c) was revised to require that performance tests be conducted under conditions specified by the Administrator based on representative performance of the affected facility. For that reason, the sections in Subparts D, E, F, G, and H specifying operating conditions to be met during performance tests are deleted.

Sections 60.40, 60.41(b) and 60.42(a)(1) are revised to clarify that the performance standards for steam generators do not apply when an existing unit changes to accommodate the use of combustible materials other than fossil fuel as defined in § 60.41(b).

Sections 60.41(a) and 60.51(a) are revised to eliminate the requirement that a unit have a "primary" purpose. This change is intended to prevent circumvention of a standard by simply defining the primary purpose of a unit as something other than steam production or reducing the volume of solid waste.

In § 60.46, A.S.T.M. Methods D2015–66 (Reapproved 1972), D240–64 (Reapproved 1973), and D1826–64 (Reapproved 1970) are specified for measuring heating value. Prior to this issue no method was specified for determining heating value.

The phrase "maximum 2-hour average" in the standards of performance prescribed in §§ 60.42, 60.52, 60.62, 60.72, and 60.82 is deleted. Concurrently, in §§ 60.46, 60.54, 60.64, and 60.85 the sampling time requirements for particulate matter and acid mist are changed from a minimum of 2 hours to a minimum of 60 minutes per run. The phrase "maximum 2-hour average" is not consonant with § 60.8(f) which requires that compliance be determined by averaging the results of three runs. Results from performance tests conducted at power plants and other sources have not shown any decrease in the accuracy or precision of 1-hour samples as compared with 2-hour samples, and therefore the extra hour required to sample for 2 hours is not justified. The time interval between samples for sulfur dioxide and nitrogen oxides was originally established so that one run would be completed at approximately the same time as the particulate matter run. To maintain this relationship, the sampling intervals specified in §§ 60.46 and 60.74 are shortened to be consistent with the 60-minute-per-run requirement.

The requirement prescribed in §§ 60.46, 60.64, 60.74 and 60.85 for using "suitable flow meters" for measuring fuel and product flow rates is deleted. Such meters may be used if available, but other suitable methods of determining the flow rate of fuel or product during the test period may also be used.

A procedure specifying how to allow for carbon dioxide absorption in a wet scrubber and a formula for correcting particulate matter emissions to a basis of 12 percent CO_2 are added to § 60.54.

In anticipation of adding other appendices, the present appendix to Part 60 is being retitled "Appendix A—Reference Methods." The definitions of "reference method" and "particulate matter" are amended to be consistent with this change.

In the regulations in Subpart K setting forth the performance standard for storage vessels for petroleum liquids, the definition of "crude petroleum" was to have been changed to be consistent with the definition of "petroleum" in Subpart J. This change was inadvertently not made in 39 FR 9308 and thus §§ 60.110 and 60.111 are amended by replacing the term "crude petroleum" with "petroleum."

The remaining structural and wording changes are made for purposes of clarification.

On June 29, 1973, the U.S. Court of Appeals for the District of Columbia remanded to EPA for further consideration the new source performance standards for portland cement plants. Portland Cement Association v. Ruckelshaus, 486 F.2d 375. On September 10, 1973, the same Court remanded to EPA for further consideration the new source performance standards for sulfuric acid plants and coal-fired steam electric generators. Essex Chemical Co. v. Ruckelshaus, 486 F.2d 427. The Agency has not completed its consideration with respect to the remanded standards. These amendments are not intended to constitute a response to the remands. At the time the Agency completes its consideration with respect to the remanded standards, it will publicly announce its decision and at that time if any revisions of the standards are deemed necessary or desirable, will make such revisions.

These actions are effective on June 14, 1974. The Agency finds good cause exists for not publishing these actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. These actions are intended for clarification and for maintaining consistency throughout the regulations. They are not intended to alter the substantive content of the regulations.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857 (c) (6) and (9))

Dated: June 10, 1974.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.1 is revised to read as follows:

§ 60.1 Applicability.

The provisions of this part apply to the owner or operator of any stationary source which contains an affected facility the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to such facility.

2. Section 60.2 is amended by revising paragraphs (s) and (v) as follows:

§ 60.2 Definitions.

* * * * *

(s) "Reference method" means any method of sampling and analyzing for an air pollutant as described in Appendix A to this part.

* * * * *

(v) "Particulate matter" means any finely divided solid or liquid material, other than uncombined water, as measured by Method 5 of Appendix A to this part or an equivalent or alternative method.

* * * * *

3. Section 60.40 is revised to read as follows:

§ 60.40 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each fossil fuel-fired steam generating unit of more than 63 million kcal per hour heat input (250 million Btu per hour), which is the affected facility. Any change to an existing fossil fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels as defined in this subpart, shall not bring that unit under the applicability of this subpart.

4. Section 60.41 is amended by deleting "primary" in paragraph (a), revising paragraph (b), and deleting paragraph (c). As amended, § 60.41 reads as follows:

§ 60.41 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, and in subpart A of this part.

(a) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(b) "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

5. Section 60.42 is revised to read as follows:

§ 60.42 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain particulate matter in excess of 0.18 g per million cal heat input (0.10 lb per million Btu) derived from fossil fuel.

(2) Exhibit greater than 20 percent opacity except that a maximum of 40 percent opacity shall be permissible for not more than 2 minutes in any hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

6. Section 60.43 is revised to read as follows:

§ 60.43 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

(1) 1.4 g per million cal heat input (0.80 lb per million Btu) derived from liquid fossil fuel.

(2) 2.2 g per million cal heat input (1.2 lb per million Btu) derived from solid fossil fuel.

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{y(1.4)+z(2.2)}{y+z}$$

where:

y is the percentage of total heat input derived from liquid fossil fuel, and
z is the percentage of total heat input derived from solid fossil fuel.

(c) Compliance shall be based on the total heat input from all fossil fuels burned, including gaseous fuels.

7. Section 60.44 is revised to read as follows:

§ 60.44 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO_2 in excess of:

(1) 0.36 g per million cal heat input (0.20 lb per million Btu) derived from gaseous fossil fuel.

(2) 0.54 g per million cal heat input (0.30 lb per million Btu) derived from liquid fossil fuel.

(3) 1.26 g per million cal heat input (0.70 lb per million Btu) derived from solid fossil fuel (except lignite).

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.36)+y(0.54)+z(1.26)}{x+y+z}$$

where:

x is the percentage of total heat input derived from gaseous fossil fuel,
y is the percentage of total heat input derived from liquid fossil fuel, and
z is the percentage of total heat input derived from solid fossil fuel (except lignite).

§ 60.45 [Amended]

8. Section 60.45 is amended by deleting and reserving paragraph (f).

9. Section 60.46 is revised to read as follows:

§ 60.46 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.42, 60.43, and 60.44 as follows:

(1) Method 1 for sample and velocity traverses;

(2) Method 2 for velocity and volumetric flow rate;

(3) Method 3 for gas analysis;

(4) Method 5 for the concentration of particulate matter and the associated moisture content;

(5) Method 6 for the concentration of SO_2; and

(6) Method 7 for the concentration of NO_x.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) For Methods 6 and 7, the sampling site shall be the same as that for determining volumetric flow rate. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft).

(d) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sample volume shall be 0.02 dscm (0.71 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The arithmetic average of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

(e) For Method 7, each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run values.

(f) Heat input, expressed in cal per hr (Btu/hr), shall be determined during each testing period by multiplying the heating value of the fuel by the rate of fuel burned. Heating value shall be determined in accordance with A.S.T.M. Method D2015–66 (Reapproved 1972), D240–64 (Reapproved 1973), or D1826–64 (Reapproved 1970). The rate of fuel burned during each testing period shall be determined by suitable methods, and shall be confirmed by a material balance over the steam generation system.

(g) For each run, emissions expressed in g/million cal shall be determined by dividing the emission rate in g/hr by the heat input. The emission rate shall be determined by the equation g/hr= $Qs \times c$ where Qs=volumetric flow rate of the total effluent in dscm/hr as determined for each run in accordance with paragraph (a)(2) of this section.

(1) For particulate matter, c=particulate concentration in g/dscm, as determined in accordance with paragraph (a)(4) of this section.

(2) For SO_2, $c=SO_2$ concentration in g/dscm, as determined in accordance with paragraph (a)(5) of this section.

(3) For NO_x, $c=NO_x$ concentration in g/dscm, as determined in accordance with paragraph (a)(6) of this section.

10. Section 60.50 is revised to read as follows:

§ 60.50 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each incinerator of more than 45 metric tons per day charging rate (50 tons/day), which is the affected facility.

§ 60.51 [Amended]

11. Section 60.51 is amended by striking the word "primary" in paragraph (a) and by deleting paragraph (d).

12. Section 60.52 is revised to read as follows:

§ 60.52 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this part shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.18 g/dscm (0.08 gr/dscf) corrected to 12 percent CO_2.

13. Section 60.53 is revised to read as follows:

§ 60.53 Monitoring of operations.

(a) The owner or operator of any incinerator subject to the provisions of this part shall record the daily charging rates and hours of operation.

14. Section 60.54 is revised to read as follows:

§ 60.54 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standard prescribed in § 60.52 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis and calculation of excess air, using the integrated sample technique.

(b) For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 0.85 dscm (30.0 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) If a wet scrubber is used, the gas analysis sample shall reflect flue gas conditions after the scrubber, allowing for carbon dioxide absorption by sampling the gas on the scrubber inlet and outlet sides according to either the procedure under paragraphs (c)(1) through (c)(5) of this section or the procedure under paragraphs (c)(1), (c)(2) and (c)(6) of this section as follows:

(1) The outlet sampling site shall be the same as for the particulate matter measurement. The inlet site shall be selected according to Method 1, or as specified by the Administrator.

(2) Randomly select 9 sampling points within the cross-section at both the inlet and outlet sampling sites. Use the first set of three for the first run, the second set for the second run, and the third set for the third run.

(3) Simultaneously with each particulate matter run, extract and analyze for CO_2 an integrated gas sample according to Method 3, traversing the three sample points and sampling at each point for equal increments of time. Conduct the runs at both inlet and outlet sampling sites.

(4) Measure the volumetric flow rate at the inlet during each particulate matter run according to Method 2, using the full number of traverse points. For the inlet make two full velocity traverses approximately one hour apart during each run and average the results. The outlet volumetric flow rate may be determined from the particulate matter run (Method 5).

(5) Calculate the adjusted CO_2 percentage using the following equation:

$$(\%\ CO_2)_{adj} = (\%\ CO_2)_{d1}\ (Q_{d1}/Q_{d0})$$

where:

$(\%\ CO_2)_{adj}$ is the adjusted CO_2 percentage which removes the effect of CO_2 absorption and dilution air,

$(\%\ CO_2)_{d1}$ is the percentage of CO_2 measured before the scrubber, dry basis,

Q_{d1} is the volumetric flow rate before the scrubber, average of two runs, dscf/min (using Method 2), and

Q_{d0} is the volumetric flow rate after the scrubber, dscf/min (using Methods 2 and 5).

(6) Alternatively, the following procedures may be substituted for the procedures under paragraphs (c) (3), (4), and (5) of this section:

(i) Simultaneously with each particulate matter run, extract and analyze for CO_2, O_2, and N_2 an integrated gas sample according to Method 3, traversing the three sample points and sampling for equal increments of time at each point. Conduct the runs at both the inlet and outlet sampling sites.

(ii) After completing the analysis of the gas sample, calculate the percentage of excess air (% EA) for both the inlet and outlet sampling sites using equation 3–1 in Appendix A to this part.

(iii) Calculate the adjusted CO_2 percentage using the following equation:

$$(\%\ CO_2)_{adj} = (\%\ CO_2)_{d1}\left[\frac{100+(\%\ EA)_i}{100+(\%\ EA)_o}\right]$$

where:

$(\%\ CO_2)_{adj}$ is the adjusted outlet CO_2 percentage,

$(\%\ CO_2)_{d1}$ is the percentage of CO_2 measured before the scrubber, dry basis,

$(\%\ EA)_i$ is the percentage of excess air at the inlet, and

$(\%\ EA)_o$ is the percentage of excess air at the outlet.

(d) Particulate matter emissions, expressed in g/dscm, shall be corrected to 12 percent CO_2 by using the following formula:

$$c_{12} = \frac{12c}{\%\ CO_2}$$

where:

c_{12} is the concentration of particulate matter corrected to 12 percent CO_2,

c is the concentration of particulate matter as measured by Method 5, and

$\%\ CO_2$ is the percentage of CO_2 as measured by Method 3, or when applicable, the adjusted outlet CO_2 percentage as determined by paragraph (c) of this section.

§ 60.61 [Amended]

15. Section 60.61 is amended by deleting paragraph (b).

16. Section 60.62 is revised to read as follows:

§ 60.62 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any kiln any gases which:

(1) Contain particulate matter in excess of 0.15 kg per metric ton of feed (dry basis) to the kiln (0.30 lb per ton).

(2) Exhibit greater than 10 percent opacity.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any clinker cooler any gases which:

(1) Contain particulate matter in excess of 0.050 kg per metric ton of feed (dry basis) to the kiln (0.10 lb per ton).

(2) Exhibit 10 percent opacity, or greater.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility other than the kiln and clinker cooler any gases which exhibit 10 percent opacity, or greater.

(d) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraphs (a)(2), (b)(2), and (c), such failure will not be a violation of this section.

17. Section 60.63 is revised to read as follows:

§ 60.63 Monitoring of operations.

(a) The owner or operator of any portland cement plant subject to the provisions of this part shall record the daily production rates and kiln feed rates.

18. Section 60.64 is revised to read as follows:

§ 60.64 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in § 60.62 as follows:

(1) Method 5 for the concentration of particulate matter and the associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 5, the minimum sampling time and minimum sample volume for each run, except when process variables or other factors justify otherwise to the satisfaction of the Administrator, shall be as follows:

(1) 60 minutes and 0.85 dscm (30.0 dscf) for the kiln.

(2) 60 minutes and 1.15 dscm (40.6 dscf) for the clinker cooler.

(c) Total kiln feed rate (except fuels), expressed in metric tons per hour on a dry basis, shall be determined during each testing period by suitable methods; and shall be confirmed by a material balance over the production system.

(d) For each run, particulate matter emissions, expressed in g/metric ton of kiln feed, shall be determined by dividing the emission rate in g/hr by the kiln feed rate. The emission rate shall be determined by the equation, $g/hr = Q_s \times c$, where Q_s = volumetric flow rate of the total effluent in dscm/hr as determined in accordance with paragraph (a)(3) of this section, and c = particulate concentration in g/dscm as determined in accordance with paragraph (a)(1) of this section.

19. Section 60.72 is revised to read as follows:

§ 60.72 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain nitrogen oxides, expressed as NO_2, in excess of 1.5 kg per metric ton of acid produced (3.0 lb per ton), the production being expressed as 100 percent nitric acid.

(2) Exhibit 10 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

§ 60.73 [Amended]

20. Section 60.73 is amended by deleting and reserving paragraph (d).

21. Section 60.74 is revised to read as follows:

§ 60.74 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standard prescribed in § 60.72 as follows:

(1) Method 7 for the concentration of NO_x;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 7, the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft). Each run shall consist of at least four grab samples taken at approximately 15-minutes intervals. The arithmetic mean of the samples shall constitute the run value. A velocity traverse shall be performed once per run.

(c) Acid production rate, expressed in metric tons per hour of 100 percent nitric acid, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) For each run, nitrogen oxides, expressed in g/metric ton of 100 percent nitric acid, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation,

$$g/hr = Q_s \times c$$

where Q_s = volumetric flow rate of the effluent in dscm/hr, as determined in accordance with paragraph (a)(3) of this section, and $c = NO_x$ concentration in g/dscm, as determined in accordance with paragraph (a)(1) of this section.

22. Section 60.81 is amended by revising paragraph (b) as follows:

§ 60.81 Definitions.

* * * * *

(b) "Acid mist" means sulfuric acid mist, as measured by Method 8 of Appendix A to this part or an equivalent or alternative method.

23. Section 60.82 is revised to read as follows:

§ 60.82 Standard for sulfur dioxide.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of 2 kg per metric ton of acid produced (4 lb per ton), the production being expressed as 100 percent H_2SO_4.

24. Section 60.83 is revised to read as follows:

§ 60.83 Standard for acid mist.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which:

(1) Contain acid mist, expressed as H_2SO_4, in excess of 0.075 kg per metric ton of acid produced (0.15 lb per ton), the production being expressed as 100 percent H_2SO_4.

(2) Exhibit 10 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure will not be a violation of this section.

§ 60.84 [Amended]

25. Section 60.84 is amended by deleting and reserving paragraph (d).

26. Section 60.85 is revised to read as follows:

§ 60.85 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided for in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.82 and 60.83 as follows:

(1) Method 8 for the concentrations of SO_2 and acid mist;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) The moisture content can be considered to be zero. For Method 8 the sampling time for each run shall be at least 60 minutes and the minimum sample volume shall be 1.15 dscm (40.6 dscf) except that smaller sampling times or sample volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(c) Acid production rate, expressed in metric tons per hour of 100 percent H_2SO_4, shall be determined during each testing period by suitable methods and shall be confirmed by a material balance over the production system.

(d) Acid mist and sulfur dioxide emissions, expressed in g/metric ton of 100 percent H_2SO_4, shall be determined by dividing the emission rate in g/hr by the acid production rate. The emission rate shall be determined by the equation, $g/hr = Q_s \times c$, where Q_s = volumetric flow rate of the effluent in dscm/hr as determined in accordance with paragraph (a)(3) of this section, and c = acid mist and SO_2 concentrations in g/dscm as determined in accordance with paragraph (a)(1) of this section.

§ 60.110 [Amended]

27. Section 60.110(b) is amended by striking the words "the crude."

28. In § 60.111, paragraphs (b), (d), (g), and (h) are revised.

As amended § 60.111 reads as follows:

§ 60.111 Definitions.

* * * * *

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396–69, gas turbine fuel oils Numbers 2–GT through 4–GT as specified in A.S.T.M. D2880–71, or diesel fuel oils Numbers 2–D and 4–D as specified in A.S.T.M. D975–68.

* * * * *

(d) "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

* * * * *

(g) "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(h) "Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary nontransportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

* * * * *

29. The appendix to Part 60 titled "Appendix—Test Methods" is retitled "Appendix A—Reference Methods."

[FR Doc.74–13633 Filed 6–13–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15–1—GENERAL

PART 15–26—CONTRACT MODIFICATIONS

Novation and Change of Name Agreements

Chapter 15 of the Code of Federal Regulations is amended as set forth below. Subpart 15–1.51 is deleted because the Federal Procurement Regulations have issued a regulation on the same subject, Novation and Change of Name Agreements. A new subpart 15–26.4 is added to set forth internal procedures relative to the processing of such agreements.

It is the general policy of the EPA to allow time for interested parties to participate in the rule making process. However, the amendments herein concern administrative matters. Therefore, the

public rule making process is deemed unnecessary in this instance.

Effective date: These amendments are effective on June 14, 1974.

Dated: June 10, 1974.

JOHN QUARLES,
Acting Administrator.

1. Subpart 15–1.51 is hereby deleted in its entirety.

2. The following is added to the table of contents of Part 15–26 contract modifications.

Subpart 15–26.4—Novation and Change of Name Agreements

Sec.
15–26.404 Processing novation and change of name agreements.

AUTHORITY: 40 U.S.C. 486(c).

Subpart 15–26.4—Novation and Change of Name Agreements

§ 15–26.404 Processing novation and change of name agreements.

(a) Any EPA procuring activity upon being notified of a successor in interest to, or change of name of, one of its contractors, shall promptly report such information by memorandum to the Director of Contracts Management Division.

(b) To avoid duplication of effort on the part of EPA activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between EPA and the contractor involved. The Chief of the Contracts Policy and Review Branch will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name agreement, including without limitation the following:

(1) Obtain from the contractor a list of all affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence.

(2) Verify the accuracy of the list of contractors through the Contract Information System.

(3) Draft and execute a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. The supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) Agreements and supporting documents covering successor in interest shall be reviewed for legal sufficiency by the Associate General Counsel for Grants, Contracts and General Administration Division. Change of name agreements may be approved by the contracting officer.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Contracts Management Division.

(2) Advise each of the affected activities, by memorandum, of the consummation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change (S.F. 30) acknowledging the change of name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documentary and supplemental agreement are filed.

[FR Doc.74–13634 Filed 6–13–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–46; Notice No. 74–10]

PART 391—QUALIFICATIONS OF DRIVERS

APPENDIX C—QUESTIONS FOR WRITTEN EXAMINATION

Revision of Questions and Answers for Drivers Written Examination

The Director of the Bureau of Motor Carrier Safety is revising Appendix C to the Federal Motor Carrier Safety Regulations by replacing the current driver's written examination with a new form of examination. The new form of written examination consists of 66 multiple-choice questions, nine of which deal with transportation of hazardous materials by motor vehicle. The new form replaces the old list of 99 true-false questions.

Under § 391.35 of the regulations, the examination must be given to each driver before he is first employed to operate a commercial motor vehicle in interstate or foreign commerce. Exceptions are provided for in the case of a driver who is "grandfathered" under § 391.61 of the regulations and in the case of drivers of certain farm vehicles, as provided for in § 391.67. In addition, a written examination is not required in the case of a driver who has a valid certificate of examination that is less than three years old.

As is presently the case, the new examination will be given primarily as an educational device, and there is no mandatory passing grade. As the Director indicated in a notice of proposed rule making issued on January 24, 1973 (38 FR 3364), the Bureau has been attempting to develop a written examination which must be completed successfully with a specified passing grade as a prerequisite to a driver's qualification under the Federal Motor Carrier Safety Regulations. A contract was awarded, under which the contractor was required to supply the Bureau with an examination form that was "validated" under guidelines of the Equal Employment Opportunity Commission. The examination form now being instituted is the product of that contract. Regrettably, it has not been possible to secure the agreement of Federal agencies concerned with equal opportunity in employment to the use of this examination form or the other forms developed under the contract, as part of an examination requirement that would exclude from the driver force individuals who fail to pass the examination.

Because the form of examination developed under the contract has been validated and is demonstrably an improvement over the one now in use, the Director has decided to revise Appendix C in order to make use of it. Since the form of examination selected contains nine questions that deal with transportation of hazardous materials, the Bureau is requiring those questions to be given only in the case of drivers who will engage in that type of transportation.

In consideration of the foregoing, § 391.35 and Appendix C of the Federal Motor Carrier Safety Regulations (Subchapter B in Chapter III of title 49, CFR) are amended as set forth below.

Effective date. These amendments are effective on October 1, 1974. However, immediate compliance with these amendments, in lieu of the rules now found in § 391.35 and Appendix C, is authorized.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on June 6, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

I. § 391.35 is amended by revising paragraph (e) thereof to read as follows:

§ 391.35 Written examination.

* * * * *

(e) The examination shall consist of 66 questions, covering the examinee's knowledge of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations. However, a person who is being examined with a view to employment as the driver of a motor vehicle which will not transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title need not answer questions

58–66, inclusive. The questions given during the examination must be the questions published in Appendix C to this subchapter.[1]

* * * * *

II. Appendix C to subchapter B is revised to read as follows:

APPENDIX C—WRITTEN EXAMINATION FOR DRIVERS

INSTRUCTIONS

All of the questions contained herein are based on the United States Department of Transportation's Federal Motor Carrier Safety Regulations. Applicants for the position of commercial driver are required to take the examination.

Each question has four answers but only one is right. Your job on each question is to read all of the answers and then to pick the one answer you think is right. Mark an "X" in the space next to the answer you choose. Do not pick more than one answer for each question.

Here is a sample question to show you what is to be done:

The Federal Motor Carrier Safety Regulations were written for:

1. ( ) vehicle makers.
2. ( ) drivers only.
3. ( ) carriers only.
4. ( ) drivers and carriers.

The right answer is number 4, "drivers and carriers," so you would mark an "X" in the space next to answer number 4.

Finally, be sure to answer every question and do not skip any pages. Keep in mind that most of the Regulations covered here are different from what is required of passenger car drivers; they apply to commercial bus and truck drivers. Again, pick only one answer for each question. There is no time limit on the examination, but try to work as fast as you can.

1. 390.32 A motor carrier who is also a driver (owner-operator):

1. ( ) is not covered by the safety regulations.
2. ( ) must obey only those parts of the regulations which cover drivers.
3. ( ) must obey only those parts of the regulations which cover motor carriers.
4. ( ) must obey both the parts covering drivers and the parts covering motor carriers.

2. 391.11(b)(1) With only a few exceptions, the Federal Motor Carrier Safety Regulations say a driver must be:

1. ( ) at least 18 years old.
2. ( ) at least 19 years old.
3. ( ) at least 20 years old.
4. ( ) at least 21 years old.

3. 391.15(c)(2)(3) A driver cannot drive a motor vehicle:

1. ( ) For one year after a first offense conviction for a felony involving a commercial motor vehicle he was driving.
2. ( ) For one year after a first offense conviction for driving a commercial vehicle under the influence of alcohol or narcotics.
3. ( ) For one year after a first offense conviction for leaving the scene of an accident which resulted in personal injury or death.
4. ( ) For one year after a first offense conviction for any of the above.

4. 391.21(b)(7)(8)(10) Every driver applicant must fill out an application form giving:

1. ( ) a list of all vehicle accidents he was in during the previous 3 years.
2. ( ) a list of all of his motor vehicle violation convictions and bond forfeits (except for parking) during the previous 3 years.
3. ( ) a list of names and addresses of all of his employers during the previous 3 years.
4. ( ) all of the above.

5. 391.27(a)(b) At least once a year, a driver must fill out a form listing all motor vehicle violations (except parking) which he had during the previous 12 months. He must fill out the form:

1. ( ) even if he had no violations.
2. ( ) only if he was convicted.
3. ( ) only if he was convicted or forfeited bond or collateral.
4. ( ) only if the carrier requires it.

6. 391.33(a)(2) If a driver applicant has a valid certificate showing he passed a driver's road test:

1. ( ) the carrier must accept it.
2. ( ) the carrier may still require the applicant to take a road test.
3. ( ) the carrier cannot accept it.
4. ( ) the carrier may request a road test waiver from the Bureau of Motor Carrier Safety.

7. 391.41(b)(5) Persons with breathing problems which may affect safe driving:

1. ( ) cannot drive.
2. ( ) cannot drive unless the vehicle has an emergency oxygen supply.
3. ( ) cannot drive unless another driver is along.
4. ( ) cannot drive except on short runs.

8. 391.41(b)(7) Persons with arthritis, rheumatism, or any such condition which may affect safe driving:

1. ( ) cannot drive unless they are checked by a doctor before each trip.
2. ( ) cannot drive.
3. ( ) cannot drive except when they are free of pain.
4. ( ) cannot drive unless another driver is along.

9. 391.41(b)(8) Persons who have ever had epilepsy:

1. ( ) cannot drive unless another driver is along.
2. ( ) cannot drive.
3. ( ) cannot drive on long runs.
4. ( ) cannot drive without monthly medical examinations.

10. 391.41(b)(9)(12)(13) In order to be able to drive, a person:

1. ( ) must not have any mental, nervous or physical problem likely to affect safe driving.
2. ( ) must not use an amphetamine, narcotic or any habit-forming drug.
3. ( ) must not have a current alcoholism problem.
4. ( ) must not have or use any of the above.

11. 391.45(c) Any driver who gets an injury or illness serious enough to affect his ability to perform his duties:

1. ( ) must report it at his next scheduled physical.
2. ( ) cannot drive again.
3. ( ) must take another physical and be recertified before driving again.
4. ( ) must wait at least 1 month after recovery before driving again.

12. 392.2 A driver may *not* drive faster than posted speed limits:

1. ( ) unless he is sick and must complete his run quickly.
2. ( ) at any time.
3. ( ) unless he is passing another vehicle.
4. ( ) unless he is late and must make a scheduled arrival.

13. 392.3 When a driver's physical condition while on a trip requires that he stop driving, but stopping would not be safe, the driver:

1. ( ) must stop anyway.
2. ( ) may try to complete his trip, but as quickly as possible.
3. ( ) may continue to drive to his home terminal.
4. ( ) may continue to drive, but must stop at the nearest safe place.

14. 392.5(a)(1) A driver may not drink or be under the influence of any alcoholic beverage (regardless of alcoholic content):

1. ( ) within 4 hours before going on duty or driving.
2. ( ) within 6 hours before going on duty or driving.
3. ( ) within 8 hours before going on duty or driving.
4. ( ) within 12 hours before going on duty or driving.

15. 392.7 A driver must satisfy himself that service and parking brakes, tires, lights and reflectors, mirrors, coupling and other devices are in good working order:

1. ( ) at the end of each trip.
2. ( ) before the vehicle may be driven.
3. ( ) only when he considers it necessary.
4. ( ) according to schedules set by the carrier.

16. 392.8 Which of the following must be in place and ready for use before a vehicle can be driven?

1. ( ) at least one spare fuse or other overload protector of each type used on the vehicle.
2. ( ) a tool kit containing a specified list of hand tools.
3. ( ) at least one spare tire for every four wheels.
4. ( ) a set of spark plugs.

17. 392.9(a)(3) If any part of the cargo or anything else blocks a driver's front or side views, his arm or leg movements, or his access to emergency equipment, the driver:

1. ( ) can drive the vehicle, but must report the problems at the end of the trip.
2. ( ) cannot drive the vehicle.
3. ( ) can drive the vehicle, but only at speeds under 40 miles per hour.
4. ( ) can drive the vehicle, but only on secondary roads.

18. 392.9(a) Any driver who needs glasses to meet the minimum visual requirements:

1. ( ) must drive only during daylight hours.
2. ( ) must always wear his glasses when driving.
3. ( ) must always carry a spare pair of glasses.
4. ( ) must not drive a motor vehicle.

19. 392.9(b) A driver may drive with a hearing aid:

1. ( ) if he always has it turned on while he is driving.

[1] Copies of the questions (and answers to the questions) may be obtained by writing to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590, or to any Regional Motor Carrier Safety Office at the address given in § 390.40 of this subchapter.

2. ( ) if he always carries a spare power source for it.
3. ( ) if he can meet the hearing requirements when he has it turned on.
4. ( ) if all of the above requirements are met.

20. 392.10(a) A driver required to stop at a railroad crossing should bring his vehicle to a stop no closer to the tracks than:

1. ( ) 5 feet.
2. ( ) 10 feet.
3. ( ) 15 feet.
4. ( ) 20 feet.

21. 392.10(a) Shifting gears is not permitted:

1. ( ) when traveling faster than 35 miles per hour.
2. ( ) when moving across any bridge.
3. ( ) when crossing railroad tracks.
4. ( ) when traveling down a hill steeper than 10 degrees.

22. 392.13 Drivers of motor vehicles not required to stop at drawbridges without signals:

1. ( ) must drive at a rate of speed which will permit a stop before reaching the lip of the draw.
2. ( ) must sound their horn before crossing.
3. ( ) can proceed across without reducing speed.
4. ( ) must slow down only if directed to by an attendant.

23. 392.15(a) A driver turning his vehicle should begin flashing his turn signal:

1. ( ) at least 50 feet before turning.
2. ( ) at least 60 feet before turning.
3. ( ) at least 75 feet before turning.
4. ( ) at least 100 feet before turning.

24. 392.16 Which of the following is true?

1. ( ) if a seat belt is installed in the vehicle, a driver must have it fastened before beginning to drive.
2. ( ) a driver may or may not use the seat belt, depending on his judgment.
3. ( ) seat belts are not necessary on heavier vehicles.
4. ( ) a driver must use his seat belt only if required to by the carrier.

25. 392.21 When a motor vehicle cannot be stopped off the traveled part of the highway, the driver:

1. ( ) must keep driving.
2. ( ) may stop, but shall get as far off the traveled part of the highway as possible.
3. ( ) may stop, but shall make sure that the vehicle can be seen as far as possible to its front and rear.
4. ( ) may stop if he has to, but should do both 2 and 3 above.

26. 392.22(b)(1) If a vehicle has a breakdown the driver must place one emergency signal:

1. ( ) 100 feet in front of the vehicle in the center of the lane it occupies.
2. ( ) 100 feet in back of the vehicle in the center of the lane it occupies.
3. ( ) 10 feet in front or back of the traffic side.
4. ( ) at all of the above locations.

27. 392.22(b)(1)(i) If a vehicle has a breakdown on a poorly-lit street or highway, the driver shall place on the traffic side:

1. ( ) a reflective triangle.
2. ( ) a lighted red electric lantern.
3. ( ) a red reflector.
4. ( ) any one of the above.

28. 392.22(b)(2)(iii) No emergency signals are required for a vehicle with a breakdown if the street or highway lighting is bright enough so it can be seen at a distance of:

1. ( ) 100 feet.
2. ( ) 200 feet.
3. ( ) 500 feet.
4. ( ) 750 feet.

29. 392.22(b)(2)(v) If a vehicle has a breakdown and stops on a poorly-lit *divided or one way* highway, the driver must place one emergency signal:

1. ( ) 200 feet in back of the vehicle in the center of the lane it occupies.
2. ( ) 100 feet in back of the vehicle on the traffic side of the vehicle.
3. ( ) 10 feet in back of the vehicle on the traffic side of the vehicle.
4. ( ) at all of the above locations.

30. 392.25 Lighted flame-producing emergency signals, including fuses:

1. ( ) may not be used with vehicles carrying Class A or B explosives.
2. ( ) may not be used with tank vehicles, loaded or empty, which are used to carry flammable liquids or gas.
3. ( ) may not be used with any vehicle using compressed gas as a fuel.
4. ( ) may not be used with any of the above.

31. 392.30(a) A driver is required to have his lights on:

1. ( ) from one-half hour *before* sunset to one-half hour before sunrise.
2. ( ) from one-half hour before sunset to sunrise.
3. ( ) from one-half hour *after* sunset to one-half hour *before* sunrise.
4. ( ) from sunset to one-half hour before sunrise.

32. 392.32(a)(b) When lights are required on the open highway, a driver shall use the high beam:

1. ( ) except when within 500 feet of an on-coming vehicle or a vehicle he is following.
2. ( ) except when within 400 feet of an on-coming vehicle or a vehicle he is following.
3. ( ) except when within 200 feet of an on-coming vehicle or a vehicle he is following.
4. ( ) except when within 100 feet of an on-coming vehicle or a vehicle he is following.

33. 392.32(a) When lights are required, drivers may use lower beam lights:

1. ( ) when fog, dust or other such conditions exist.
2. ( ) when approaching tunnels or bridges.
3. ( ) when driving on one way highways.
4. ( ) when within 1,000 feet of business areas or where people live.

34. 392.40 Every driver involved in an accident must follow the Safety Regulation procedures whenever an injury or death is involved or if:

1. ( ) the accident is caused by the driver and property damage of over $250.00 results.
2. ( ) property damage of over $250.00 results, no matter who is at fault.
3. ( ) property damage of over $100.00 results.
4. ( ) property damage of any kind results.

35. 392.41 If a driver strikes a parked vehicle, he should *first*:

1. ( ) stop and call the local police.
2. ( ) stop and call his carrier.
3. ( ) stop and try to find the driver or owner of the parked vehicle.
4. ( ) stop and estimate the damage.

36. 392.42 When a driver receives notice that his operator's license or permit has been revoked, suspended, or withdrawn, he must:

1. ( ) notify his carrier within 72 hours.
2. ( ) notify his carrier within one week.
3. ( ) notify his carrier before the end of the next business day.
4. ( ) take no action since his carrier will also get a notice.

37. 392.6 Except in emergencies, no driver shall allow his vehicle to be driven by any other person:

1. ( ) except those he knows can drive it.
2. ( ) except on roads with little or no traffic.
3. ( ) except those allowed by the carrier to do it.
4. ( ) unless he goes along with the person driving.

38. 392.64 A person may ride inside a vehicle's closed body or trailer:

1. ( ) only on short runs.
2. ( ) only if there is an easy way to get out from the inside.
3. ( ) only if the inside of the body or trailer is lighted.
4. ( ) only if there is no cargo in it.

39. 392.66 If carbon-monoxide is inside a vehicle or if a mechanical problem may produce a carbon-monoxide danger, the vehicle:

1. ( ) may be sent out and driven so long as the windows are left open.
2. ( ) may not be sent out or driven.
3. ( ) may be sent out and driven only if the carrier decides the vehicle has to be used.
4. ( ) may be sent out and driven on short runs.

40. 392.68 No motor vehicle shall be operated out of gear:

1. ( ) except when fuel must be saved.
2. ( ) except on hills which are less than 20 degrees.
3. ( ) except when it is necessary for stopping or shifting gears.
4. ( ) except when the vehicle's speed is under 25 miles per hour.

41. 393.1(a) Under the Federal Motor Carrier Safety Regulations, no vehicle may be driven:

1. ( ) until a list of all missing or defective equipment has been prepared and given to the carrier.
2. ( ) until all equipment has been inspected and replacements for defective parts have been ordered.
3. ( ) unless all missing equipment is to be replaced no later than the end of the vehicle's next run.
4. ( ) until it meets all of the equipment requirements of the Regulations.

42. 393 various Minimum requirements for lighting, reflecting and electrical equipment and devices on buses and trucks:

1. ( ) are set by the vehicle makers.
2. ( ) are set by the National Safety Council.
3. ( ) are specified in the Safety Regulations.
4. ( ) are set by the trucking associations.

43. 393.18(a)(b) Every motor vehicle which has a load sticking out over its sides must be specifically marked with flags and lamps. Additional flags and lamps must be added if the load or tailgate sticks out beyond the rear of the vehicle by more than:

1. ( ) 2 feet.
2. ( ) 4 feet.
3. ( ) 6 feet.
4. ( ) 8 feet.

44. 393.41(a) Every vehicle shall have a parking brake system which will hold it, no matter what its load:

1. ( ) on any grade on which it is operated which is free from ice and snow.
2. ( ) on all grades under 15 degrees which are free from ice and snow.
3. ( ) on all grades under 20 degrees which are free from ice and snow.
4. ( ) on all grades under 25 degrees which are free from ice and snow.

45. 393.77(b)(6) A portable heater may not be used in any vehicle cab:

1. ( ) unless it is secured.
2. ( ) unless it is of the electric filament type.
3. ( ) at any time.
4. ( ) without approval from the carrier.

46. 395.3(a) Drivers are not generally allowed to drive for more than:

1. ( ) 6 hours following 8 straight hours off duty.
2. ( ) 8 hours following 8 straight hours off duty.
3. ( ) 10 hours following 8 straight hours off duty.
4. ( ) 12 hours following 8 straight hours off duty.

47. 395.3(a) Most drivers of large vehicles are *not* allowed to drive:

1. ( ) after they have been *on duty* for 16 hours.
2. ( ) after they have been *on duty* for 15 hours.
3. ( ) after they have been *on duty* for 14 hours.
4. ( ) after they have been *on duty* for 12 hours.

48. 395.3(b) Generally, a driver may not be "on duty":

1. ( ) for more than 40 hours in any 7 straight days.
2. ( ) for more than 50 hours in any 7 straight days.
3. ( ) for more than 60 hours in any 7 straight days.
4. ( ) for more than 70 hours in any 7 straight days.

49. 395.7 When a driver is riding in a vehicle, but is not driving and has no other responsibility, such time shall be counted as:

1. ( ) on-duty time.
2. ( ) on-duty time unless he is allowed 8 straight hours off duty when he gets to the destination.
3. ( ) on-duty time unless he is allowed 6 straight hours off duty when he gets to the destination.
4. ( ) on-duty time unless he is allowed 4 straight hours off duty when he gets to the destination.

50. 395.8(b) Every driver must prepare an original and one copy of a daily log which he must keep current by updating it:

1. ( ) every time he changes a duty status.
2. ( ) every 24 hours.
3. ( ) every 8 hours.
4. ( ) at the end of each trip.

51. 395.8(c) Except for the name and main address of the carrier, all entries in a log:

1. ( ) must be printed in ink or typed.
2. ( ) must be made by the carrier dispatcher.
3. ( ) must be made in front of a witness.
4. ( ) must be written in the driver's own handwriting.

52. 395.8(1)(p)(q) Which of the following is *not* to be put in a driver's log?

1. ( ) Time spent in a sleeper berth.
2. ( ) Total hours in each duty status.
3. ( ) The name of the carrier or carriers.
4. ( ) The name and make of his vehicle.

53. 395.11 If an emergency delays a run which could normally have been completed within hours of service limits, the driver:

1. ( ) must still stop driving when the hours of service limit is reached.
2. ( ) may drive for 1 extra hour.
3. ( ) may drive for 2 extra hours.
4. ( ) may finish his run without being in violation.

54. 395.13 Any driver declared "Out of Service":

1. ( ) must take a road test before driving again.
2. ( ) must wait 72 hours before driving again.
3. ( ) must appeal to the Director of the Bureau of Motor Carrier Safety to drive again.
4. ( ) can drive again only after hours of service requirement are met.

55. 396.4 If a vehicle on a trip is in a condition likely to cause an accident or breakdown:

1. ( ) the driver should report it at the end of his run so repairs can be made.
2. ( ) the driver should drive at lower speeds for the rest of the run.
3. ( ) the driver should stop immediately unless going on to the nearest repair shop is safer than stopping.
4. ( ) the driver should change his route so as to get away from heavily traveled roads.

56. 396.5(c) If authorized Federal inspectors find a vehicle which is likely to cause an accident or breakdown:

1. ( ) it will be reported to the carrier for repair as soon as the vehicle is not scheduled.
2. ( ) it will be reported to the carrier for repair at the end of the trip.
3. ( ) it will be marked with an "Out of Service Vehicle" sticker and not driven until repairs are made.
4. ( ) the driver will be held responsible and declared "Out of Service."

57. 396.5(c)(4) If the driver makes his own repairs on an "Out of Service" vehicle:

1. ( ) his work must be approved by a mechanic.
2. ( ) he must complete and sign a "Certification of Repairman" form himself.
3. ( ) his work must be approved by his supervisor.
4. ( ) his work must be approved by a Federal inspector.

58. 397.3 Department of Transportation Regulations covering the driving and parking of vehicles containing hazardous materials:

1. ( ) replace State and local laws.
2. ( ) prevent States and cities from having their own laws.
3. ( ) must be obeyed even if State or local laws are less strict or disagree.
4. ( ) should not be obeyed if State or local laws disagree.

59. 397.5(c) A vehicle which contains hazardous materials *other than* Class A or B explosives must be attended at all times:

1. ( ) by the driver.
2. ( ) by the driver except when he is involved in something else necessary to his duties as a driver.
3. ( ) by the driver or a person chosen by the driver.
4. ( ) by the driver or a police officer.

60. 397.5(d)(1) A vehicle containing Class A or B explosives or other hazardous materials on a trip is "attended":

1. ( ) when the person in charge is anywhere within 100 feet of it.
2. ( ) as long as the driver can see it from 200 feet away.
3. ( ) when the person in charge is within 100 feet and has a clear view of it.
4. ( ) when the person in charge is resting in the berth.

61. 397.7(a)(3) Except for short periods when operations make it necessary, trucks carrying Class A or B explosives cannot be parked any closer to bridges, tunnels, building or crowds of people than:

1. ( ) 50 feet.
2. ( ) 100 feet.
3. ( ) 200 feet.
4. ( ) 300 feet.

62. 397.13(a) Smoking or carrying a lighted cigarette, cigar or pipe near a vehicle which contains explosives, oxidizing or flammable materials is not allowed:

1. ( ) except in the closed cab of the vehicle.
2. ( ) except when the vehicle is moving.
3. ( ) except at a distance of 25 feet or more from the vehicle.
4. ( ) except when approved by the carrier.

63. 397.15(a)(b) When a vehicle containing hazardous materials is being fueled:

1. ( ) no person may remain in the cab.
2. ( ) a person must be in control of the fueling process at the point where the fuel tank is filled.
3. ( ) the area within 50 feet of the vehicle must be cleared.
4. ( ) the person who controls the fueling process must wear special clothes.

64. 397.17(a) If a vehicle carrying hazardous materials is equipped with dual tires on any axle, the driver must examine the tires:

1. ( ) at all fueling stops only.
2. ( ) only at the end of each day or tour of duty.
3. ( ) at the beginning of each trip and each time the vehicle is parked.
4. ( ) at the beginning of each trip only.

65. 397.17(c) If a driver of a vehicle carrying hazardous materials finds a tire which is overheated, he must:

1. ( ) wait for the overheated tire to cool before going on.
2. ( ) remove and replace the overheated tire, store it on the vehicle and drive on.
3. ( ) remove the tire, place it a safe distance from the vehicle and not drive the vehicle until the cause of the overheating is fixed.
4. ( ) drive slowly to the nearest repair shop and have the cause of the overheating fixed.

66. 177.823(a) (3) When required, specified hazardous materials markings or signs must be placed:

1. ( ) wherever they can be seen clearly.
2. ( ) on the sides and rear of the vehicle.
3. ( ) on the front, rear and sides of the vehicle.
4. ( ) on the front and rear bumpers of the vehicle.

SCORING KEY

WRITTEN EXAMINATION

Section:	Answer
(1) 390.82	4
(2) 391.11(b) (1)	4
(3) 391.15(c) (2) (3)	4
(4) 391.21(b) (7) (8) (10)	4
(5) 391.27(a) (b)	1
(6) 391.33(2)	2
(7) 391.41(b) (5)	1
(8) 391.41(b) (7)	2
(9) 391.41(b) (8)	2
(10) 391.41(b) (9) (12) (13)	4
(11) 391.45(c)	3
(12) 392.2	2
(13) 392.3	4
(14) 392.5(a) (1)	1
(15) 392.7	2
(16) 392.8	1
(17) 392.9(a) (3)	2
(18) 392.9 a	2
(19) 392.9 b	4
(20) 392.10(a)	3
(21) 392.10(a)	3
(22) 392.13	1
(23) 392.15(a)	4
(24) 392.16	1
(25) 392.21	4
(26) 392.22(b) (1)	4
(27) 392.22(b) (1) (i)	4
(28) 392.22(b) (2) (iii)	3
(29) 392.22(b) (2) (v)	4
(30) 392.25	4
(31) 392.30(a)	3
(32) 392.32(a) (b)	1
(33) 392.32(a)	1
(34) 392.40	4
(35) 392.41	3
(36) 392.42	3
(37) 392.61	3
(38) 392.64	2
(39) 392.66	2
(40) 392.68	3
(41) 393.1(a)	4
(42) 393 various	3
(43) 393.18(a) (b)	2
(44) 393.41(a)	1
(45) 393.77(b) (6)	3
(46) 395.3(a)	3
(47) 395.3(a)	2
(48) 395.3(b)	3
(49) 395.7	2
(50) 395.8(b)	1
(51) 395.8(c)	4
(52) 395.8(1) (p) (q)	4
(53) 395.11	4
(54) 395.13	4
(55) 396.4	3
(56) 396.5(c)	3
(57) 396.5(c) (4)	2
(58) 397.3	3
(59) 397.5(c)	2
(60) 397.5(d) (1)	3
(61) 397.7(a) (3)	4
(62) 397.13(a)	3
(63) 397.15(a) (b)	2
(64) 397.17(a)	3
(65) 397.17(c)	3
(66) 177.823(a) (3)	3

[FR Doc.74-13677 Filed 6-13-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised S.O. No. 1108; Amdt. No. 5]

PART 1033—CAR SERVICE

Reading Company et al.

JUNE 11, 1974.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of June 1974.

Upon further consideration of Revised Service Order No. 1108 (37 FR 28634; 38 FR 5876, 23792; 39 FR 1851 and 10591), and good cause appearing therefor:

Revised Service Order No. 1108 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

It is ordered, That:

§ 1033.1108 Service Order No. 11080.

(a) (Reading Company, Richardson Dilworth and Andrew L. Lewis, Jr., Trustees, authorized to operate over tracks of Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, trustees).

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. June 15, 1974.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-13714 Filed 6-13-74;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 643]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 16–22, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.943 Lemon Regulation 643.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons its deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is rather sluggish, mainly because of cool or unsettled weather conditions, primarily in the East.

Average f.o.b. price was $6.34 per carton the week ended June 8, 1974, compared to $6.37 per carton the previous week.

Track and rolling supplies at 194 cars were down 6 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation

for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 16, 1974 through June 22, 1974, is hereby fixed at 325,000 cartons.

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

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

Dated: June 12, 1974.

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

[FR Doc.74–13896 Filed 6–13–74;11:40 am]

[Lime Reg. 4]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period June 16–22, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.404 Lime Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order shipping point prices for fresh market limes have fallen sharply during May and early June. The committee further reports the fresh market demand for limes continues weak because of a shift in shipping point purchase activity to consignment sales and unsettled weather in several major markets. Fresh shipments for the weeks ended June 8, 1974, and June 1, 1974, were 20,109 bushels and 19,790 bushels, respectively.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became abailable and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1974.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period June 16, 1974, through June 22, 1974 is hereby fixed at 20,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: June 12, 1974.

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

[FR Doc.74–13897 Filed 6–13–74;11:40 am]

[Valencia Orange Reg. 469]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 14–20, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.769 Valencia Orange Regulation 469.

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

to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Large supplies are accumulating in the markets, however. Prices f.o.b. averaged $3.65 per carton on a reported sales volume of 1,028 carlots last week, compared with an average f.o.b. price of $3.63 per carton and sales of 895 carlots a week earlier. Track and rolling supplies at 651 cars were down 24 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 11, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 14, 1974, through June 20, 1974, are hereby fixed as follows:

(i) District 1: 285,000 cartons;

(ii) District 2: 215,000 cartons;

(iii) District 3: Unlimited movement;

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

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

Dated: June 12, 1974.

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

[FR Doc.74–13762 Filed 6–12–74;12:25 pm]

[Avocado Reg. 16]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Avocado Regulation 16 prescribes during the period June 17, 1974, through April 30, 1975, the following grade and maturity requirements for fresh avocados grown in South Florida: Avocados shipped to points outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (as the maturity requirements). Avocados shipped to destinations within the production area are exempted from all grade requirements, if packed in containers other than those authorized for shipments outside such area, but such avocados must also meet maturity requirements. The requirements are issued in the interest of producers and consumers and are designed to help keep immature and defective fruit off the market. Immature avocados will not ripen satisfactorily and would be unacceptable in taste.

On June 4, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 19784), regarding a proposed regulation to be made effective on June 17, 1974, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Such proposed regulation was recommended by the Avocado Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons time in which to submit written data, views, or arguments in connection with the proposed regulation. During such time, the Avocado Administrative Committee supplied information on more current avocado crop conditions, after considering the stage of maturity on the tree for the varieties and types of avocados specified in the proposed regulation. After careful appraisal of such information, including crop maturity, the Department found that is was necessary and appropriate to make minor changes to the shipping dates and/or add minimum diameters, based on additional maturity studies and ripening indices, for the Arue, Booth 8, and Booth 7 named varieties of avocados, to make such dates and/or minimum diameters conform to other maturity requirements of the regulation.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the additional and supplemental information submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation hereinafter set forth is based upon an appraisal of current and prospective crop and market conditions. Total 1974–75 season production of Florida avocados is estimated at 765,000 bushels, as compared with fresh shipments of about 755,000 bushels in the 1973–74 season. The regulation is designed to permit the shipment of an ample proportion of the total supply of fruit to fresh markets of a quality and maturity which will be acceptable to consumers and in the interest of producers, consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that (1) shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at open meetings on April 10 and May 8, 1974, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (39 FR 19784); (4) the regulation herein specified is, except for the minor modifications, essentially the same as the proposed regulation.

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

Dated June 11, 1974, to become effective June 17, 1974.

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

§ 915.316 Avocado Regulation 16.

(a) *Order.* (1) During the period June 17, 1974, through April 30, 1975, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR 915; 37 FR 11314; 38 FR 1921), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective time of this regulation, except as otherwise provided in paragraphs (a)(11) and (a)(12) of this section, no avocados of the varieties listed in column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (a)(3), (4), (5), (6), (7), and (8) hereof.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fuchs	6-24-74	14 oz. 3 3/16 in.	7- 8-74	12 oz. 3 9/16 in.	7-22-74	10 oz. 2 15/16 in.	8-12-74
K-5	7- 1-74	16 oz. 3 5/16 in.	7-15-74	14 oz. 3 3/16 in.	7-29-74		
Dr. DuPuis	6-24-74	16 oz. 3 9/16 in.	7- 8-74	14 oz. 3 7/16 in.	7-22-74		
Hardee	7- 8-74	16 oz. 3 3/16 in.	7-15-74	14 oz. 2 15/16 in.	8- 5-74		
Pollock	7- 8-74	18 oz. 3 11/16 in.	7-22-74	16 oz. 3 7/16 in.	8- 5-74		
Simmonds	7- 8-74	16 oz. 3 9/16 in.	7-22-74	14 oz. 3 7/16 in.	8- 5-74		
Nadir	7- 8-74	14 oz. 3 3/16 in.	7-15-74	12 oz. 3 1/16 in.	7-22-74	10 oz. 2 15/16 in.	8- 5-74
Katherine	7- 8-74	16 oz.	7-22-74	14 oz.	8- 5-74		
Halle	7-22-74	16 oz.	7-29-74	14 oz.	8-19-74		
Dawn	7-22-74	12 oz. 3 5/16 in.	8- 5-74	10 oz. 3 9/16 in.	8-19-74		
Peterson	7-29-74	14 oz. 3 3/16 in.	8-12-74	10 oz. 3 3/16 in.	8-26-74	8 oz. 2 15/16 in.	9- 9-74
Gretchen	8- 5-74	14 oz.	8-19-74	12 oz.	9- 2-74		
Trapp	8-19-74	14 oz. 3 19/16 in.	9- 2-74	12 oz. 3 7/16 in.	9-16-74		
Waldin	8-19-74	16 oz. 3 9/16 in.	9- 2-74	14 oz. 3 7/16 in.	9-16-74	12 oz. 3 5/16 in.	9-30-74
Ruehle	7-22-74	18 oz. 3 11/16 in.	7-29-74	16 oz. 3 9/16 in.	8- 5-74	14 oz. 3 7/16 in.	9- 2-74
Pinelli	8- 5-74	18 oz. 3 13/16 in.	8-19-74	16 oz. 3 19/16 in.	9- 2-74		
Miguel	8- 5-74	22 oz.	8-19-74	20 oz.	9- 2-74	18 oz.	9-16-74
Webb 2	7-22-74	18 oz.	8- 5-74	16 oz.	8-19-74		
Nesbitt	8- 5-74	22 oz.	8-19-74	18 oz.	8-26-74	16 oz.	9-16-74
Beta	8-19-74	18 oz.	8-26-74	16 oz.	9-16-74		
Tower 2	8-19-74	14 oz.	9- 2-74	12 oz.	9-30-74		
Tonnage	9- 2-74	14 oz. 3 5/16 in.	9- 9-74	12 oz. 3 9/16 in.	9-16-74	10 oz. 2 13/16 in.	9-23-74
Fairchild	9- 2-74	16 oz. 3 19/16 in.	9-16-74	14 oz. 3 7/16 in.	9-30-74	12 oz. 3 5/16 in.	10- 7-74
Nirody	9- 2-74	18 oz. 3 15/16 in.	9-16-74	16 oz. 3 13/16 in.	9-30-74		
Black Prince	9-16-74	23 oz.	9-30-74	16 oz.	10-21-74		
Catalina	9-16-74	24 oz.	9-23-74	22 oz.	10- 7-74		
Blair	9-30-74	14 oz. 3 9/16 in.	10-21-74				
Collinson	9-30-74	16 oz. 3 19/16 in.	10-28-74				
Chica	9-30-74	12 oz. 3 7/16 in.	10-14-74	10 oz. 3 5/16 in.	10-28-74		
Rue	9-30-74	30 oz. 4 3/16 in.	10- 7-74	24 oz. 3 15/16 in.	10-21-74	18 oz. 3 9/16 in.	11- 4-74
Booth 5	9-30-74	16 oz. 3 11/16 in.	10-28-74				
Hickson	10- 7-74	15 oz. 3 5/16 in.	10-21-74	12 oz. 3 1/16 in.	10-28-74		
Simpson	10- 7-74	16 oz. 3 9/16 in.	10-28-74				
Vaca	10- 7-74	16 oz. 3 9/16 in.	10-28-74				
Sherman	10- 7-74	16 oz.	10-21-74	14 oz.	11- 4-74	10 oz.	11-25-74
Marcus	10- 7-74	32 oz.	11-18-74				
Booth 10	10-14-74	16 oz. 3 19/16 in.	11-11-74				
Booth 7	9-30-74	18 oz. 3 13/16	10-14-74	16 oz. 3 19/16 in.	10-28-74	14 oz. 3 9/16 in.	11-11-74
Avon	10-14-74	15 oz. 3 11/16 in.	11- 4-74				
Booth 11	10-14-74	16 oz. 3 12/16 in.	11- 4-74				
Leona	10-14-74	18 oz. 3 19/16 in.	10-28-74				
Winslowson	10-14-74	18 oz. 3 11/16 in.	11- 4-74				
Nelson	10-14-74	14 oz. 3 3/16 in.	10-28-74	12 oz. 3 5/16 in.	11-11-74	10 oz. 3 1/16 in.	12- 2-74
Hall	10-14-74	26 oz. 3 11/16 in.	10-28-74	20 oz. 3 9/16 in.	11-11-74		
Lula	10-21-74	18 oz. 3 11/16 in.	11- 4-74	14 oz. 3 5/16 in.	11-18-74		
Choquette	10-21-74	24 oz. 4 1/16 in.	11- 4-74	20 oz. 3 11/16 in.	11-25-74		
Monroe	10-21-74	24 oz. 4 1/16 in.	11- 4-74	20 oz. 3 11/16 in.	11-25-74		
Herman	10-21-74	16 oz. 3 9/16 in.	11- 4-74	14 oz. 3 5/16 in.	11- 8-74		
Murphy	10-21-74	16 oz.	11- 4-74	14 oz.	11-18-74	11 oz.	12- 9-74
Ajax (B7-B)	10-28-74	18 oz. 3 11/16 in.	11-18-74				
Booth 1	10-28-74	16 oz. 3 12/16 in.	11-18-74				
Booth 3	10-28-74	16 oz. 3 19/16 in.	11-18-74				
Taylor	10-28-74	14 oz. 3 5/16 in.	11-11-74	12 oz. 3 3/16 in.	11-25-74		
Dunedin	11-11-74	16 oz. 3 19/16 in.	11-25-74	14 oz. 3 9/16 in.	12- 9-74	10 oz. 3 1/16 in.	12-30-74
Byars	11-18-74	16 oz. 3 11/16 in.	12- 9-74				
Linda	11-18-74	18 oz. 3 12/16 in.	12- 9-74				
Nabal	11-18-74	14 oz. 3 9/16 in.	12- 9-74				
Zio	12- 2-74	12 oz.	12-16-74	10 oz.	12-30-74		
Wagner	12- 9-74	12 oz. 3 5/16 in.	12-23-74	10 oz. 3 3/16 in.	1- 6-75		
Maya	12-30-74	13 oz.	1-13-75	11 oz.	1-27-75		
Brookslate	1-13-75	14 oz.	1-27-75	12 oz.	2-10-75	10 oz.	2-24-75
Schmidt	1-20-75						
Itzamna	2-17-75						

(3) From the date listed for the respective variety in column 2 of Table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of

such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in column 4 of Table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of Table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle during the period June 17, 1974, through July 21, 1974, any Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 3/16 inches in diameter;

(7) No handler shall handle (i) prior to August 26, 1974, any Lisa variety avocados, (ii) during the period August 26, 1974, through September 1, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (iii) during the period September 2, 1974, through September 8, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, (iv) during the period September 9, 1974, through September 15, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, (v) during the period September 16, 1974, through September 23, 1974, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 9 ounces;

(8) No handler shall handle (i) prior to September 16, 1974, any Booth 8 variety avocados, (ii) during the period September 16, 1974, through October 6, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3 3/16 inches in diameter, or (iii) during the period October 7, 1974, through October 20, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 3/16 inches in diameter, or (iv) during the period October 21, 1974, through November 3, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3 3/16 inches in diameter, (v) during the period November 4, 1974, through November 18, 1974, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, or is at least 3 1/16 inches in diameter.

(9) Except as otherwise provided in paragraphs (a) (11) and (a) (12) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 8, 1974.

(ii) from July 8, 1974, through August 4, 1974, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 5, 1974, through September 8, 1974, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 9, 1974, through October 6, 1974, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(10) Except as otherwise provided in paragraphs (a) (11) and (a) (12) of this section, varieties of avocados not covered by paragraphs (a) (2) through (9) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 23, 1974.

(ii) From September 23, 1974, through October 20, 1974, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 21, 1974, through December 22, 1974, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(11) Notwithstanding the provisions of paragraphs (a) (2) through (10) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of Table I or in paragraphs (a) (6), (7), (8), (9), and (10) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(12) The provisions of paragraphs (a) (2) through (11) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the terms "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(c) The provisions of this regulation shall become effective June 17, 1974.

Dated: May 24, 1974.

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

[FR Doc.74–13763 Filed 6–13–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rice Supp., Amdt. 7]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rice Loan and Purchase Program

DETERMINATION OF QUALITY

The regulations issued by Commodity Credit Corporation published at 39 FR 17527 contained 2 errors: Paragraph 2 refers to § 1421.304, paragraph (a), which should read paragraph (b) and section head, § 1421.304 *Determination of Quality*, should follow second paragraph.

Because these changes are merely corrections, it is determined that compliance with the notice of proposed rulemaking procedure at this time is not necessary. Therefore, this amendment is being issued without following such proposed rulemaking procedure and shall be effective on June 14, 1974.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply secs. 5, 62 Stat. 1072, sec. 101, 401, 62 Stat. 1051, as amended; 1054, sec. 302, 72 Stat. 988; (15 U.S.C. 714c, 7 U.S.C. 1421, 1441))

Effective Date: June 14, 1974.

Signed at Washington, D.C., on June 7, 1974.

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

[FR Doc.74–13685 Filed 6–13–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

Section 1822.83(k) of Title 7, Code of Federal Regulations (37 FR 18700) is amended by striking the words, "municipal corporation or other corporate agency of a State or local Government." The stricken words appear in the definition of the word "Organization," and are public bodies which under the

regulations might receive rural rental housing loans. Under the Housing Act of 1949 such loans are not permissible.

It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process. However, inasmuch as this amendment implements the Housing Act of 1949 and is editorial in nature, the public rulemaking process is unnecessary.

Pursuant to an order of Frank W. Naylor, Acting Administrator, dated April 18, 1974, (39 FR 14499), the abbreviation for Farmers Home Administration is now "FmHA" instead of "FHA." This document has been amended to reflect that change.

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

Effective date. This amendment becomes effective June 14, 1974.

Dated: June 7, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-13684 Filed 6-13-74;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 JUSTICE

Immigration and Naturalization Service

[8 CFR Part 287]

ARREST OF ALIEN WITHOUT WARRANT

Disposition Without Unnecessary Delay

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 287.3, pertaining to the disposition without unnecessary delay of cases of aliens arrested without warrants.

Section 287(a) (2) of the Immigrantion and Nationality Act provides that an alien arrested without a warrant under the authority of that section shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States. The implementing regulation, 8 CFR § 287.3, requires that a decision be made within twenty-four hours as to whether an alien arrested without a warrant will be continued in custody or released, and whether deportation proceedings will be instituted. This regulatory requirement gives rise to difficulties when the twenty-four hour period extends into a weekend or holiday. Because of the difficulties engendered by the twenty-four hour requirement when an arrest without warrant occurs on a Friday or a day preceding a holiday, this amendment to § 287.3 is being proposed to provide that the determination as to the alien's continued custody or release and the institution of deportation proceedings be made no later than the close of the next business day. In conformity with the recent amendments of §§ 242.1 and 242.2, amendment of the enumeration of officers empowered to make such determination is also being proposed to include assistant district directors for investigations and officers in charge enumerated in § 242.1(a).

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by July 12, 1974, will be considered.

In § 287.3, it is proposed to amend the fifth and sixth sentences. As proposed, amended § 287.3 reads as follows:

§ 287.3 Disposition of cases of aliens arrested without warrant.

An alien arrested without a warrant of arrest under the authority contained in section 287(a) (2) of the Immigration and Nationality Act shall be examined as therein provided by an officer other than the arresting officer, unless no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay, in which event the arresting officer, if the conduct of such examination is a part of the duties assigned to him, may examine the alien. If such examining officer is satisfied that there is prima facie evidence establishing that the arrested alien was entering or attempting to enter the United States in violation of the immigration laws, he shall refer the case to a special inquiry officer for further inquiry in accordance with Parts 235 and 236 of this chapter or take whatever other action may be appropriate or required under the laws or other regulations applicable to the particular case. If the examining officer is satisfied that there is prima facie evidence establishing that the arrested alien is in the United States in violation of the immigration laws, further action in the case shall be taken as provided in Part 242 of this chapter. An alien arrested without warrant of arrest shall be advised of the reason for his arrest and his right to be represented by counsel of his own choice, at no expense to the Government. He shall also be advised that any statement he makes may be used against him in a subsequent proceeding and that a decision will be made without unnecessary delay, but no later than the close of the next business day, as to whether he will be continued in custody or released on bond or recognizance. Unless voluntary departure has been granted pursuant to § 242.5 of this chapter, the alien's case shall be presented promptly, and in any event no later than the close of the next business day, to the district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a) for a determination as to whether there is prima facie evidence that the arrested alien is in the United States in violation of law and for issuance of an order to show cause and warrant of arrest prescribed in Part 242 of this chapter.

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

Dated: June 10, 1974.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.74–13671 Filed 6–13–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM–117; Notice No. 74–8]

SPECIFICATION 1M GLASS CARBOY IN POLYSTYRENE PACKAGING AND CANCELLATION OF CERTAIN OBSOLETE SPECIFICATION PACKAGINGS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendment of Parts 173 and 178 of the Department's Hazardous Materials Regulations to provide a specification for glass carboys in polystyrene packaging, to authorize use of this packaging with various commodities, and to clarify a shipper's responsibility for compliance with specifications involving certain packagings.

The Manufacturing Chemists Association and a number of holders of outstanding special permits have petitioned the Board to amend the regulations to provide for a new specification for a glass carboy in polystyrene packaging and to authorize use of this packaging with various commodities. This proposal identifies the new packaging as specification DOT–1M.

The Board believes that the assignment of responsibility for compliance with the Department's regulations involving composite packaging specifications must be clearly set forth. In Docket No. HM–69; Amendment No. 178–20 (36 FR 16579), the Board established a manufacturer's registration system for the purpose of identifying manufacturers of containers and to clearly establish responsibility for compliance with the specification. The proposed specification includes, in addition to identification of the manufacturer of each component, identification of the person who as-

sembles the completed unit constituting the specification to clearly specify responsibilities for composite packagings. The Board proposes that each assembler obtain a registration number for identification on the exterior packaging. The assembler's registration number will contain the letter "A" immediately following the numerals. This identification will be in addition to the polystyrene packaging manufacturer's registration number if he is not the assembler.

In addition, the Board proposes an amendment of § 173.22 to clarify shipper responsibility for compliance with specifications when the specifications prescribe functions to be performed by the shipper as described in Parts 173 and 178.

The Board has available information which indicates that certain specification packagings are obsolete. Therefore, by this notice, the Board is proposing to cancel packaging specifications 1B, 1C, 1E, 28, 28A, 31, 34B, and 43A from Part 178 and also proposes to remove the authorizations for their use wherever they appear in Part 173. Any person using one of the above-listed specification packagings who requests that it be continued in the regulations for either construction or use should provide the Board with information concerning its use, including the number being used and the type of use.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 178 as follows:

I. PART 173—SHIPPERS

(A) In § 173.22, paragraph (a) would be amended to read as follows:

§ 173.22 Shipper's responsibility.

(a) When a container is supplied by the shipper, the shipper shall be responsible to determine that shipments of hazardous materials are made in containers which, unless otherwise provided in this part (see § 173.9(c)), have been made, assembled with all parts or fittings in their proper place, and properly secured, and marked in compliance with applicable specifications prescribed in Parts 178 and 179 of this subchapter or with specifications of the Department in effect at date of manufacture of container. The shipper may accept the manufacturer's certification or specification marking to determine that completed specification containers were manufactured in accordance with applicable specifications. The shipper must be familiar with the applicable specifications as prescribed in Parts 178 and 179 of this subchapter and he must perform those functions required by the specifications to be performed by the shipper. Where containers are supplied by the carrier, the shipper shall determine that the containers in which commodities are to be loaded are proper containers for the transportation of such commodities by examining the manufacturer's identification plate, specification marking, or certification by the carrier.

* * * * *

(B) In § 173.119, paragraph (a)(1) would be amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(1) Specification 1A, 1C, 1D, or 1M (§§ 178.1, 178.3, 178.4, 178.17 of this subchapter). Glass carboy packed in a box, keg, or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A or 1C. Specification 1M carboy may not be used to package liquids where contact with the liquid or its vapor may result in deterioration of the polystyrene.

* * * * *

(C) In § 173.145, paragraph (a)(1) would be amended to read as follows:

§ 173.145 Dimethylhydrazine, unsymmetrical and methylhydrazine.

(a) * * *

(1) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging.

* * * * *

(D) In § 173.221, paragraph (a)(1) would be amended to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) * * *

(1) Specification 1A, 1D, or 1M (§§ 178.1, 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A.

* * * * *

(E) In § 173.222, paragraph (a)(2) would be amended to read as follows:

§ 173.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.

(a) * * *

(2) Specification 1A, 1D, or 1M (§§ 178.1, 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A.

* * * * *

(F) In § 173.223, paragraph (a)(3) would be amended to read as follows:

§ 173.223 Peracetic acid.

(a) * * *

(3) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging.

* * * * *

(G) In § 173.245, paragraph (a)(3) would be amended to read as follows:

§ 173.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(3) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch guage at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(H) In § 173.247, paragraph (a)(3) would be amended to read as follows:

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

(a) * * *

(3) Specification 1A, 1C, 1D, 1E, 1K, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.14, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging (not permitted for antimony pentachloride or tin tetrachloride, anhydrous).

* * * * *

(I) In § 173.248, paragraph (a)(1) would be amended to read as follows:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(1) Specification 1A, 1D, 1E, or 1M (§§ 178.1, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. (For spent sulfuric acid only.)

* * * * *

(J) In § 173.262, paragraph (a)(1) would be amended to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(1) Specification 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum or polystyrene packaging.

* * * * *

(K) In § 173.263, paragraph (a)(7) would be amended to read 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, liquids, containing hydrochloric (muriatic) acid.

(a) * * *

(7) Specification 1D, 1E, 1EX, (single-trip), or 1M (§§ 178.4, 178.7, 178.6, 178.17 of this subchapter). Glass carboys packed in a box, plywood drum, or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous materials to the environment.

* * * * *

(L) In § 173.265, paragraph (c) (1) would be amended to read as follows:

§ 173.265 Hydrofluosilicic acid.

* * * * *

(c) * * *

(1) Specification 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.17 of this subchapter). Glass carboys packed in a box, keg, plywood drum, or polystyrene packaging. Use of a rubber stopper and gasket is also authorized for Specification 1A, 1C, 1D, or 1E carboy.

* * * * *

(M) In § 173.266, paragraph (c) (7) would be added to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(c) * * *

(7) Specification 1M (§ 178.17 of this subchapter). Glass carboy packed in a polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(N) In § 173.267, paragraph (a) (10) would be added to read as follows:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(10) Specification 1M (§ 178.17 of this subchapter). Glass carboy packed in a polystyrene packaging. Authorized only for mixed nitric and sulfuric acid, containing not over 17 percent nitric acid and containing at least 33 percent water. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(O) In § 173.268, paragraph (f) (3) would be amended to read as follows:

§ 173.268 Nitric acid.

* * * * *

(f) * * *

(3) Specification 1D, 1E, or 1M (§§ 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(P) In § 173.269, paragraph (a) (2) would be amended to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(2) Specification 1A, 1C, 1D, 1E, 1K, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.14, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging.

* * * * *

(Q) In § 173.272, paragraph (i) (16) would be amended to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(16) Specification 1D, 1E, or 1M (§§ 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging.

* * * * *

(R) In § 173.276, paragraph (a) (1) would be amended to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(1) Specification 1D or 1M (§§ 178.4, 178.17 of this subchapter). Glass carboy packed in a box or polystyrene packaging.

* * * * *

(S) In § 173.277, paragraph (a) (2) would be amended to read as follows:

§ 173.277 Hypochlorite solutions.

(a) * * *

(2) Specification 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging.

* * * * *

(T) In § 173.278, paragraph (b) (2) would be amended to read as follows:

§ 173.278 Nitrohydrochloric acid.

* * * * *

(b) * * *

(2) Specification 1A, 1D, 1E, or 1M (§§ 178.1, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. Rated capacity may not exceed 5 gallons for Specification 1A.

(U) In § 173.291, paragraph (a) (2) would be amended to read as follows:

§ 173.291 Flame retardant compound liquid.

(a) * * *

(2) Specification 1D, 1E, or 1M (§§ 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging. The package must be such that pressure in the carboy will not exceed 10 pounds per square inch gauge at 130 degrees F. and, if vented, there will not be a significant release of any hazardous material to the environment.

* * * * *

(V) In § 173.295, paragraph (a) (3) would be amended to read as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(3) Specifications 1A, 1C, 1D, 1E, or 1M (§§ 178.1, 178.3, 178.4, 178.7, and 178.17 of this subchapter). Glass carboy packed in a box, keg, plywood drum, or polystyrene packaging.

* * * * *

(W) In § 173.346, paragraph (a) (13) would be amended to read as follows:

§ 173.346 Poisonous liquids not specifically provided for.

(a) * * *

(13) Specification 1A, 1D, 1E, or 1M (§§ 178.1, 178.4, 178.7, 178.17 of this subchapter). Glass carboy packed in a box, plywood drum, or polystyrene packaging.

* * * * *

(X) In § 173.348, paragraph (a) (2) would be amended to read as follows:

§ 173.348 Arsenic acid.

(a) * * *

(2) Specification 1A, 1C, 1D, or 1M (§§ 178.1, 178.3, 178.4, 178.17 of this subchapter). Glass carboy packed in a box, keg, or polystyrene packaging.

* * * * *

(Y) In § 173.349, paragraph (a) (2) would be amended to read as follows:

§ 173.349 Carbolic acid (phenol) liquid.

(a) * * *

(2) Specification 1A, 1C, 1D, or 1M (§§ 178.1, 178.3 178.4, 178.17 of this subchapter). Glass carboy packed in a box, keg, or polystyrene packaging.

* * * * *

II. PART 178—SHIPPING CONTAINER SPECIFICATIONS

(A) In Part 178 Table of Contents, § 178.17 would be added to read as follows:

§ 178.17 Specification 1M; glass carboy in non-reusable polystyrene packaging.

(B) § 178.17 would be added to read as follows:

§ 178.17 Specification 1M; glass carboy in non-reusable polystyrene packaging.

§ 178.17–1 General requirements.

(a) Each package must meet the requirements of § 173.24 of this subchapter.

(b) Polystyrene packaging may not be used again after contents hvae been removed.

§ 178.17–2 Capacity.

Carboy must not exceed 6.5 United States gallons overflow, tolerance plus 10 fluid ounces.

§ 178.17–3 Construction requirements.

(a) Glass carboy:

(1) The glass must be machine-blown and thoroughly and properly annealed.

(2) The top lip portion of each carboy must be smooth and even.

(3) The neck must be provided with threads for closing by screw cap.

(4) The weight of each carboy must be 14 pounds with a tolerance of minus 8 ounces plus 16 ounces.

(5) The minimum thickness of the glass in the carboy must be 0.075 inch.

(b) Outside packaging:

(1) Expandable polystyrene must be molded to form a protective outside packaging.

(2) This packaging must consist of 2 sections, namely top and bottom portions, which interlock. Each section must be molded with a cavity to maintain a snug fit in all areas of contact with the carboy.

(3) The minimum density of the polystyrene must be 2 pounds per cubic foot.

(4) The minimum thickness of the polystyrene must be 1 inch.

§ 178.17–4 Closure.

(a) Glass carboy:

(1) A gasketed or lined threaded screw cap is required.

(b) Outside packaging:

(1) Weather resistant, pressure sensitive, cloth, or laminated reinforced paper tape must be circumferentially applied at the mating areas of the top and bottom sections to prevent separation. The tape must be at least 2½ inches in width and have a tensile strength of not less than 50 pounds per inch of width.

§ 178.17–5 Tests.

(a) Glass carboy:

(1) *Internal pressure test.* Each carboy must be capable of withstanding a sustained internal pressure of 20 p.s.i.g. for a 15-day period. The carboy manufacturer shall demonstrate to the Bureau of Explosives that the carboy design will meet this test prior to start of production.

(2) *Hydrostatic pressure test.* One carboy selected at random from each 200 produced on each mold must be subjected to bursting by an instantaneous hydostatic pressure test. The bursting pressure may not be less than 40 p.s.i.g. If a carboy fails at a pressure less than 40 p.s.i.g., 12 additional samples must be selected from the same lot of 200 carboys and tested in the same manner. All 12 samples must pass the required test, otherwise the entire lot must be rejected.

(3) *Reports and records.* The manufacturer shall prepare a report on the tests described in (a) (1) and (2) of this subsection and shall retain the report on the results of these tests for at least one year following the termination of the production of each carboy design.

(b) Outside packaging:

(1) *Drop tests.* Randomly selected samples of completed packages, with carboys filled with water to capacity and closed as for shipment, must be subjected to drop tests onto solid concrete. A minimum of six packages must be tested, each not required to be subjected to more than one drop. A complete test cycle consists of the following:

(i) Two units dropped flat on bottom from a height of four feet,

(ii) Two units dropped flat on side from a height of four feet, and

(iii) Two units dropped flat on top from a height of four feet.

(2) *Required results.* Each package in one test cycle must pass the test without leakage from or breakage of the inside container. If any failure occurs, the complete cycle must be repeated until the passing requirements have been satisfied.

(3) *Testing frequency.* Tests for the completed package described in paragraph (b) (1) of this subsection must be performed prior to the start of initial production from each mold, each six months thereafter, and upon any change in source of resin, type of resin, or process method. If production is discontinued and then resumed, this requirement will also apply if prescribed tests have not been made within the previous six months. The tests must also be repeated when any component or the design of the package is changed.

(4) *Records.* The manufacturer of the polystyrene packaging or the assembler shall prepare a report on the tests described in (b) (1), (2), and (3) of this subsection and shall retain the report on the results of these tests for at least one year following the sale of the polystyrene packaging. These reports must be available for examination by representatives of the Department.

§ 178.117–6 Markings.

(a) The markings required by this subsection must be legible and in characters at least one inch in height. The marking requirements of § 173.24 of this subchapter with the exception of subparagraphs (c) (1) (ii) and (iv), are applicable to the glass carboy and polystyrene packaging.

(b) No person may mark any carboy with the specification identification "DOT–ID" and any polystyrene packaging with the specification identification "DOT–IM" unless:

(1) The carboy or polystyrene packaging is manufactured in compliance with the requirements of this section, and

(2) For the polystyrene packaging, the manufacturer has a registration number (M**** or M****A) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(c) No person may mark the polystyrene packaging with the letter "A" immediately following the registration number unless he is responsible for assembly of the complete package. If the assembler is not the polystyrene packaging manufacturer, he must obtain a registration number (M****A) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

(d) The following markings must be embossed in the bottom of each carboy:

(1) Manufacturer's mark (must be registered with Bureau of Explosives),

(2) Year of manufacture,

(3) DOT–1D.

(e) The following markings must be embossed in the bottom of each polystyrene packaging:

(1) DOT–1M.

(2) NRC.

(3) Year of manufacture.

(4) Registration number (M****) of the manufacturer. When manufacturer of the polystyrene packaging is also the assembler, the letter "A" must follow his registration number on the polystyrene packaging.

(5) Registration number (M****A) of the assembler. When assembler is not the polystyrene manufacturer, his registration number must appear on the polystyrene packaging in addition to the polystyrene packaging manufacturer's registration number.

(f) The markings required by subparagraphs (e) (1) and (e) (2) of this subsection must be displayed sequentially on each polystyrene packaging. For example: DOT–1M NRC.

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before September 30, 1974 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215, Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

(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(c)))

Issued in Washington, D.C. on June 10, 1974.

W. J. BURNS,
Director, Office of Hazardous Materials.

[FR Doc.74–13729 Filed 6–13–74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 12]

UNIFORM TIRE QUALITY GRADING

Passenger Car Tires

This notice proposes standards for a revised Uniform Tire Quality Grading System. The first proposal for a Uniform Tire Grading regulation was published September 21, 1971 (36 FR 18751) and withdrawn April 21, 1972 (37 FR 7903). A subsequent proposal was published March 7, 1973 (38 FR 6914), amended August 14, 1973 (38 FR 21939), issued as a final rule on January 4, 1974 (39 FR 1037), and revoked on May 9, 1974 (39 FR 16469).

The proposed system would require the grading of passenger car tires for treadwear, traction, and high speed performance. The revised requirements are proposed as a result of the inability of the NHTSA to obtain from the tire industry "control tires" which were to have been used under the previous regulation as the basis for determining the comparative

performance grades for treadwear and traction.

Treadwear. Treadwear grades in this proposal would be based on a tire's projected mileage (the distance traveled before it is worn down to its treadwear indicators) as tested on a single predetermined test course of approximately 6,400 miles. The mileage categories represented by each grade would be: less than 15,000 miles (X), 15,000 miles or more (15), 25,000 miles or more (25), 35,000 miles or more (35), 45,000 miles or more (45), and 60,000 miles or more (60).

The test course would be established by NHTSA. This agency plans to locate the course in the vicinity of San Angelo, Texas, a city in the central part of that state. The course would be approximately 400 miles long, and each treadwear test would require 16 circuits of the course. It is anticipated that both the industry, at each manufacturer's option, and the agency, would perform treadwear tests on this course; the former for establishing grades, and the latter for purposes of compliance testing, i.e., testing the validity of the grades assigned. The agency would provide a means by which test time would be allocated to industry members who wish to use the site. While manufacturers would not be required to test on the site, it would obviously be to their advantage to do so, since the legal standard against which compliance with the regulation would be measured would be a tire's performance in government tests on that course.

The NHTSA would design the course with a level of severity that it found appropriate to differentiate adequately the treadwear performance of the three main tire construction types (bias, bias-belted, and radial), and the significant variations in performance within those types. The treadwear performance of candidate tires would be measured against that of a standard tire of the same general construction type. The standard tires would be production tires procured by the NHTSA—one group each of the three general types—which would be made available by this agency for purchase and use by regulated persons at the test site. It is anticipated that the course would produce a projected total mileage of 40,000 miles for the standard radial, 30,000 miles for the standard bias-belted, and 18,000 miles for the standard bias-ply tires. Base projected mileage figures for the three standard tires would be computed using the same procedures by which candidate tires are to be measured, and thereafter would serve as the basis for correction factors to adjust for changes in course severity with time and for variations in the driving patterns of test convoys.

Each test convoy would consist of a car equipped with four standard tires, with other cars equipped with the candidate tires, an identical pair on each axle. At the end of each 400-mile lap, the tread depth would be measured at ten equally-spaced locations in each tire groove, and the tires would be rotated (front to same side of rear, rear to opposite side of front). At the end of the 16-lap test, the mean measured tread depth for each lap would be expressed as a wear rate, and the wear rates for each lap would be geometrically averaged as an overall wear rate for the run. The original tread depth divided by the wear rate would provide the projected mileage for a tire. This projection would be adjusted for changes in course severity by a multiplier consisting of the base mileage for that type of standard tire divided by the measured average of the projected mileages for the four standard tires in that convoy. The adjusted projected mileages of the candidate tires would be the basis for their grade, with reference to the categories set forth above.

Similarly to the other consumer information regulations issued by this agency, a grade category would represent a minimum performance figure to which every tire would be expected to conform if tested by the government under the procedures set forth in the regulation. Thus, any manufacturer in doubt as to the performance capabilities of a line of his tires would be free to assign a lower grade than what might actually be achieved, and he would be expected to take due care that substantially all the tires marked with a particular grade would be capable of achieving it.

Traction. Traction grades would be in the form of asterisks or 5-pointed stars, and would be based on the tire's traction coefficient when tested on two wet surfaces, one of concrete and the other of asphalt. The grades would be based on benchmark traction coefficients, three each for asphalt and concrete. One asterisk would signify that the tire exceeded the lower benchmark on both of the surfaces. Two asterisks would signify that the tire exceeded the second benchmark on both surfaces. Three asterisks would signify that the tire exceeded the upper benchmark on both surfaces. A "0" would be a negative representation, that the tire did not necessarily meet the lower benchmark on either surface, or in other words that no representation was being made as to its traction performance.

The traction test is similar to that of the prior regulation in that it utilizes a two-wheeled test trailer built in accordance with American Society for Testing and Materials Method E-274-70. A major objection to that test, however, was that it is presently impossible to create identical test skid surfaces at various sites, and thus there is no assurance that results obtained at different sites would be comparable.

The NHTSA proposed on January 4, 1974 (39 FR 1061) to utilize special test surfaces being developed by the Federal Highway Administration. These surfaces have not been developed at this time to the extent that their use in this proposal is possible. The NHTSA is responding to the objection by proposing, as in the treadwear test, to provide test facilities for use by manufacturers as well as by the agency. The surfaces would be constructed in San Angelo, Texas, so that companies may test for both treadwear and traction in the same geographical area. The agency would allocate testing time to any industry member who wished to test his tires on the site.

The two surfaces proposed represent typical highway surfaces: an asphalt surface having a traction coefficient when tested wet using the ASTM tire of 0.50 ± 0.10, and a concrete surface having a coefficient of friction when similarly tested of 0.47 ± 0.05. The surfaces would be constructed and maintained in accordance with the "Manual for the Construction and Maintenance of Skid Surfaces," a contract report resulting from an agency contract (No. FH-11-7718) with Texas A & M University. The report is publicly obtainable from the National Technical Information Service, Springfield, Virginia 22151, under the title and number "DOT HS-800 814."

Each traction test would measure the candidate tire's traction coefficient on both surfaces, using the ASTM trailer. A measurement of the surface coefficient of each surface using two ASTM tires would be made before each candidate tire test. The candidate tire's coefficient of friction would then be measured, and adjusted for variations in the surface by adding a fixed coefficient (0.50 for asphalt, 0.47 for concrete) and subtracting the average coefficient measured with the two ASTM tires.

High speed performance. The proposed test for high speed performance is essentially the same as that contained in the previous regulation. It extends the laboratory wheel test for high speed performance in Motor Vehicle Safety Standard No. 109 by increasing incrementally the speed of the laboratory wheel. Certain modifications have been made, however, to the previously published requirements and procedures.

The explanation of the high speed grades contained on the tread label have been modified to eliminate all references to highway speeds. While those speeds were intended to reflect only general driving conditions, the agency agrees with industry comments that there is a lack of technical support for the correlations between the grades and the highway speeds expressed on the label. A general description of the tire characteristics graded by the test has been substituted on the label as an explanation of the various grades.

The criterion for failure at any stage of the test has also been revised to conform to newly issued requirements defining tire failure in Motor Vehicle Safety Standard No. 109 (38 FR 27050, September 28, 1973; 39 FR 11423, March 28, 1974). Some changes have been made as well to the laboratory wheel speeds representing each grade. The NHTSA believes the revised values better reflect actual performance differences in production tires that have been observed in agency tests.

In response to numerous comments, the time specified for each test speed

stage has been reduced from one hour to one-half hour. It appears that a tire will stabilize after testing at any one speed for one-half hour, making further testing at that speed unnecessary.

Provision of grading information. The revised proposal retains the scheme for providing grading information to purchasers through the molding of quality grades into or onto the tire sidewall between the tire's maximum section width and shoulder, and through the use of tread labels containing the quality grades for each tire and an explanation of the grading scheme. Objections to the requirement for tread labels were received in the prior rulemaking on the basis that the labels may not remain attached to the tires before their delivery to dealers, and that in many cases the customer does not see the tires he purchases before they are mounted. It was suggested that grading information could be made available through the use of point-of-sale material such as posters and leaflets.

After considering these objections, however, the NHTSA has tentatively decided that the tread label approach will be more successful in bringing grading information to the attention of consumers. Tread labels are presently used to identify tires throughout the tire industry. If labels should be detached, manufacturers can furnish dealers with replacement labels which they can affix before a tire is sold. Although the actual tires a motorist purchases may not be seen by him prior to delivery, representative tires are usually displayed in most locations where tires are sold. Such display tires would have labels affixed to their tread surface, and the information would thus be available to purchasers before sale in an obvious and conspicuous location.

Point-of-sale material, in the form of retainable printed matter, would be required as well, under the general consumer information requirements that information be provided to prospective purchasers. The NHTSA does not consider it desirable, however, to rely on point-of-sale material alone. The dissemination of that material under existing consumer information requirements has frequently been hampered by a lack of knowledge as to its availability on the part of both dealers and consumers. Under the proposed tread-label approach the tire must be labeled at the time of sale, and the NHTSA has clear authority to enforce the labeling requirement throughout the entire chain of distribution.

In light of the above, it is proposed that Part 575 of Title 49, Code of Federal Regulations, be amended by adding a new § 575.104, Uniform Tire Quality Grading System, in the manner set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date. September 12, 1974.

Proposed effective date. May 1, 1975.

(Secs. 103, 112, 119, 201, 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on June 11, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

§ 575.104 Uniform Tire Quality Grading System.

(a) *Scope.* This section requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and high speed performance.

(b) *Purpose.* The purpose of this section is to aid the consumer in making an informed choice in the purchase of passenger car tires.

(c) *Application.* This section applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, this section does not apply to deep tread, winter-type snow tires.

(d) *Requirements*—(1) *Information.* (i) Each manufacturer of tires, or in the case of tires marketed under a brand name, each brand name owner, shall provide grading information for each tire of which he is the manufacturer or brand name owner in the manner set forth in paragraphs (d)(1)(i)(A) and (d)(1)(i)(B) of this section. The grades for each tire shall be only those specified in paragraph (d)(2) of this section. Each tire shall be able to achieve the level of performance represented by each grade with which it is labeled. An individual tire need not, however, meet further requirements after having been subjected to the test for any one grade.

(A) Each tire shall be graded with the words, letters, symbols, and figures specified in paragraph (d)(2) of this section, permanently molded into or onto the tire sidewall between the tire's maximum section width and shoulder in accordance with one of the methods described in Figure 1.

(B) Each tire, except a tire sold as original equipment on a new motor vehicle, shall have affixed to its tread surface in a manner such that it is not easily removable a label containing its quality grades and other information in the form illustrated in Figure 2. The grade attributed to the tire for each area of performance shall be circled.

(ii) In the case of information required in accordance with § 575.6(c) of this part to be furnished to prospective purchasers of motor vehicles and tires, each vehicle manufacturer and each tire manufacturer or brand name owner shall as part of that information list all possible grades and restate verbatim the explanations for each performance area specified in Figure 2. The information need not be in the same format as Figure 2, but must indicate clearly and unambiguously the grade in each performance area for each tire of the tire manufacturer or brand name owner offered for sale at a particular location, including each tire offered for sale on a new motor vehicle.

(iii) In the case of information required in accordance with § 575.6(a) of this part to be furnished to the first purchaser of a new motor vehicle, each manufacturer of motor vehicles shall as part of that information list all possible grades and restate verbatim the explanation for each performance area specified in Figure 2. The information need not be in the format of Figure 2, but must clearly and unambiguously indicate the quality grades for the tires with which the vehicle is equipped.

(2) *Performance* — (i) *Treadwear.* Each tire shall be graded for treadwear performance with the word "TREADWEAR" followed by the letter or number X, 15, 25, 35, 45, or 60, based on its adjusted projected mileage when the tire is tested in accordance with the conditions and the procedures specified in paragraph (e) of this section.

(A) The tire shall be graded X if its adjusted projected mileage is less than 15,000 miles.

(B) The tire may be graded 15 only if its adjusted projected mileage is 15,000 miles or more.

(C) The tire may be graded 25 only if its adjusted projected mileage is 25,000 miles or more.

(D) The tire may be graded 35 only if its adjusted projected mileage is 35,000 miles or more.

(E) The tire may be graded 45 only if its adjusted projected mileage is 45,000 miles or more.

(F) The tire may be graded 60 only if its adjusted projected mileage is 60,000 miles or more.

(ii) *Traction.* Each tire shall be graded for traction performance with the word "TRACTION", followed by the symbols 0, *, **, or *** (either asterisks or 5-pointed stars) when the tire is tested in accordance with the conditions and the procedures specified in paragraph (f) of this section.

(A) The tire shall be graded 0 when its adjusted traction coefficient is either:

(1) .41 or less when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, or

(2) .38 or less when tested in accordance with paragraph (f)(2) on the concrete surface specified in paragraph (f)(1)(i) of this section.

(B) The tire may be graded * only when its adjusted traction coefficient is both:

(1) More than .41 when tested in accordance with paragraph (f)(2) on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(2) More than .38 when tested in accordance with paragraph (f)(2) on the concrete surface specified in paragraph (f)(1)(i) of this section.

(C) The tire may be graded ** only when its adjusted traction coefficient is both:

(1) More than .46 when tested in accordance with paragraph (f)(2) of this section on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(2) More than .43 when tested in accordance with paragraph (f)(2) on the concrete surface specified in paragraph (f)(1)(i) of this section.

(D) The tire may be graded *** only when its adjusted traction coefficient is both:

(1) More than .57 when tested in accordance with paragraph (f)(2) on the asphalt surface specified in paragraph (f)(1)(i) of this section, and

(2) More than .49 when tested in accordance with paragraph (f)(2) of this section on the concrete surface specified in paragraph (f)(1)(i) of this section.

(iii) *High speed performance.* Each tire shall be graded for high speed performance with the words "HIGH SPEED" followed by the letter A, B, or C, based on its performance when the tire is tested in accordance with the procedures specified in paragraph (g) of this section. A tire shall be considered to have completed a test stage without failure in accordance with this paragraph if, at the end of the test stage, it exhibits no visual evidence of tread, sidewall, ply, cord, innerliner or bead separation, chunking, broken cords, cracking or open splices as defined in § 571.109 of this chapter, and the tire pressure is not less than the pressure specified in paragraph (g)(1) of this section.

(A) The tire shall be graded C if it fails to complete the 500 rpm test stage specified in paragraph (g)(9) of this section.

(B) The tire may be graded B only if it completes the 525 rpm test stage specified in paragraph (g)(9) of this section.

(C) The tire may be graded A only if it completes the 575 rpm test stage specified in paragraph (g)(9) of this section.

(e) *Treadwear grading conditions and procedures*—(1) *Conditions.* (i) Tire treadwear performance is evaluated on a specific roadway course approximately 400 miles in length, which is established by the NHTSA both for its own compliance testing and for that of regulated persons. The course is designed to produce treadwear rates that are generally representative of those encountered in public use for tires of differing construction types.

(ii) Treadwear grades are established by comparing the projected total tire mileage of a candidate tire with the projected mileage of four standard tires of the same general construction type (bias, bias-belted, or radial), based on a 6,400-mile test run on the test course of a convoy with both types of tires. The three types of standard tires are production tires, each type identical as to manufacturer, line or trade name, construction type, and size designation, which are made available by the NHTSA for purchase by any persons conducting tests at the test course.

(iii) In convoy tests each vehicle in the same convoy, except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately ahead of it.

(iv) Wheel alignment is that specified by the vehicle manufacturer and is maintained throughout the test.

(2) *Treadwear grading procedure.* (i) Equip a convoy with standard and candidate tires of the same construction type. Place four new standard tires on one vehicle. On each other vehicle place four candidate tires, with identical (as to manufacturer, line, and size designation) pairs on each axle.

(ii) Inflate each candidate and each standard tire to an inflation pressure 8 pounds less than its maximum permissible inflation pressure.

(iii) Load each vehicle so that the load on each standard and candidate tire is 85 percent of the load specified in Appendix A of § 571.109 of this chapter (Standard No. 109) at the inflation pressure specified in paragraph (e)(2)(ii) of this section.

(iv) Subject each candidate and standard tire to "break-in" by running the tires in convoy for one circuit of the test roadway (400 mi).

(v) Allow the tire to cool to the inflation pressure specified in paragraph (e)(2)(ii) of this section and measure, to the nearest 0.001 inch, the tread depth of each candidate and standard tire, avoiding treadwear indicators, at ten equally spaced points in each groove, and for each tire compute the average of the measurements.

(vi) Drive the convoy on the test roadway for 6,400 miles. After each 400 miles:

(A) Measure the average tread depth of each tire in accordance with paragraph (e)(2)(v) of this section; and

(B) Rotate each vehicle's tires by moving each front tire to the same side of the rear axle and each rear tire to the opposite side of the front axle.

(vii) Compute the projected mileage for standard and candidate tires as follows:

(A) Determine the rate of wear for each individual standard or candidate tire, for each 400 mile test section, using the following formula:

$$R_n = 2.5 \times (\overline{m}_{n-1} - \overline{m}_n)$$

where: R_n = The rate of wear in mils per 1000 miles for the n^{th} 400-mile segment

and $\overline{m}_n$ = The averaged tread depth measurement at the end of the n^{th} segment for an individual standard or candidate tire.

(B) Determine the average rate of wear (R) in mils per 1000 miles for each standard or candidate tire for the 6,400 mile test using the following formula:

$$\overline{R} = \text{antilog}\left(\frac{1}{16}\sum_{n=1}^{16}\log R_n\right)$$

(C) Determine the projected mileages for each standard or candidate tire using the following formula:

$$\text{Projected mileage} = \frac{1000 \times (\overline{m}_o - 62) + 400}{\overline{R}}$$

Where $\overline{m}_o$ = The average tread depth measurement of each standard or candidate tire at the end of the break-in period specified in paragraph (e)(2)(iv) of this section.

(viii) Compute the arithmetic average of the projected mileages for the four standard tires.

(ix) Determine the adjusted projected mileages for the four standard tires.

(ix) Determine the adjusted projected mileage for each individual candidate tire as follows:

(A) Divide the base mileage determined by the NRTSA for that construction type by the average projected mileage for the standard tires, to obtain the course severity adjustment factor.

(B) Multiply the projected mileage for the candidate tire by the course severity adjustment factor, to obtain the adjusted projected mileage.

NOTE: The base mileages will be determined by the NHTSA on the basis of test runs over the prescribed course with convoys using standard tires, under conditions and procedures the same as those set forth in this paragraph for treadwear grading. Precise base mileages have not yet been determined but it is expected that the approximate values for each standard tire construction type will be:

Radial: 40,000 miles.
Bias-belted: 30,000 miles.
Bias: 18,000 miles.

(f) *Traction grading conditions and procedures*—(1) *Conditions.* (i) Tire traction performance is evaluated on skid pads that are established by the NHTSA both for its own compliance testing and for that of regulated persons. The test pavements are asphalt and concrete surfaces constructed in accordance with the specifications for pads "C" and "A" in the "Manual for the Construction and Maintenance of Skid Surfaces", National Technical Information Service No. DOT HS-800 814. The surfaces have locked wheel traction coefficients when evaluated in accordance with paragraphs (f)(2)(i) through (f)(2)(vii) of this section of 0.50±0.10 and 0.47±0.05 respectively.

(ii) The standard tire is the American Society for Testing and Materials (ASTM) E 501 "Standard Tire for Pavement Skid Resistance Tests."

(iii) The pavement surface is wetted in accordance with paragraph 3.5, "Pavement Wetting System", of ASTM Method E 274–70, "Skid Resistance of Paved Surfaces Using A Full-Scale Tire."

(iv) The test apparatus is a test trailer built in conformity with the specifications in paragraph 3, "Apparatus," of ASTM Method E 247–70, and instrumented in accordance with paragraph 3.3.2 of that method, except that "wheel load" in paragraph 3.2.2 and tire and rim specifications in paragraph 3.2.3 of that method are as specified in the procedures in paragraph (f)(2) of this section for standard and candidate tires.

(v) The test apparatus is calibrated in accordance with ASTM Method F 377–74, "Standard Method for Calibration of Braking Force for Testing of Pneumatic Tires" with the trailer's (standard) tires inflated to 24 psi and loaded to 1085 pounds.

(vi) Consecutive tests on the same surface are conducted not less than 30 seconds apart.

(vii) A standard tire is discarded in accordance with American Society for Testing and Materials Method E 501.

(2) *Procedure.* (i) Prepare two standard tires as follows:

(A) Condition the tires by running them at a load of 1085 pounds for 100 miles on a passenger car.

(B) Mount each tire on a "test rim" as defined in S3 of Standard No. 109 (§ 571.109 of this chapter), or on any rim listed for use with that tire in the Appendix of Standard No. 110 (§ 571.110 of this chapter) that is of a width within −0+0.50 inches of the test run width. Inflate the tire to 24 psi.

(C) Statically balance each tire-rim combination.

(D) Allow each tire to cool to ambient temperature and readjust its inflation pressure to 24 psi.

(ii) Mount the tires on the test apparatus described in paragraph (f)(1)(iv) of this section and load each tire to 1085 pounds.

(iii) Tow the trailer on the asphalt test surface specified in paragraph (f)(1)(i) of this section at a speed of 40 mph, lock one trailer wheel, and record the locked-wheel traction coefficient on one tire between 0.2 and 1.2 seconds after wheel lockup.

(iv) Repeat the test for a total of ten measurements on the same test surface, locking the same wheel.

(v) Repeat the procedures specified in paragraphs (f)(2)(iii) and (f)(2)(iv) of this section on the same surface, locking the other wheel.

(vi) Average the 20 measurements to find the standard tire traction coefficient for the asphalt surface.

(vii) Repeat the procedures specified in paragraphs (f)(2)(i) through (f)(2)(vi) of this section on the concrete surface, to find the standard tire traction coefficients for the concrete surface.

(viii) Prepare two candidate tires of the same type, trade name or line, and size designation in accordance with paragraph (f)(2)(i) of this section, mount them on the test apparatus, and test them according to the procedures of paragraphs (f)(2)(ii) through (vii) of this section, except that for both preparation and testing the inflation pressure shall be 8 pounds less than the tire's maximum permissible inflation pressure and the load on each tire shall be 85 percent of the load specified for the tire's size designation at that inflation pressure in Appendix A of Standard No. 109 (§ 571.109 of this chapter), and the measurements for each tire shall be averaged separately to obtain traction coefficients for each tire, for asphalt and for concrete.

(ix) Compute a candidate tire's adjusted traction coefficient for asphalt (u_a) by the following formula:

u_a=Measured candidate tire coefficient for asphalt+0.50−Measured standard tire coefficient for asphalt

(x) Compute a candidate tire's adjusted traction coefficient for concrete (u_c) by the following formula:

u_c=Measured candidate tire coefficient for concrete+0.47−Measured standard tire coefficient for concrete

(g) *High speed performance grading.* (1) Mount the tire on any test rim as defined in S3 of Standard No. 109 (§ 571.109 of this chapter) and inflate it to 2 pounds less than its maximum permissible inflation pressure.

(2) Condition the tire-rim assembly at an ambient temperature of 105° F. for 3 hours.

(3) Adjust the pressure again to 2 pounds less than maximum permissible inflation pressure.

(4) Mount the tire-rim assembly on an axle, and press the tire tread against the surface of a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the section width of the tire.

(5) During the test, including the pressure measurements specified in paragraphs (g)(1) and (g)(3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire, at 105° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

(6) Press the tire against the test wheel at the load specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the tire's size designation, type, and inflation pressure that is 8 pounds less than the tire's maximum permissible inflation pressure.

(7) Rotate the test wheel at 250 rpm for 2 hours.

(8) Remove the load, allow the tire to cool to 105° F. or for 2 hours, whichever occurs last, and readjust the inflation pressure to 2 pounds less than the tire's maximum permissible inflation pressure.

(9) Reapply the load and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 rpm for 30 minutes, and then at 25 rpm increments, each for 30 minutes, until the tire has run at 575 rpm for 30 minutes or to failure, whichever occurs first.

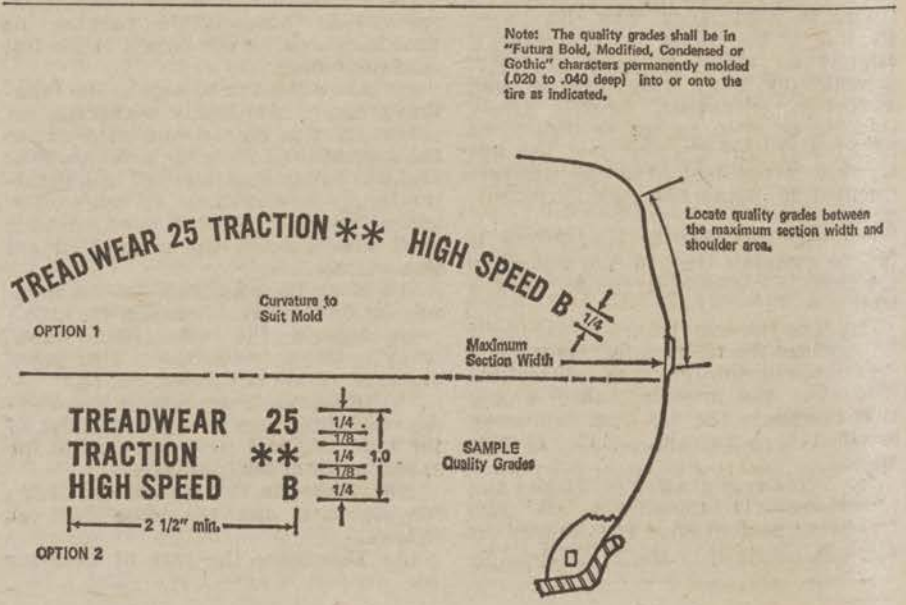


FIGURE 1

Figure 2

DOT QUALITY GRADES

ALL PASSENGER CAR TIRES MUST CONFORM TO FEDERAL SAFETY REQUIREMENTS

Treadwear

60
45
35
25
15
X

The treadwear grades range from 60 to 15, representing the projected minimum life, in thousands of miles, of the tire on a specified government test course. For example, a tire graded 25 would achieve a projected mileage of at least 25,000 miles on the government course. A tire marked X for treadwear is ungraded, and may have a mileage life of less than 15,000 miles on the government course. *THESE FIGURES DO NOT REPRESENT THE ACTUAL MILEAGES THAT WILL BE ACHIEVED IN USE, AND SHOULD BE USED ONLY FOR COMPARING ONE TIRE WITH ANOTHER.*

Traction

***
**
*
0

The traction grades are *** (the highest), **, and *, and represent the tire's ability to stop on wet pavements as measured on asphalt and concrete test surface. A tire marked 0 for traction is ungraded, and may have poor traction performance.

High speed performance

A
B
C

The high speed performance grades are A (the highest), B, and C, representing the tire's resistance to heat and its ability to dissipate heat. Heat can result from speed, outside temperature, improper inflation, and other factors. Sustained high heat can cause the material of the tire to degenerate and reduce tire life, and excessive heat can lead to sudden tire failure. The grade C represents the resistance to heat which all passenger car tires must meet under the Federal motor vehicle safety standards. Grades B and A represent higher levels of performance than the minimum required by law.

[FR Doc.74-3697 Filed 6-13-74;2:00 p.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19995]

CABLE TELEVISION; NETWORK PROGRAM EXCLUSIVITY

Order Extending Time

In the matter of the amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems.

1. On April 9, 1974, the Commission released its Notice of Inquiry and Proposed Rule Making [1] (39 FR 16484) in this proceeding, setting deadlines of June 17, 1974, and July 5, 1974, for comments and reply comments respectively.

2. Now before us is a Motion for Extension of Time, filed on June 4, 1974, by the Association of Maximum Service Telecasters, Inc. (MST),[2] requesting that the deadline for filing comments in this proceeding be extended 30 days to July 17, 1974 and that the deadline for filing reply comments be extended to August 9, 1974. MST argues that additional time is needed in order to develop carefully considered and well-documented comments which will include the type of substantial statistical data the Commission has specifically requested be submitted in this proceeding.

[1] Notice of Inquiry and Proposed Rule Making in Docket No. 19995, FCC 74-335, (1974).

[2] Statements in support of the MST petition have been filed by various broadcasting interests. The petition of the Rocky Mountain Broadcasters Association, to the extent it requests an extension beyond that sought by MST, is denied.

3. The Commission recognizes that the matters under consideration in this proceding are somewhat complex and may require a considerable expenditure of time by parties wishing to file comments which fully address the issues raised in Docket No. 19995. It would, therefore, appear that good cause exists to provide a reasonable extension of time for the filing of comments and reply comments in this proceeding.

Accordingly, it is ordered, That the Motion for Extension of Time, filed on June 4, 1974, by the Association of Maximum Service Telecasters, Inc., is granted to the extent indicated below.

It is further ordered, That the time for filing comments and reply comments in the above captioned proceeding is extended until July 15, 1974, and August 12, 1974, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules.

Adopted: June 7, 1974.

Released: June 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74-13689 Filed 6-13-74;8:45 am]

[47 CFR Part 81]

[Docket No. 20072, FCC 74-578]

CLASS II-B LIMITED COAST STATIONS

Proposed Equipping for Certain Distress, Safety and Calling Frequency

In the matter of amendment of Part 81 of the rules to require Class II-B Limited Coast stations to be equipped for the distress, safety and calling frequency 2182 kHz.

1. Notice of Proposed Rule Making is hereby given in the above-entitled matter.

2. It has come to the Commission's attention that some radio-telephony limited coast stations have been using their assigned working frequencies for the purpose of calling vessels for routine radiocommunications purposes. Consequently, many vessels, and especially those that may be equipped with only one radio receiver, may be adopting the practice of keeping their radio stations tuned most or all of the time to a working frequency of the coast station with which they frequently exchange communications, and not the distress, safety and calling frequency 2182 kHz.

3. The practice of keeping a ship radio station tuned only to a working frequency when not in use for communications is a violation of § 83.223 of the rules that requires a listening watch on the frequency 2182 kHz be maintained. The practice undermines the maritime mobile safety system. Distress calls could be transmitted by nearby vessels and not heard by the vessel whose radio station is tuned to a working frequency or frequencies.

4. To discourage the above-described practice and to enhance and improve the safety system, we propose to provide in our rules that limited coast telephony stations operating on low or medium frequencies must be equipped for the calling frequency 2182 kHz and that calling must ordinarily be done on that frequency. VHF limited coast stations are currently required to be equipped with the calling frequency 156.8 MHz and to ordinarily call on that frequency. In addition to the above described substantive rule change, we are editorially rewriting § 81.104 of our rules to delete certain obsolete footnotes therefrom, and to relocate other footnotes which, because of the passage of time, should now be located in the body of the rule section.

5. The proposed amendment to the rules, as set forth below, is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 18, 1974, and reply comments on or before July 29, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specified comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 5, 1974.

Released: June 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.104, paragraphs (b) and (c) are amended, and new paragraphs (d) and (e) are added as follows:

§ 81.104 Facilities required at coast stations.

* * * * *

(b) Each coast station using telephony on frequencies in the band 1600–3500 kHz shall be equipped and licensed to transmit on the frequency 2182 kHz and at least one working frequency[1] in that band.

(c) With regard to public coast stations:

(1) Apparatus to comply with paragraph (b) of this section shall include transmitting and/or receiving equipment installed at each location where transmitting and/or receiving equipment, respectively, is installed and regularly used by the particular station to provide service on one or more working frequencies within the band 1600 to 3500 kHz.

(2) Compliance with paragraph (c) (1) of this section shall be a condition precedent to obtaining a new or renewed station license unless the applicant therefor makes a showing satisfactory to the Commission that, for purposes of maritime safety, all or any portion of such apparatus for operation on the 2182 kHz channel is not necessary for effective transmission and reception to and from mobile stations within the associated working frequency service area of the coast station.

(3) The transmitter power on the frequency 2182 kHz must be 50 watts or the maximum power used on any other frequency in the band, whichever is less.

(d) Each coast station licensed to transmit on frequencies in the band 1600–3500 kHz shall be capable of receiving A3[2] and A3H emission on the frequency 2182 kHz and of receiving A3[2] and A3H[3] emission on at least one working frequency in that band.

(e) Each coast station licensed to transmit in the band 156–162 MHz shall be able to transmit and receive on 156.8 MHz and at least one working frequency in the band.

2. In § 81.368(a), subparagraph (2) is amended to read as follows:

§ 81.368 General radiotelephone operating procedure.

(a) * * *

(2) Limited coast stations shall call ship stations by voice unless it is known that the attention of a particular ship station with which communication is intended may be secured by other means (such as automatic actuation of a selective ringing device). Calling shall be on the frequencies 2182 kHz or 156.8 MHz, depending on which band the coast station is operating, except that calling may be on a working frequency if it is known that the ship station being called is equipped with two receivers in the appropriate band and is maintaining a listening watch on a working frequency as well as the frequency 2182 kHz or 156.8 MHz.

* * * * *

[FR Doc.74–13688 Filed 6–13–74;8:45 am]

[1] Commissioner Quello not participating.

[1] In public coast stations, capability to transmit A3H emission on working frequencies shall be provided until January 1, 1977.

[2] Capability to receive A3 emission shall be provided until January 1, 1977. This requirement may be fulfilled by provision of the capability to receive emission A3H.

[3] Capability to receive A3H emission on the working frequencies shall be provided until January 1, 1977. After January 1, 1977, capability to receive A3A and A3J emissions shall be provided.

FEDERAL TRADE COMMISSION

[16 CFR Part 502]

DETERGENT PRODUCTS

Common Name and Ingredient Listing

In the FEDERAL REGISTER of February 8, 1974 (39 FR 4887) the Commission gave notice of a proposal to issue regulations under the Fair Packaging and Labeling Act which would require the use of a common name and require the inclusion of a list of ingredients on the label of packaged detergent products. Interested persons were afforded the opportunity to file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, any written data, views, or arguments by April 9, 1974 which was extended to June 10, 1974 as published in the FEDERAL REGISTER (39 FR 12362).

The Soap and Detergent Association, 475 Park Avenue, South, New York, New York 10016 has requested that the time for filing comments be further extended to June 28, 1974 on grounds that this additional time is required to complete the technical studies undertaken before submitting comments.

Good reason therefor appearing, the time for filing comments in this matter hereby extended to June 28, 1974.

By Direction of the Commission dated June 6, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–13749 Filed 6–13–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELECTRIC GOLF CARS FROM POLAND

Antidumping Proceeding

JUNE 11, 1974.

On June 7, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that electric golf cars from Poland are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold for home market consumption in a country not having a controlled economy.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13730 Filed 6-13-74;8:45 am]

PHOTO ALBUMS FROM CANADA

Discontinuance of Antidumping Investigation

JUNE 11, 1974.

On April 15, 1974, there was published in the FEDERAL REGISTER a "Notice of Tentative Discontinuance of Antidumping Investigation" (39 FR 13564) concerning photo albums from Canada.

The statement of reasons for the tentative action was published in the above-mentioned notice, and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative discontinuance.

No written submissions or requests to present oral views having been received, and for the reasons stated in the "Notice of Tentative Discontinuance of Antidumping Investigation," I hereby discontinue the antidumping investigation of photo albums from Canada.

This "Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(d) of the Customs Regulations (19 CFR 153.15(d)).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-13731 Filed 6-13-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD MISSION RESOURCES PANEL

Notice of Meeting

JUNE 10, 1974.

The USAF Scientific Advisory Board Mission Resources Panel will hold an open meeting on July 11, 1974, from 8:30 a.m. until 4:15 p.m., at the Lowry Technical Training Center, Denver, Colorado.

The Scientific Advisory Board Mission Resources Panel will visit the Lowry Technical Training Center to view facilities and activities, and receive informational briefings on LTTC operations.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8845.

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

[FR Doc.74-13676 Filed 6-13-74;8:45 am]

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP—EUROPE (DIAGE)

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on 26 June 1974, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters which come under the purview of subparagraph (4), section 552(b), Title 5 USC.

The agenda topics will be the Alliance Defense Industry and Technology, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 41.44.00 Ext. 5729, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQs. NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence & Directives Division OASD (Comptroller).

JUNE 11, 1974.

[FR Doc.74-13668 Filed 6-13-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 74-67]

PROPOSED ACQUISITION OF MERCER SLOUGH ECOLOGICAL AREA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Outdoor Recreation, in cooperation with the City of Bellevue and the Washington Interagency Committee for Outdoor Recreation, has prepared a draft environmental statement for a proposed acquisition of Mercer Slough Ecological Area and invites written comments on or before August 13, 1974. Comments from interested members of the public should be addressed to Regional Director, Bureau of Outdoor Recreation, Northwest Regional Office, 1000 Second Avenue, Seattle, Washington 98104.

The proposed project is to acquire 181 acres of marshland for preservation and minimal recreation development. The project is located within the city limits of Bellevue, Washington, near the interchange between Interstate #90 and Interstate #405, being the major north-south and east-west freeways of the State.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Northwest Regional Office, 1000 Second Avenue, Seattle, Washington 98104.
Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240.
Washington Interagency Committee for Outdoor Recreation, 4800 Capitol Boulevard, Tumwater, Washington 98504.
City of Bellevue, Planning Department, 111-116th Street, SE., Bellevue, Washington 98004.

Copies may be obtained by writing the Regional Director, Northwest Regional

Office, 1000 Second Avenue, Seattle, Washington 98104. Please refer to the statement number above.

Dated: June 7, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-13704 Filed 6-13-74;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 82]

ALABAMA POWER CO.

Issuance of Annual License

JUNE 7, 1974.

On February 4, 1970, Alabama Power Company, Licensee for Mitchell Project No. 82, located on the Coosa River in Coosa and Chilton Counties, Alabama filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§ 16.1–16.6).

The license for Project No. 82 was issued effective June 27, 1921, for a period ending June 26, 1971. The project has been operated under annual license since its expiration date. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Alabama Power Company for continued operation and maintenance of Mitchell Project No. 82.

Take notice that an annual license is issued to Alabama Power Company (Licensee) under Section 15 of the Federal Power Act for the period June 27, 1974, to June 26, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mitchell Project No. 82, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13651 Filed 6-13-74;8:45 am]

[Docket No. CI74-359]

APEXCO, INC.

Order Setting Hearing Date and Prescribing Procedures

MAY 24, 1974.

On December 21, 1973, Apexco, Inc. (Apexco) filed in Docket No. CI74-359 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to El Paso Natural Gas Company (El Paso), from the South Carlsbad Field, Eddy County, New Mexico (Permian Basin Area).

Specifically, Apexco proposes to sell to El Paso approximately 30,000 Mcf of gas per month for one year at 55.0¢ per Mcf at 14.65 p.s.i.a., subject to upward and downward adjustment from a 1,000 Btu base.

Apexco began an emergency sale to El Paso under authority of Order No. 418 on October 15, 1973.

A petition to intervene in support of the application was filed by El Paso on February 11, 1974.

We take further note however, that the Commission in a number of recent orders has already held that an emergency exists on El Paso's system. See The Superior Oil Company, ____ FPC ____, Docket No. CI74-271, and Phillips Petroleum Company, ____ FPC ____, Docket No. CI74-283, both issued January 16, 1974. We therefore conclude, that there is an emergency on El Paso's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted in the hearing hereinafter ordered by the pipeline (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ____ FPC ____, Docket No. CI73-691, order issued August 30, 1973, and ____ FPC ____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through nonaffiliated entities.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of El Paso in this proceeding may be in the public interest.

The Commission orders. (A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74-359 is hereby set for hearing.

(B) El Paso is hereby permitted to intervene in the proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on June 25, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before June 12, 1974, Apexco and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.[2]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-13654 Filed 6-13-74;8:45 am]

[Docket No. E-8700]

BOSTON EDISON CO.

Extension of Time

JUNE 6, 1974.

On April 23, 1974, Boston Edison Company filed a joint motion[1] requesting an

[1] Section 2.70 of the Commission's General Policy and Interpretations.

[2] Commissioners Brooke and Smith, concurring, and Commissioner Moody, dissenting, issued separate statements filed as part of the original document.

[1] Motion filed in Docket Nos. E-8187 and E-8700.

extension of time for Norwood and New England Power Company to file a response to the petition for a declaratory order.

Upon consideration, notice is hereby given that the time is extended to and including July 1, 1974, within which to respond to the petition for a declaratory order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13649 Filed 6-13-74;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Change in FPC Gas Tariff

MAY 29, 1974.

Take notice that Columbia Gas Transmission Corporation (Columbia) on May 9, 1974, tendered for filing substitute Eleventh Revised Sheet No. 16 and Fifth Revised Sheet No. 64B to its FPC Gas Tariff, Original Volume No. 1. The proposed increase is pursuant to Columbia's Purchased Gas Cost Adjustment Clause and would result in the recovery of increased gas costs of $18,285,076 annually. According to Columbia, the increase is necessary because of Texas Eastern Transmission Corporation's (Texas) general rate filing in Docket No. RP74-41, which was suspended and will become effective on June 14, 1974, and Texas' revised PGA rate filing in Docket No. RP72-156, which had a proposed effective date of May 1, 1974. Due to the increased workload associated with Columbia's recent general rate increase filing, the Company requests waiver of the forty-five day notice provision of § 154.38(d)(4)(v) of the Commission's rules and regulations effective on June 14, 1974. Columbia to permit the proposed increase to be states that copies of the filing have been mailed to each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 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 June 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13667 Filed 6-13-74;8:45 am]

[Docket No. E-6886]

EL PASO ELECTRIC CO.

Notice of Application

JUNE 5, 1974.

Take notice that on April 29, 1974, El Paso Electric Company (Applicant), filed an Application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to extend the termination date of its Employee Stock Purchase Plan from June 30, 1974, to June 30, 1979. No increase in the number of shares reserved under the Plan is involved.

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Texas with a population of approximately 456,000 of whom 360,000 reside in the Metropolitan area of El Paso.

Any person desiring to be heard or to make any protest with reference to the Application should, on or before June 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13664 Filed 6-13-74;8:45 am]

[Docket No. CI74-520]

JAMES M. FORGOTSON

Limited Term Certificate; Order Setting Hearing Date, Prescribing Procedures, and Granting Intervention

MAY 31, 1974.

On March 18, 1974, James M. Forgotson (Applicant) filed in Docket No. CI74-520 an application requesting issuance of a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to United Gas Pipe Line Company (United) from the South Hallsville/Hosston-Cotton Valley Field, Harrison County, Texas.

Specifically, Applicant proposes to sell to United up to 5,000 Mcf of gas per day for six months at 55.0¢ per Mcf subject to upward and downward Btu adjustment, plus reimbursement for all taxes. Applicant began a 60-day sale to United on March 20, 1974, under authority of Order No. 418.

A petition to intervene in support of the application was filed by United on April 19, 1974. In support of its petition United states, inter alia, that it is presently curtailing deliveries to its customers and that although the gas involved herein will not eliminate the need to curtail deliveries, it will have a direct relationship on the amount of gas United will have available for delivery to its customers.

We take note that the Commission in a recent order recognized that an emergency exists on United's system. See Basin Operating Co., Ltd., ____ FPC ____, Docket No. CI74-459 issued April 30, 1974. We conclude, therefore, that there is an emergency on United's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431[1] and therefore requires evidence to be submitted by the pipeline in the hearing hereinafter ordered (to the extent not hereinabove found to exist) (1) that it has an emergeucy need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system it has filed a plan pursuant to section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market [Nueces Industrial Gas Company, 45 FPC 1224, 1227, (1971)] and whether that rate is in line with the prevailing intrastate market (Atlantic Richfield Company, ____ FPC ____, Docket No. CI73-691, order issued August 30, 1973, and ____ FPC ____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for

[1] Section 2.70 of the Commission's General Policy and Interpretations.

hearing in accordance with the procedures set forth below.

(2) The participation of United Gas Pipe Line Company may be in the public interest.

The Commission orders. (A) The application for a limited term certificate for the sale of natural gas filed in Docket No. C174–520 is hereby set for hearing.

(B) The above-named party 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 asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided,* further, That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 23, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before July 10, 1974, James M. Forgotson, and any supporting party shall file with the Commission, and upon all parties, including Commission Staff Counsel, their testimony and exhibits in support of the instant application.

(E) An 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 prescribe relevant procedural matters not herein provided.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13665 Filed 6–13–74;8:45 am]

[Docket No. CI74–344]

McCORMICK OIL AND GAS CORP. ET AL.

Notice of Petition To Amend

JUNE 5, 1974.

Take notice that on May 20, 1974, McCormick Oil and Gas Corporation (Operator) et al. (Petitioner), 1204 Tenneco Building, Houston, Texas 77002, filed in Docket No. CI74–344 a petition to amend the order issued in the subject docket on April 4, 1974 (51 FPC ____), pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas from additional acreage to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner is currently authorized in said docket to sell to Texas Eastern approximately 3,000 Mcf of gas per day from the Cage Estate "G" Well, Brooks County, Texas, pursuant to a contract dated November 15, 1973, on file as Petitioner's FPC Gas Rate Schedule No. 1. Petitioner is authorized to deliver the subject gas to Trunkline Gas Company for the account of Texas Eastern. Petitioner seeks authorization to sell gas produced from the Cage Estate "J" Well (located on an adjacent property to the "G" Well), estimated in the application to be 7,000 Mcf of gas per day. Applicant states that its contract with Texas Eastern dated August 29, 1973, covering the "J" Well has terms and conditions identical to those of the "G" Well contract. Said "J" Well contract indicates that the estimated sales volume from the "J" Well is 3,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–13657 Filed 6–13–74;8:45 am]

[Docket No. E–8832]

METROPOLITAN EDISON CO.

Order Establishing Section 206 Proceeding, Granting Intervention and Establishing Procedural Dates

JUNE 6, 1974.

On March 6, 1974, Metropolitan Edison Company (Met. Ed.) filed a petition requesting the Commission to institute an investigation under section 206 of the Federal Power Act of the company's present wholesale rate to the Borough of Middletown, Pennsylvania, which is fixed by a contract dated July 4, 1906.[1] According to the provisions of the contract, Met-Ed will supply, at a cost of one cent per kwh per month, as much power as required by Middletown unless terminated by six months prior notice by Middletown. Met Ed also requests that the Commission approve the company's proposal that the contract rate be replaced by Met-Ed's tariff rate, including a fuel adjustment clause, which is applicable to its other 69 kv wholesale customers.

Met-Ed's petition alleges that the Middletown contract rate is unjust and unreasonable in that it produces grossly inadequate compensation to the company for the service it renders and consequently impairs the company's capacity to raise capital needed to carry out its public service obligation. In support of this, Met-Ed states that Statement M of the cost of service study on file in Docket No. E–8439 shows that 1972 revenues under the present rate to Middletown were $368,990, while the cost to serve Middletown was $663,179, leaving a revenue deficiency of $294,189 or 44.4 percent. Met-Ed alleges that these revenues do not fully recover operating expenses.

Met-Ed alleges further that the Middletown contract is unlawful in that it constitutes an undue burden on Met-Ed's other customers, and that it is unduly discriminatory and preferential.

Notice of Met-Ed's petition was issued on April 3, 1974, with protests or petitions to intervene due on or before April 15, 1974. On March 18, 1974, the Borough of Middletown, Pennsylvania, filed a petition to intervene in which Middletown denied 1) that the contract yields revenues on a 1972 test year basis of 55.6 percent of costs properly allocated to Middletown; 2) that its contract is unjust and unreasonable; 3) that the contract rate is an undue burden on Met-Ed's other customers; and, 4) that the contract is discriminatory or preferential. Middletown requests that Met-Ed's petition be summarily denied. No other protests or petitions have been received.

Our review of the rate schedule which is part of Met-Ed's contract with Middletown indicates that issues are raised which require development in an evidentiary proceeding. If the Middletown contract produces a substantial negative rate of return and that impact of that is borne by the other jurisdictional customers of Metropolitan Edison, an issue of undue rate discrimination is presented. From the petition and preliminary staff analysis, it appears that sufficient question is raised as to rate discrimination to warrant further investigation in an evidentiary hearing. Accordingly, we conclude that a section 206 investigation of Met-Ed's Rate Schedule FPC No. 16 is necessary to determine whether a sufficient showing can be made so as to satisfy the test enunciated by the Supreme Court in the Sierra case.[2]

The Commission finds. (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of Met-Ed's fixed rate contract with Middletown.

(2) Good cause exists to grant the petition to intervene mentioned above.

The Commission orders. (A) Pursuant to the Authority of the Federal Power Act, particularly section 206 thereof, the Commission rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall

[3] Separate statements by Commissioners Brooke, concurring, and Moody, dissenting, filed as part of the original document.

[1] Met-Ed Rate Schedule FPC No. 16.

[2] Federal Power Commission v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

be held on August 27, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in the Met-Ed's fixed rate contract with Middletown.

(B) Metropolitan Edison Company shall serve its direct testimony and exhibits on or before June 25, 1974. Staff shall serve its testimony on or before July 16, 1974. Intervenors shall serve their direct case on or before July 30, 1974. Met-Ed shall serve its rebuttal evidence on or before August 13, 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) The Borough of Middletown is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided*, however, That the participation of such intervenor shall be limited to matters affecting the 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 that it might be aggrieved because of any order issued by the Commission in these proceedings.

(F) The Secretary shall order prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13655 Filed 6-13-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating An Additional Member

JUNE 3, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* Additional members of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

C. King Mallory, III, Deputy Assistant Secretary—Energy and Minerals, Department of the Interior.

Mr. Mallory replaces Mr. William A. Vogely.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13647 Filed 6-13-74;8:45]

[Docket Nos. CP74-290 and CP74-291]

NORTHERN BORDER PIPELINE CO.

Notice of Applications

MAY 30, 1974.

Take notice that on May 14, 1974, Northern Border Pipeline Company, a partnership, to be succeeded by Northern Border Pipeline Corporation (Applicant), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket Nos. CP74-290 and CP74-291 related applications pursuant to section 7(c) of the Natural Gas Act and Executive Order No. 10485, respectively, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport approximately 3,376,000 Mcf of natural gas per day in interstate commerce from an interconnection with the proposed Canadian Arctic Pipeline Limited's (Canadian Arctic) pipeline near Monchy, Saskatchewan, Canada, southeastward across approximately 1,619 miles of the United States to a point near Delmont, Pennsylvania, for the account of various contract shippers and authorizing the construction, operation, maintenance and connection of facilities at the international boundary between Montana and Saskatchewan to effect the delivery of natural gas produced in the Prudhoe Bay region of Alaska and the Mackenzie River Delta region of Canada into the United States, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant is a partnership organized and existing under the laws of the State of Delaware and is composed of six corporations. Applicant states that none of the partners is presently a natural gas company within the meaning of the Natural Gas Act; however, each partner is or will be an affiliate or subsidiary of a natural gas company as more fully described in Appendix A hereto.[1]

Applicant proposes in Docket No. CP74-291 to construct, operate, maintain and connect on the international boundary between Montana and Saskatchewan a section of 48-inch pipeline which will connect with the proposed pipeline of Canadian Arctic. Concurrently, Applicant proposes in Docket No. CP74-290 to construct and operate a natural gas pipeline system consisting of approximately 1,619 miles of 48-inch, 42-inch, 36-inch, and 26-inch pipeline extending from the international border at a point near Monchy, southeasterly through the states of Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, and West Virginia, and terminating at a point near Delmont, Pennsylvania; and thirty compressor stations with a total of 883,500 installed horsepower. Applicant proposes to construct said system in five phases over a six-year period with service projected for July 1978 and full operation projected to be attained in November 1982.

Phase I will consist of the construction of approximately 1,061 miles of 48-inch pipeline extending from Monchy to a point in Illinois near the Illinois River, and approximately 77 miles of 42-inch pipeline extending from that point to a point of delivery to Natural Gas Pipeline Company of America (Natural) near Kankakee, Illinois, with an intermediate delivery point to Michigan Wisconsin Pipe Line Company (Mich Wisc) at the terminus of the 48-inch segment, and the installation of one 30,000 horsepower compressor station to be installed on the 48-inch segment in Martin County, Minnesota. Construction of Phase I is projected by Applicant to commence in the latter part of 1976 with operation anticipated to commence by July 1, 1978.

Phase II will consist of the construction of approximately 305 miles of 36-inch pipeline, extending from the terminus of the 42-inch segment to a point of delivery to Columbia Gas Transmission Corporation (Columbia) near Treat, Ohio, with delivery points to Northern Natural Gas Company (Northern) installed on the 48-inch segment in Brown County, South Dakota, in Martin County, Minnesota, and in Hancock County, Iowa, and five 30,000 horsepower compressor stations installed on the 48-inch segment in Roosevelt County, Montana, Dunn and McIntosh Counties, North Dakota, Hamlin County, South Dakota, and Linn County, Iowa. Construction of Phase II is projected by Applicant to commence in late 1978 with operation anticipated to commence by July 1, 1979.

Phase III will consist of the construction of approximately 176 miles of 26-inch pipeline from the terminus of the 36-inch segment to a point of delivery to Texas Eastern Transmission Corporation (Texas Eastern) near Delmont, Pennsylvania, and the installation of seven 30,000 horsepower compressor stations located in Valley County, Montana, McKenzie and Morton Counties, North Dakota, Brown County, South Dakota, Murray County, Minnesota, and Bureau and Iroquois Counties, Illinois. Intermediate delivery points will be installed for deliveries to Panhandle Eastern Pipe Line Company (Panhandle) in Jasper and Wells Counties, Indiana, and to Columbia in Washington and Westmoreland Counties, Pennsylvania. Construction of Phase III is projected by Applicant to commence in mid-1980 with operation anticipated to commence by November 1, 1980.

Phase IV consists of the construction of seven 30,000 horsepower compressor stations located in Roosevelt County,

[1] Appendix A filed as part of the original document.

Montana, Dunn and Emmons Counties, North Dakota, Clark County, South Dakota, Cottonwood County, Minnesota, Butler County, Iowa, and Union County, Ohio. Construction of Phase IV is projected by Applicant to commence in early 1981 with operation anticipated to commence by November 1, 1981.

Phase V will consist of the construction of nine 30,000 horsepower compressor stations located in Valley and Roosevelt Counties, Montana, Martin County, North Dakota, McPherson County, South Dakota, Lincoln County, Minnesota, Hancock and Cedar Counties, Iowa, LaSalle County, Illinois, and Huntington County, Indiana, and one 13,500 horsepower compressor station located in Harrison County, Ohio. Construction of Phase V is projected by Applicant to commence in early 1982 with operation anticipated to commence by November 1, 1982.

Applicant states in Docket No. CP74–290 that upon completion its proposed pipeline system will have a summer day design capacity of 3,376,000 Mcf of gas. Applicant estimates that 92.5 percent of such capacity will be attained (3,500,000 Mcf per day) after all facilities are installed and effect is given to load factor limitations on both the receipt of gas from Canadian Arctic and the delivery of gas by Applicant to shippers. Applicant's breakdown of shippers and their projected delivered quantities assumed to be transported by Applicant is attached as Appendix B hereto.[2] The application states that the assumptions of volumes to be transported for its affiliated companies are not intended to indicate that shippers other than the affiliated companies will not be permitted to contract for the shipment of gas through Applicant's system.

Applicant states that it does not expect that the entire capacity of its facilities will be under contract to shippers, whether partners or affiliated companies, however, Applicant requests authorization to transport the fifth year volumes as set forth in Appendix B hereto. Applicant states further that it proposes to operate its system as a contract carrier and not as a buyer and seller of gas.

Applicant indicates in Docket No. CP 74–290 that the total estimated capital cost of its proposed pipeline system is $1,800,000,000.

Applicant pursuant to § 1.14 of the Commission's rules of practice and procedure (18 CFR 1.14), requests that the Commission waive the requirements to file presently Exhibits H, I, K, L, N, O, and P to the application in Docket No. CP74–290, upon Applicant's commitment and understanding to supply such exhibits in conformity with the rules at the earliest possible date.

Applicant states that the contract shippers of the Canadian and Alaskan arctic gas through its proposed pipeline will file their own applications under section 3 of the Natural Gas Act to export and import natural gas.

Applicant states further that this proposal is an integral part of an overall project designed to make large volumes of natural gas produced in the arctic regions of Alaska and Canada available to markets in the United States and Canada. The total project contemplates the transmission of gas from Prudhoe Bay area of Alaska through proposed pipeline facilities of Alaskan Arctic Gas Pipeline Company[3] to a point of interconnection on the Alaskan-Yukon Boundary with facilities proposed to be constructed by Canadian Arctic Gas Pipeline Limited (Canadian Arctic).[4] Canadian Arctic will transport the Prudhoe Bay gas from that point to an interconnection with another supply leg of the Canadian Arctic system which will transport natural gas produced in the Mackenzie River Delta region of Canada. The Alaskan gas and the Canadian gas will then be transported in a joint stream through Canadian Arctic's facilities to a point near Caroline, Alberta, where the facilities of Canadian Arctic will bifurcate.

Natural gas destined for delivery to pipeline companies serving western markets of the United States will be transported through a delivery leg which ends at a point on the international boundary near Kingsgate, British Columbia. Gas destined for delivery to shippers serving the midwestern and eastern markets of the United States and Canada will be transported through a second delivery leg of the Canadian Arctic system which ends at a point on the Saskatchewan-Montana border near Monchy, Saskatchewan.

Applicant proposes in Docket No. CP74–290 to construct its pipeline to interconnect with Canadian Arctic's pipeline to enable Applicant to render a transportation service for shippers serving the midwestern and eastern markets of the United States.

The application in Docket No. CP74–290 states that the results of a regional gas study conducted by Applicant indicate that there is an urgent need for large additional supplies of gas in the midwestern and eastern market areas. Applicant projects that absent the receipt of such gas serious deficiencies could occur in these market areas in the 1980's, which applicant estimates could result in a net loss in Gross National Product in these areas of 18 billion dollars a year.

In further support of its proposed pipeline system Applicant states that in addition to providing access to arctic gas reserves for markets in the midwest and eastern regions of the United States its pipeline would be located so as to provide economic access to large coal deposits in the western region of the United States for transportation of coal gas. Applicant states further that its proposed pipeline would provide flexibility for the exchange of natural gas as a west-to-east pipeline intersecting the generally south-to-north pipeline systems of its affiliated companies and other natural gas companies at multiple points.

Applicant, a Delaware partnership with its principal place of business at Wilmington, Delaware, states that it anticipates that within a period of not more than seven years after commencement of pipeline operations, such partnership will be merged into Northern Border Pipeline Corporation, a corporation incorporated under the laws of Delaware for the purpose of succeeding to the partnership as owner and operator of the facilities applied for herein. Applicant states further that it will operate as an independent entity with independent officers and staff personnel separate and apart from its constituent partners and its affiliated companies. Prior to the merger into corporate form, the succeeding corporation will have no assets or personnel staff with the result that upon change into corporate form there will be no change in officers and directors, in staff personnel, in operating practices, in contracts or commitments, or in the service to be rendered.[5]

Applicant states that it is currently being managed by a management committee, which will continue through the partnership phase, consisting of one representative of each of the six partners. Following merger Applicant indicates that the board of directors of the corporation will be elected by its stockholders, namely the partner companies, by cumulative voting.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate

[2] Applicant states that Shippers' volumes detailed in Appendix B, filed as part of the original document, for the first two years are consistent with certain undertakings for the purchase of gas between Columbia and Northern as purchasers and certain Alaskan producers as sellers and between Natural and Mich Wisc as purchasers and certain Canadian producers as sellers. Applicant states further that the capacity remaining in the pipeline after making deliveries to Columbia, Northern, Natural and Mich Wisc in the third, fourth, fifth and subsequent years was allocated for design purposes one-third to Panhandle, one-third to Texas Eastern and one-third prorated in six equal parts among the six affiliated companies.

[3] Alaskan Arctic Gas Pipeline Company has filed in Docket No. CP74–239 on March 21, 1974, for certificate authorization to construct its facilities.

[4] Canadiain Arctic Gas Pipeline Limited has filed with the National Energy Board of Canada for authorization to construct its proposed system.

[5] The merger will be accomplished by the transfer of all of the business and assets of the partnership to the corporation in exchange for the stock of the corporation and the agreement of the corporation to assume all the obligations and liabilities of the partnership.

as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP74-290 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13661 Filed 6-13-74;8:45 am]

[Docket No. RP74-36]

NORTHERN NATURAL GAS CO.

Notice of Petition

JUNE 5, 1974.

Take notice that on October 19, 1973, Northern Natural Gas Company (Northern) tendered for filing petition for approval to defer interest expense on unrecovered gas purchase costs and later inclusion of interest in purchased gas cost rate adjustment. Northern states the purpose of said petition is to seek Commission authorization to defer interest expense on certain unrecovered gas purchase costs and to approve Northern's later inclusion of interest expense in the computation of the annual rate adjustment to reflect changes in gas purchased cost under paragraph 20 of the general terms and conditions of Northern's FPC Gas Tariff, Third Revised Volume No. 1.

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 June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13663 Filed 6-13-74;8:45 am]

[Docket No. RP74-95]

NORTHWEST PIPELINE CORP.

Proposed Changes in FPC Gas Tariff

JUNE 6, 1974.

Take notice that Northwest Pipeline Corporation (Northwest) on May 31, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $15,690,754 annually based on the 12 month period ending January 31, 1974, as adjusted. In addition, the changes would convert the statement of Northwest's Rate Schedule PL-1 from an Mcf basis to a therm basis to be consistent with the statement of all of Northwest's other rate schedules.

The following revised tariff sheets have been submitted:

RELATED TO RATE INCREASE	
Second Revised Sheet No. 10	Statement of Rates.
RELATED TO CHANGING RATE SCHEDULE PL-1 FROM MCF TO THERM BASIS	
Substitute First Revised Sheet No. 24	Rate Schedule PL-1.
First Revised Sheet No. 25	Rate Schedule PL-1.
Second Revised Sheet No. 52	General Terms and Conditions.
Substitute First Revised Sheet No. 54	General Terms and Conditions.
First Revised Sheet No. 55	General Terms and Conditions.
First Revised Sheet No. 56	General Terms and Conditions.
First Revised Sheet No. 57	General Terms and Conditions.
First Revised Sheet No. 59	General Terms and Conditions.

Northwest asserts that the principal reason for the increase in rates is that the jurisdictional revenues at present rates are inadequate to meet the cost of service and provide a fair rate of return. It is further asserted that among the factors contributing to the need for the increase are the adverse impact upon revenues resulting from curtailment of Canadian gas supplies, the need for increased depreciation rates, and operation of the pipeline system on a divested basis by the Company. Northwest claims that the fair rate of return is 9.375 percent, which would provide a return of approximately 15 percent to the common equity portion of the rate base.

Since First Revised Sheet Nos. 24 and 54 are presently under suspension in Docket No. RP74-49, Northwest requests special permission, pursuant to Section 154.66 of the Commission's regulations, to permit a change in these Tariff Sheets so that the complete revision of Rate Schedule PL-1 can be accomplished.

The filing also includes revised service agreements with the two customers receiving service under Rate Schedule PL-1 to complete the conversion from an Mcf basis to a therm basis.

Northwest proposes an effective date of July 1, 1974. According to Northwest, copies of the filing were served upon the Company's jurisdictional customers and affected state regulatory agencies.

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 June 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13653 Filed 6-13-74;8:45 am]

[Project No. 502]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

The Licensee for Drum-Spaulding-Summit Transmission Line Project No. 502, located in Nevada County, State of California, is Pacific Gas and Electric Company.

The license for Project No. 502 was issued effective June 23, 1924, for a period ending June 23, 1974. Therefore, in order to authorize the continued operation of the project, pursuant to section 15 of the Federal Power Act, pending filing and completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for the continued operation and maintenance of Drum-Spaulding-Summit Transportation Line Project No. 502.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) for the period June 24, 1974 to June 23, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 502, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13646 Filed 6-13-74;8:45 am]

[Docket Nos. CI74-264, CI74-408]

PENNZOIL CO. AND ANADARKO PRODUCTION CO.

Order Remanding Procedure and Setting Date for Hearing

MAY 31, 1974.

This case is before us on exceptions to an initial decision issued May 6, 1974, by Administrative Law Judge William Beasley Harris, filed by Pennzoil Company (Pennzoil), Anadarko Production Company (Anadarka), Panhandle Eastern Pipe Line Company (Panhandle), and the American Public Gas Association (APGA). The Commission staff filed a brief opposing exceptions. These proceedings involve two applications filed by Pennzoil and Anadarko under the optional procedure established in Order No. 455 to sell natural gas to Panhandle from the same acreage, the East Hobart Ranch and the Buffalo Wallow areas in Hemphill County, Texas. Both contracts contained the same pricing provisions which provide for an initial price of 50.0 cents per Mcf at 14.65 psia including present tax reimbursement, and reimbursement for ⅞ of new or increased taxes with an annual escalation charge of one cent per Mcf. For the reasons stated herein, we remand the case to the Judge.

Citing Order No. 455[1] and Belco,[2] the Administrative Law Judge concluded that a finding of special circumstances was not required to allow a departure from the cost findings in Opinion No. 586, Area Rates for Hugoton-Anadarko Area (44 FPC 761 (1970)). Relying on evidence submitted by the applicants under § 2.75(g) of Order No. 455, the presiding Judge reviewed the applications in terms of "the justness and reasonableness of the particular sales and rates herein proposed and their effect upon public convenience and necessity."[3] Based on his consideration of cost and non-cost factors, he found an initial rate of 45 cents per Mcf to be just and reasonable and consistent with the public convenience and necessity.

In its brief on exceptions, APGA argued that cost evidence was not submitted to show that the "supply project" in question had incurred costs which make the applicable area rate no longer just and reasonable and that therefore the applications should be denied. On May 15, 1974, we issued an order in Rodman Corporation, Docket No. CI73-694, remanding the case for further hearings to give all the parties an opportunity to present evidence on actual project costs. On the same day in three other dockets involving optional procedure,[4] we granted interventions and set the cases for hearing specifically directing the parties to present evidence on this matter.

Actual project costs were not submitted into evidence and we deem them relevant to the issues involved here. Accordingly, without in any way passing upon the issues now before us, we shall remand the case for further hearings to give all parties an opportunity to present evidence on this matter so that the record will be complete. The Administrative Law Judge should render his initial decision upon the whole record, as originally made and as supplemented as a result of this remand.

In Order No. 455, Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas, 48 FPC 218 (18 CFR 2.75) issued August 3, 1972, we stated (*id.* 229):

> We believe that each contract filed under the alternative procedure must be considered on the merits of the terms and provisions within each contract. There certainly must be some evidentiary basis proferred by the seller-applicant upon which we can judge whether the contract rate is just and reasonable. We will, absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order.

Or course, the "evidentiary basis proffered by the seller-applicant" must begin with cost evidence. Cost evidence is the keystone of the concept of "just and reasonable", and about which the evidence to be proffered must be constructed, City of Detroit v. F.P.C., 230 F. 2d 810, 818 (1955) cert. denied, 352 U.S. 829 (1956). It follows then, that the seller-applicant should introduce relevant evidence of the cost of the particular project for which certification is sought. Such evidence shall be deemed to constitute the "special circumstance" to be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the applicable area rate.

For the applicant to carry its burden of proof as to the justness and reasonableness of the proposed rate, it must establish, by credible and relevant evidence, (1) the direct and indirect costs, including the cost of capital funds to be invested, reasonably anticipated in connection with the drilling program on the leases dedicated herein; (2) the reserves reasonably anticipated as recoverable; and (3) the deliverability reasonably anticipated.

The Commission finds. It is necessary and in the public interest that the above-docketed proceeding be remanded and set for further hearings.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket Nos. CI74-164 and CI74-408 are remanded for the purpose of further hearings and disposition.

(B) A public hearing on the issues herein shall be held commencing on July 16, 1974, 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) Applicants and any intervenor supporting the applications shall file their direct testimony and evidence on or before June 14, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(D) The Commission Staff, and any intervenor opposing the applications, shall file their direct testimony and evidence on or before June 28, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(E) All rebuttal testimony and evidence shall be served on or before July 9, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-13666 Filed 6-13-74;8:45 am]

[1] Docket No. R-441, issued August 3, 1972 (48 FPC 218).

[2] Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-273 et al. Opinion No. 659, issued May 30, 1973 (49 FPC 1154).

[3] Initial Decision, p. 8.

[4] CNG Producing Company, Docket No. CI74-495, Texas Eastern Exploration Company, Docket No. CI74-530, and N. C. Perryman and J. A. Wallender, Docket No. CI74-362.

[Docket No. CI74-669]

PHILADELPHIA OIL CO.

Notice of Application

JUNE 6, 1974.

Take notice that on May 16, 1974, Philadelphia Oil Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CI74-669 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Kentucky West Virginia Gas Company (Kentucky) from Applicant's leasehold acreage, Dickenson County, Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 261,000 Mcf of natural gas per month to Kentucky from Applicant's 18 wells on leasehold acreage in Dickenson County at an initial rate of 45.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment of one-tenth of one cent per Btu from a base of 1,000 Btu per cubic foot, pursuant to the terms of a contract between Applicant and Kentucky dated May 1, 1974. Said contract calls for a price escalation of one cent per annum under a contract term of twenty years.

Applicant indicates that the gas sold hereunder will be delivered to Berea Gathering Company for further delivery into existing facilities of The Pittston Company and thence to Kentucky's existing facilities at the Kentucky-Virginia state line.

[1] The dissenting statements of Commissioners Brooke and Moody filed as part of the original document.

Applicant asserts that the cost findings as determined in Commission Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, issued December 12, 1972 (48 FPC 1299), and Opinion No. 676, Felmont Oil Corporation, issued July 25, 1973 (50 FPC ____), support the proposed rates herein. Applicant further asserts that the cost of alternative supplies of gas to Kentucky justify the present proposal. Applicant states that many purchasers in the Appalachian Area have been offering 60 cents per Mcf for nearly a year and that the cost of Alaskan gas, liquefied natural gas, and synthetic gas significantly outstrip the cost of gas herein. Applicant states that Commission authorization of the price requested herein is vital to Applicant's future gas exploration efforts.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13658 Filed 6-13-74;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Revision to Tariff

JUNE 5, 1974.

Take notice that on May 24, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following amendments to the revised tariff sheets which were filed with the Commission on May 16, 1974:

Substitute Sixth Revised Sheet No. 3A
Substitute Thirty-First Revised Sheet No. 5
Substitute Thirtieth Revised Sheet No. 6
Substitute Twenty-Second Revised Sheet No. 9
Substitute Twenty-First Revised Sheet No. 11
Substitute Twenty-Fifth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to increase its rates $401,634 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) on May 16, 1974, which will increase South Georgia's cost of Gas $694,861 annually. An effective date of July 1, 1974 is requested.

South Georgia further states that the instant amendments are in substitution for a filing made on May 16, 1974. South Georgia asserts that the May 16, 1974 filing was based on preliminary rates supplied by Southern which were subsequently adjusted by Southern to those set forth in the instant substitute filing. The instant filing results in jurisdictional rates which are $54,391 lower than those originally filed on May 16, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13656 Filed 6-13-74;8:45 am]

[Docket No. RP74-91-2]

TENNESSEE GAS PIPELINE COMPANY, A DIVISION OF TENNECO INC.

Notice of Request for Emergency Relief and Request for Waiver

JUNE 6, 1974.

Take notice that on May 20, 1974, the city of Senatobia, Mississippi (Senatobia) filed a Petition for Relief from Curtailment Proceedings and a Petition for Waiver pursuant to § 2.78(b) of the Commission's regulations and § 1.7(b) of the Commission's rules of practice and procedure. Senatobia states that it erroneously calculated its gas requirements to the extent thata the amount of gas allowable to it pursuant to the Tennessee curtailment plan is 37,000 Mcf per year below that which reasonably will be required to fulfill its needs during 1974. Senatobia requests that the Commission issue an order increasing the amount of gas allowable to it under Tennessee's curtailment plan from 512,789 Mcf per year to 551,700 Mcf per year for the year 1974 and thereafter according to estimates to be submitted by it from time to time. It states that the granting of the requested relief would be in accord with the basic purpose of curtailment proceedings which is, as defined in the Commission's Order 467, 38 FR 1503, January 3, 1973, "the protection of deliveries for the residential and small volume customers * * *" Attached to Senatobia's petition for relief is an affidavit reflecting the error in computation.

Further, Senatobia requests that its request for relief from curtailment be accepted without the minimal information required by § 2.78(b) since it is not seeking relief from the priorities of delivery contained in Tennessee's curtailment plan and to provide such minimal information would require expenditure of amounts of time and money that are beyond its capabilities and would work a hardship upon it.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13662 Filed 6-13-74;8:45 am]

[Project No. 696]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 7, 1974.

On June 23, 1969, Utah Power and Light Company, Licensee for Upper and Lower American Project No. 696, located in Utah County, Utah, on the American Fork Creek, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1 to 16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 696 was issued effective June 1, 1927 for a period ending June 30, 1970. Since the original

date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 696.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Upper and Lower American Project No. 696, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13650 Filed 6-13-74;8:45 am]

[Project No. 703]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 7, 1974.

On June 24, 1969, Utah Power and Light Company, Licensee for Paris Project No. 703 located in Bear Lake County, Idaho, on the Paris Creek filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1 to 16.6).

The license for Project No. 703 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 703.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Paris Project No. 703, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13652 Filed 6-13-74;8:45 am]

[Docket No. R-469]

UTILIZATION AND CONSERVATION OF NATURAL GAS RESOURCES

Order Denying Petition To Intervene and Denying Application for Rehearing

JUNE 6, 1974.

On January 8, 1973, the Commission issued Order No. 467 in Docket No. R-469. This was subsequently amended by Order No. 467-A on January 15, 1973; by Order No. 467-B on March 2, 1973; and by Order No. 467-C on April 4, 1974.

On May 3, 1974, Michigan Gas Utilities Company (MGU), pursuant to section 15(a) of the Natural Gas Act and § 1.8 of the Commission's rules of practice and procedure, petitioned the Commission for leave to intervene in the above captioned proceeding. Simultaneously, MGU, pursuant to section 19(a) of the Natural Gas Act and § 1.34 of the Commission's rules of practice and procedure, sought rehearing of Order No. 467-C.

MGU is an intra-state pipeline which receives deliveries from both Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company. Both are said to be currently curtailing deliveries to MGU. MGU states that if the several extraordinary relief applications that have been filed for relief from the curtailment plan on Panhandle's system are granted, the provisions of Order No. 467-C will cause irreparable harm to it and other similarly situated customers. Specifically, MGU asserts that Order No. 467-C in reality is a rulemaking proceeding with the concomitant requirements of the Administrative Procedure Act which provide for notice and an opportunity for comment by interested parties; that Order No. 467-C is violative of the 5th Amendment of the Constitution because it deprives MGU of property without due process or just compensation; and that the Commission, in requiring a distribution company to show an end-use profile for its system as part of its request for extraordinary relief for one of its customers, has exceeded the limits of its legislatively granted authority by seeking to control local distribution companies and their allocation of gas supplies.

Our Order No. 467-C more clearly defined the minimum evidentiary submittal that a petitioner must provide in seeking extra-ordinary relief. Additionally we indicated our intentions relative to a pay-back of volumes received under the extraordinary relief procedures. In any event, the evidentiary record in each such request would establish the relief to be granted, if any, based on all relevant issues including the impact on service to the other customers on the system. The foregoing may be gleened from the specific language in Order No. 467-C:

By orders issued in the United [1] and Panhandle [2] curtailment proceedings, we further elaborated on the procedures for filing requests for relief and the factual information to be included in those requests. From experience acquired in processing numerous such requests, we conclude that certain supportive data should be presented in all future petitions for relief from curtailment. One purpose of this order is to define areas of inquiry which are common to requests for relief, and to require, as part of the initial request, presentation of pertinent facts accompanied by attestation of a responsible company official.

The petition now before us, is in essence, a collateral attack on (1) our orders in United and Panhandle supra, and (2) our previous order in this docket which disposed of similar arguments (See Order No. 467-B issued March 2, 1973).

As heretofore noted Order No. 467-C is a Policy Statement and is not intended to initiate a proceeding or to provide a binding rule without further proceedings directed toward curtailment problems on specific pipelines. Therefore, petitions to intervene are unnecessary, and petitions for rehearing do not lie. We therefore treat the instant filing as a petition for reconsideration and, in view of the foregoing, deny the same.

The Commission orders. (A) The petition of Michigan Gas Utilities Company to intervene in this docket is denied.

(B) The petition of Michigan Gas Utilities Company for rehearing is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13660 Filed 6-13-74;8:45 am]

[Project No. 400]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On January 28, 1969, The Western Colorado Power Company, Licensee for Tacoma Ames Project No. 400 located in La Plata, San Juan, San Miguel, and Ouray Counties, Colorado, on the Animas and South Fork San Miguel River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1 to 16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 3, 1970.

The license for Project No. 400 was issued effective July 1, 1935, for a period

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[1] United Gas Pipe Line Company, Docket Nos. RP71-29 and RP71-120, Order on Clarification issued November 30, 1973, 50 FPC ____, as modified by Order on Rehearing issued January 11, 1974, 51 FPC ____.

[2] Panhandle Eastern Pipe Line Company, Docket No. RP71-119, Order on Clarification issued December 13, 1973, 50 FPC ____.

ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Company for continued operation and maintenance of Project No. 400.

Take notice that an annual license is issued to The Western Colorado Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tacoma Ames Project No. 400, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13659 Filed 6-13-74;8:45 am]

[Project No. 2131]

WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 24, 1971, Wisconsin Michigan Power Company, Licensee for Kingsford Project No. 2131, located on the Menominee River in Dickinson County, Michigan, and Florence County, Wisconsin, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulation thereunder (§§ 16.1 to 16.6).

The License for Project No. 2131 was issued October 23, 1953 for a period ending June 30, 1974. In order to authorize the continued operation of the project, pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Michigan Power Company for the continued operation and maintenance of Kingsford Project No. 2131.

Take notice that an annual license is issued to Wisconsin Michigan Power Company (Licensee) for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 2131, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13648 Filed 6-13-74;8:45 am]

[Docket No. G-3721, et al.]

GETTY OIL COMPANY, ET AL.

Findings and Order Approving Abandonments of Service, Amending Certificates, Terminating Certificates, Cancelling Gas Rate Schedules, and Accepting Rate Schedule Supplements for Filing

JUNE 4, 1974.

Each Applicant herein has filed pursuant to section 7(b) of the Natural Gas Act an application for permission and approval to abandon service or a petition to amend an order issuing a certificate of public convenience and necessity by deleting therefrom authorization to sell natural gas from certain acreage, all as more fully set forth in the tabulation and in the applications and petitions to amend in this proceeding.

Some Applicants have on file with the Commission FPC gas rate schedules and others are making sales under small producer certificates. In cases where Applicants propose to abandon service completely and have rate schedules, the certificates authorizing such sales will be terminated and the related rate schedules cancelled.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications or petitions has been filed.

At a hearing held on May 29, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(4) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates, other than small producer certificates, heretofore issued to Applicants relating to the complete abandonments hereinafter permitted and approved should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Permission for and approval of the abandonments of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation herein, are granted.

(B) The orders issuing certificates of public convenience and necessity in various dockets are amended by deleting therefrom authorization to sell natural gas as more fully described in the petitions to amend and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(C) The certificates issued in the following dockets which are related to the abandonment authorizations granted herein are terminated and the related rate schedules are cancelled:

Abandonment authorization	*Terminated certificate*
CI69-842	CI69-842 [1]
CI73-94	CI61-573
CI73-278	CI70-317
CI73-517	CI72-572
CI73-580	G-9759
CI73-581	G-8448
CI73-619	G-10125
CI73-641	CI64-535
CI73-683	G-10087
CI73-814	G-18145
CI73-834	CI65-736
CI73-875	G-6198
CI74-10	CI72-162
CI74-23	G-3031 [2]

[1] Temporary certificate.

[2] Certificate terminated only with respect to sales under Cities Service Oil Company FPC Gas Rate Schedule No. 360.

Abandonment authorization	*Terminated certificate*
CI74-27	G-17746
CI74-58	G-16140
CI74-180	G-2635
CI74-210	G-10981
CI74-350	G-20132
CI74-380	CI62-910
CI74-388	CI71-883
CI74-389	CI63-621
CI74-391	G-3486
CI74-395	CI62-134
CI74-412	CI67-577
CI74-418	CI63-1319
CI74-437	CI68-102
CI74-438	CI68-98
CI74-440	CI61-32
CI74-488	CI67-1595
CI74-497	CI66-651
CI74-514	CI63-1432
CI74-516	C170-75

(D) Applicant in Docket No. CI74–27 is not relieved of any refund obligations in Docket No. RI71–424 as a result of the abandonment permitted and approved herein.

(E) Applicant in Docket No. CI74–210 is not relieved of any refund obligations in Docket No. RI65–143 as a result of the abandonment permitted and approved herein.

(F) The rate schedule supplements related to the authorizations granted herein are accepted for filing, all as more fully set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
G–3721 D 3–13–74	Getty Oil Co. (Operator) et al.	Texas Eastern Transmission Corp. San Domingo et al., Fields, Live Oak et al., Counties, Tex.	Notice of partial cancellation, 3–5–74.[2]	7	31
G–12078 D 8–22–73	Mobile Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Jack Herbert et al., Fields, Upton County, Tex.	Notice of partial cancellation, 8–20–73.[2]	104	20
G–12094 D 2–25–74	Mobile Oil Corp	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Notice of partial cancellation, 2–22–74.[2]	138	10
CI61–630 D 3–13–74	The California Co., a division of Chevron Oil Co. (Operator) et al.	Texas Gas Transmission Corp., South Thornwell and North Hayes Fields, Calcasieu and Jefferson Davis Parishes, La.	Notice of partial cancellation, 3–11–74.[2 3]	24	21
CI61–1281 D 10–5–72	Mobile Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Major and Dewey Counties, Okla.	Notice of partial cancellation, 10–3–72.[4]	322	23
CI64–373 D 3–26–73 [5]	Pioneer Production Corp. (Operator) et al.	Northern Natural Gas Co., Mammoth Creek North Field, Lipscomb County, Tex.	Notice of partial cancellation, 3–26–73.[2]	20	
CI64–1410 D 4–30–73 [6]	R & G Drilling Co. Inc. (Operator) et al.	El Paso Natural Gas Co. Blanco Mesa Verde Field San Juan County, N. Mex.	Notice of partial cancellation. [2 6 7]	2	11
CI68–1023 D 5–14–73	William C. Russell (Operator) et al.	do	Notice of partial cancellation,[2 7 9]	2	16
CI69–842 B 7–3–73 [10]	Amerada Hess Corp	United Gas Pipe Line Co., Atchafalaya Bay Area, St. Mary and Terrebonne Parishes, La.	Notice of cancellation, 6–29–73.[2]	153	5
CI73–94 B 8–7–72 [5]	Pioneer Production Corp. (Operator) et al.	Northern Natural Gas Co., West Waka Field, Ochiltree County, Tex.	Notice of cancellation, 8–4–72.[2]	10	6
CI73–151 B 8–28–72	Ferguson Oil Co., Inc	Cities Service Gas Co., Deerhead North Field, Barber County, Kans.	(3) (11) (12)		
CI73–278 B 10–10–72	Exchange Oil & Gas Corp. (Operator) et al.	Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La.	Letter agreement, 9–8–72.[2 13]	16	7
CI73–439 B 12–18–72	Jerome B. Rosenthal, c/o LeClair Operating Co., Inc.	El Paso Natural Gas Co., Sprayberry Field, Glasscock County, Tex.	(3) (12)		
CI73–517 B 1–29–73	Burk Gas Corp. (Operator) et al.	Lone Star Gas Co., Red Springs Field, Smith County, Tex.	Notice of cancellation.[14 15]	16	11
CI73–520 B 1–26–73 [16]	Chas. T. McCord, Jr., d.b.a. McCord Oil Co.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	(3) (12)		
CI73–580 B 3–5–73	Gulf Oil Corp	Texas Eastern Transmission Corp., Meyersville Field, De Witt and Goliad Counties, Tex.	Notice of cancellation, 3–1–73.[2 3]	40	14
CI73–581 B 3–5–73 [17]	Gulf Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	Notice of cancellation, 3–1–73.[2]	86	15
CI73–619 B 3–16–73	Continental Oil Co	Texas Eastern Transmission Corp., Meyersville Field, De Witt and Goliad Counties, Tex.	Notice of cancellation, 3–13–73.[2 3]	137	15
CI73–641 B 3–26–73 [5]	Pioneer Production Corp. (Operator) et al.	Northern Natural Gas Co., Fincham Field, Meade County, Kans.	Notice of cancellation, 3–26–73.[2]	24	3
CI73–683 B 4–11–73	Atlantic Richfield Co	Texas Eastern Transmission Corp., Meyersville Field, De Witt and Goliad Counties, Tex.	Notice of cancellation, 4–6–73.[2 3]	134	14
CI73–806 B 5–17–73 [18]	John L. Crawford	Panhandle Eastern Pipe Line Co., Northwest Avard Field, Woods County, Okla.	(3) (12)		
CI73–814 B 5–18–73.[16]	Edwin L. Cox	Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, Okla.	Notice of cancellation, 5–11–73.[2 3 19]	26	8
C–73–834 B 5–29–73.[20]	The Superior Oil Co	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sparks Field, Stanton County, Kans.	Notice of cancellation, 3–16–73.[2]	113	9

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
C-173-875 B 6-11-73 [17]	Gulf Oil Corp.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Notice of cancellation, 6-7-73. [2] [3]	337	6
CI74-10 B 7-5-73 [21]	Edwin L. Cox	Cities Service Gas Co., Sterling Area, Comanche County, Okla.	Notice of cancellation, 7-2-73. [2] [3]	87	4
CI74-23 B 7-13-73 [22]	Cities Service Oil Co.	Arkansas Louisiana Gas Co., Rodessa Field Area, Marion County, Tex.	Notice of cancellation, 7-10-73. [2] [3] [22]	360	8
C-174-27 B 7-11-73 [23]	Placid Oil Co., (Operator) et al [24]	Southern Natural Gas Co., Cranfield Field, Adams and Franklin Counties, Miss.	Notice of cancellation, 7-9-73. [2] [3]	25	3
CI74-58 B 7-26-73 [21]	J. M. Huber Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, Twin (Marmaton) Field, Hansford County, Tex.	Notice of cancellation, 7-23-73. [2] [3] [24]	35	4
CI74-97 B 8-31-73 [24]	Beacon Resources Corp. (Operator) et al.	Cities Service Gas Co., Wildcat Field, Barber County, Kans.	(2) (12)		
CI74-126 B 8-13-73 [25]	Phillips Petroleum Co.	Atlantic Richfield Co., acreage in Tom Green County, Tex.	(3) (5) (27)		
CI74-180 B 9-10-73 [28]	Phillips Petroleum Co. et al.	Texas Eastern Transmission Corp., Henze Field, De Witt County, Tex.	Notice of cancellation, 9-5-73. [2] [29]	37	17
CI74-210 B 10-5-73 [30]	Ashland Oil, Inc.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southwest Hutchins Field, Wharton County, Tex.	Assignment, 3-7-73 [31] Notice of cancellation, 10-2-73. [3]	214 214	11 12
CI74-350 B 12-13-73 [32]	Texaco, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Surveyor Creek Field, Washington County, Colo.	Notice of cancellation, 11-28-73. [2] [3] [33]	207	4
CI74-380 B 1-10-74	Union Texas Petroleum, a division of Allied Chemical Corp.	Texas Gas Pipe Line Corp., North Big Hill Field, Jefferson County, Tex.	Notice of cancellation, 1-7-74. [2] [3]	100	16
CI74-383 B 1-11-74	Geological Exploration Co. (Operator) et al.	Lone Star Gas Co., Penn Griffith Field, Rusk County, Tex.	(3) (12)		
CI74-388 B 1-21-74	Exxon Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Pita Field, Kenedy County, Tex.	Notice of cancellation, 1-15-74. [2] [3]	483	3
CI74-389 B 1-21-74	Exxon Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, South Angleton Field, Brazoria County, Tex.	Notice of cancellation, 1-15-74. [2] [3]	318	8
CI74-391 B 1-21-74	Phillips Petroleum Co. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lissie Field, Colorado and Wharton Counties, Tex.	Notice of cancellation, 1-17-74. [3]	209	14 6
CI74-395 B 1-25-74	The California Co., a division of Chevron Oil Co.	Valley Gas Transmission, Inc., East Alta Mesa Field, Brooks County, Tex.	Notice of cancellation, 1-21-74. [2] [3] [34] [35]	59	
CI74-412 B 1-14-74 [26]	Tom W. Penn, dba Penntex Petroleum Co., (Operator) et al.	Trunkline Gas Co., East Huffsmith Field, Harris County, Tex.	Notice of cancellation, 3-27-74. [2] [3]	1	2
CI74-418 B 2-4-74	Continental Oil Co.	United Gas Pipe Line Co., West Hollywood Field, Terrebonne Parish, La.	Notice of cancellation, 1-31-74. [3]	251	13
CI74-429 B 2-22-74	Wm. J. O'Conner	Transwestern Pipeline Co., Morrow (South) Field, Lipscomb County, Tex.	(3) (12)		
CI74-437 B 2-14-74	Texaco, Inc.	Southern Natural Gas Co., Knoxo Field, Walthall County, Miss.	Notice of cancellation, 2-12-74. [2] [3]	403	7
CI74-438 B 2-14-74	do	do	Notice of cancellation, 2-12-74. [2] [3]	402	4
CI74-440 B 2-14-74	W. C. Curry (Operator) et al.	Texas Eastern Transmission Corp., Spider Field, De Soto Parish, La.	Notice of cancellation, 2-11-74. [3]	1	2
CI74-446 B 2-19-74	The Ballard & Cordell Corp.	Columbia Gas Transmission Corp., Florence Field, Vermilion Parish, La.	(2) (12)		
CI74-448 B 2-11-74	J. R. Perkins et al., d./b./a. Perkins Production Company.	Lone Star Gas Co., Woolsey Field, [37] Stephens County, Okla.	(2) (36) (12)		
CI74-453 D [39] 2-12-74	Robert Mosbacher (Operator) et al.	Transcontinental Gas Pipe Line Corp., North Live Oak Field, Vermilion Parish, La.	Notice of partial cancellation. [40] [41]		
CI74-488 B 3-4-74	A/C Engineering & Operating Co.	Panhandle Eastern Pipe Line Co., Cedar Field, Barber County, Kans.	Notice of cancellation, 2-28-74. [3]	1	3
CI74-497 B 3-8-74	Sun Oil Co.	Natural Gas Pipeline Co. of America, South Talega Field, Dewey County, Okla.	Notice of cancellation, 2-28-74. [3]	437	6
CI74-499 B 3-8-74	Jake L. Hamon	Lone Star Gas Co., Penn Griffith/Pettit Field, Rusk County, Tex.	(2) (12)		
CI74-500 B 3-8-74	Jake L. Hamon (Operator) et al.	El Paso Natural Gas Co., Sprayberry Trend Field, Reagan County, Tex.	(3) (7) (12)		

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document [1]	No.	Supp.
C174-514 B 3-18-74	Skelly Oil Co	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	Notice of cancellation, 3-15-74.[2]	186	5
C174-516 B 3-15-74	Clinton Oil Co	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Notice of cancellation, 3-13-74.[2]	33	2

[1] Unless otherwise stated, the effective date is the date of this order.
[2] Depleted.
[3] Includes buyer's concurrence.
[4] Includes assignment whereby Applicant assigned to Phillips Petroleum Co. certain non-producing intersts in the Chester formation of the Continental-Kimball Unit.
[5] Additional information submitted on Mar. 14, 1974.
[6] Applicable only to Hammond number 43 Well.
[7] Application treated as notice of partial cancellation.
[8] Application was noticed incorrectly in Docket No. CI66-779.
[9] Applicable only to Graham number 48 Well.
[10] Additional information submitted on Oct. 4, 1973.
[11] Uneconomical, well plugged and abandoned.
[12] Small producer abandonment; there is no rate schedule on file with the Commission for this sale.
[13] Agreement whereby Applicant and purchaser cancel the contract.
[14] Application treated as Notice of Cancellation.
[15] Lone Star was granted authorization in Docket No. CP70-313 on Dec. 18, 1972, to rearrange its system in such a manner as to divert the subject gas from interstate commerce to intrastate commerce. Applicant's filing reflects the change in the classification of its sale to Lone Star.
[16] Additional information submitted on Feb. 25, 1974.
[17] Additional information submitted on Mar. 12, 1974.
[18] Additional information submitted on Jan. 24, 1974.
[19] The subject well, incapable of any future production, was converted to a salt water disposal well.
[20] Additional information submitted on Feb. 4, 1974.
[21] Additional information submitted on Jan. 28, 1974.
[22] No further development of casinghead gas is contemplated, per information submitted on Feb. 7, 1974.
[23] Applicant's filing indicates "(Operator, et al.," even though the rate schedule is not so designated. Additional information submitted on Feb. 11, 1974.
[24] Applicant advised that no reserves remain which might be recovered by additional facilities. Well has been abandoned and sold for salvage value.
[25] Additional information submitted on Feb. 22, 1974.
[26] Additional information submitted on Feb. 28, 1974.
[27] Abandonment of percentage-type sale; there is no rate schedule covering sale.
[28] Additional information submitted on Feb. 11, 1974.
[29] Applicant's interest in gas production declined to 4 M ft³ per day, which will be used for lease operations and no further sales of gas are contemplated.
[30] Additional information submitted on Apr. 11, 1974.
[31] Conveys from Applicant to Kenneth C. English remaining non-producing interest.
[32] Additional information submitted on Feb. 8, 1974.
[33] Two of the three subject wells are plugged and abandoned; remaining well, which has watered out, will be plugged. Applicant states there is no potential for additional gas production.
[34] Assignment to J. O. Clark, Jr., dated May 11, 1973, has been made part of Supplement No. 6.
[35] Attempt to rework well was unsuccessful on the remaining lease which was assigned to J. O. Clark, Jr., who allowed lease to expire.
[36] Additional information submitted on Apr. 1, 1974.
[37] Involves McMahon Lease (No. 1 McMahon) and Simpson-Hurst Lease (No. 1 Simpson-Hurst).
[38] Wells have been disconnected. Reservoir, which warranted installation of compressor due to pressure decline, finally resulted in flow of salt water.
[39] Application was noticed incorrectly in Docket No. CI66-287 which was terminated by order issuing a small producer certificate to Kilroy Properties Incorporated, predecessor in part.
[40] Small producer abandonment; there is no rate schedule on file with the Commission for this sale. Seller shows that buyer concurs. No action required on notice of partial cancellation.
[41] The subject well has ceased production and production is no longer possible because of water encroachment.

[FR Doc.74-13416 Filed 6-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602 at 10 a.m. on June 21, 1974.

It has been determined that the first meeting of this Committee must be held not later than June 21, 1974, in order to give farmers, warehousemen and buyers sufficient time to prepare for marketing the 1974 flue-cured tobacco crop which is expected to begin before mid-July. Inasmuch as the charter establishing this Committee was not issued until June 4, 1974, it is impossible to meet the 15 days advance notice required by OMB Circular A-63 March 27, 1974.

The purpose of the meeting is to advise and counsel the Secretary of Agriculture regarding an equitable apportionment of the available tobacco inspectors amongst the markets he has designated pursuant to the Tobacco Inspection Act, 7 U.S.C. 511-511g.

Matters to be discussed include the estimated quantity of tobacco ready for market in each marketing area and other matters as specified in 7 CFR Part 29, Subpart G, § 29.9404. In addition, organizational structures will be discussed to seek overall committee effectiveness. Officers will be elected.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

JOHN C. BLUM,
Acting Administrator.

JUNE 10, 1974.

[FR Doc.74-13687 Filed 6-13-74;8:45 am]

Packers and Stockyards Administration

VANDE VOORDE LIVESTOCK AUCTION SHOW LOW, ARIZONA, ET AL.

Notice of Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyard, date of posting.

ARIZONA

AZ-107 Vande Voorde Livestock Auction, Show Low, Apr. 1, 1974.

MISSISSIPPI

MS-154 Cow Palace, Inc., McComb, May 25, 1974.

MS-153 Tri-County Stockyards, Inc., Tupelo, May 17, 1974.

OKLAHOMA

OK-192 Poor-Boy Livestock Auction, Wister, May 30, 1974.

TENNESSEE

TN-172 Sampson & Maxwell Livestock Auction, Lewisburg, May 18, 1974.

TEXAS

TX-306 Mesquite Livestock Auction, Mesquite, May 25, 1974.

Done at Washington, D.C., this 11th day of June 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74-13713 Filed 6-13-74;8:45 am]

MARITIME ADMINISTRATION

[Docket No. S-417]

AMERICAN PRESIDENT LINES, LTD.

Amended Notice of Applications

In FR Doc. 74-12245, appearing in the FEDERAL REGISTER on May 31, 1974 (39 FR 19247) notice was given that American President Lines, Ltd., a Delaware Corporation, had filed two applications with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended, with respect to a long-term operating-differential subsidy contract.

Said notice invited any request for hearing or submission of comment by close of business on June 18, 1974. The

date of June 18, 1974 is hereby extended to close of business on July 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

Dated: June 11, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-13728 Filed 6-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

DRUG ABUSE EDUCATION PROGRAM

Criteria for Selection of Applications for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention Projects

On March 15, 1974 there was published in the FEDERAL REGISTER at 39 FR 10007 a notice of proposed rule making which set forth criteria for selection of applications and other relevant program standards governing the award of grants to local educational agencies for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention Projects under section 3 of the Drug Abuse Education Act of 1970 (21 U.S.C. 1002), designed to assist in providing trained leadership to deal with drug abuse problems in grades 7 through 12 (with emphasis on grades 9 through 12) in schools in the school district of the applicant local educational agency.

Interested persons were invited to submit written comments, suggestions, or objections regarding these proposed criteria on or before July 1, 1974.

A. *Summary of comments.* The following comments were submitted to the Office of Education regarding the proposed criteria.

1. *Comment.* A commenter suggested that training session dates be included.

Response. The criteria which were published in the FEDERAL REGISTER on March 15, 1974 apply only to applications from local educational agencies to select local educational personnel and send them to regional centers to receive training in drug abuse education. Contracts are awarded separately by the Office of Education for the operation of the regional training centers. The contractor provides the training pursuant to the terms of its contract. These criteria are not applicable to such contracts, or the type of training to be provided by the contractor. With respect to the specific comment, it is expected that grantees will receive, from the contractor which operates the training center, a schedule of training sessions which will take place at the center during the period of July, 1974 through March, 1975. Mutually acceptable, dates will then be arranged between the contractor and the grantees. No change has been made in the criteria.

2. *Comment.* Several commenters suggested that grades 1 through 6 are the level for which training is needed more than for grades 9 through 12, since attitudes toward drugs that are formed in the early years are likely to be firmly held at the age of students in grade 9.

Response. The Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255) established in the Executive Office of the President a Special Action Office for Drug Abuse Prevention, responsible for overall planning and policy and establishment of objectives and priorities for all Federal drug abuse prevention functions. The Office of Education is cooperating with the Special Action Office in carrying out its national policy on drug abuse. Recent evidence of success in dealing with drug abuse problems in the upper grades 7 through 12 with children who have had some experience in drug use, has led to the emphasis this year of drug abuse education programs aimed at those grade levels. In the past, the Office of Education has emphasized drug abuse programs in the lower grades where children had not dealt with drugs. No change has been made in the criteria.

3. *Comment.* A commenter expressed concern with regard to the lack of coordination between the local project and the State Department of Education and Single State Agency in providing information about available services to which students with drug problems can be referred. He suggested pre-training communication as to the referral services available in the various States.

Response. The Office of Education is providing the basis on a national scale, for coordination of this nature through the contracts mentioned above. The training to be offered under these contracts will include the availability of drug referral services at the local and State levels. No change has been made in the criteria.

4. *Comment.* A commenter suggested that the trainees be made familiar with the policies toward drug abuse of their own States and the organizations and methods for dealing with drug abuse problems.

Response. Local, State, and regional resources for dealing with drug abuse are expected to be discussed as a part of the training offered by the training center contractor. No change in the criteria has been made.

B. *Other changes.* Typographical corrections have been made.

After consideration of all comments the Commissioner hereby adopts the proposed criteria which were published in the FEDERAL REGISTER on March 15, 1974 for the selection of applications for Fiscal Year 1974 Drug Abuse Prevention and Early Intervention projects, as set forth below.

Effective date. Since no substantial change has been made, the criteria will be effective on June 14, 1974.

A separate set of selection criteria for community based drug abuse education projects was published in final form in the FEDERAL REGISTER on April 4, 1974 at 39 FR 12277.

(Catalog of Federal Domestic Assistance Program No. 13.420, Drug Abuse Education Program)

Dated: May 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 7, 1974.

CASPAR W. WEINBERGER
Secretary of Health, Education, and Welfare.

I. *General—Drug Abuse Prevention and Early Intervention Projects.* (a) The purpose of the Drug Abuse Prevention and Early Intervention projects is to assist local educational agencies to provide trained leadership to deal with drug abuse problems in grades 7 through 12, with emphasis on grades 9 through 12, in schools within the school district of the applicant local educational agency.

(b) Teams composed of educational personnel (such as school administrators, counselors, teachers, psychologists, school board members, and school staff paraprofessionals) will receive short term training in problems related to drug abuse at designated regional training centers. Each team will be composed of five members. There will be at least one administrator, one teacher, and one counselor or psychologist on each team. Team members may represent various schools within the school district of the applicant local educational agency.

(c) One team member (who shall be a full time employee of the local educational agency) shall be designated as the program coordinator, responsible for coordinating the implementation of drug abuse programs, following such training, in the schools represented by the team members.

(d) The training of team members will emphasize activities such as (1) the understanding of drug use and abuse problems among students and how to deal with these problems; (2) familiarization with the current drug culture; (3) the development of communication skills; (4) the development of leadership skills; (5) familiarization with available services to which students with drug problems can be referred; (6) alternatives to drugs; (7) familiarization with a variety of learning environments; and (8) dealing with drug abuse problems on a team basis. Training will also include approaches especially appropriate for dealing with drug abuse problems in a school setting such as group counseling, peer group counseling, group discussions, parent-youth programs, and training in better understanding of other persons and their values. The training centers will provide team members with skills necessary to assess drug abuse problems, mobilize resources, develop and carry out comprehensive drug abuse programs in their local schools, and coordinate their efforts with similar community efforts related to drug abuse. Training centers will provide on-site technical assistance to teams once they have returned to their local schools.

(21 U.S.C. 1001(b), 1002, 1002(b)(5), 1004, 1133)

II. *Applicants for Drug Abuse Prevention and Early Intervention Projects.* Local educational agencies may apply for assistance for Drug Abuse Prevention and Early Intervention projects.

(21 U.S.C. 1002, 1133)

III. *Assurances.* Applicants shall provide satisfactory assurances that team members will be available to participate on a team basis in the development and administration

of drug abuse programs in the school district of the applicant upon completion of training at the regional training centers. An application must set forth policies and procedures which assure that Federal funds made available under this program will be so used as to supplement and, to the extent practical, increases the level of funds that would in the absence of such Federal funds, be made available by the applicant for the purposes of this program, and in no case supplement such funds.

(21 U.S.C. 1002, 1133)

IV. *Activities eligible for assistance.* Grants awarded by the Commissioner of Education under the program will not exceed $10,000. A grant may be used to support training of teams (as described in I above) at regional training centers to deal with drug abuse problems. Grants may cover the following expenses:

(1) travel expenses of team members to and from the training centers;

(2) subsistence for team members while undergoing training at the centers;

(3) where appropriate, expenses of the applicant related to the release of team members from their regular duties to attend these training sessions;

(4) hardship expenses (additional expenses which if not reimbursed would prevent individual team members from participating); and

(5) compensation and regular fringe benefits during one academic year following training, for project related activities of the project coordinator (not to exceed $6,000).

(21 U.S.C. 1002, 1133)

V. *Criteria for selection of applications.* In considering whether to approve applications, and in determining the amount of the award under approved applications, the Commissioner will take into account, in addition to the criteria set forth in section 100a.26(b) of 45 CFR Subtitle B, Chapter I, subchapter A (General Provisions for Office of Education programs), the following:

(a) the extent to which the award of assistance will result in a distribution of assistance under the program among school systems of varying characteristics such as size, ethnic composition, and socioeconomic level in urban, suburban, and rural areas;

(b) the extent of the drug abuse problem in the schools and local community to be served;

(c) the extent to which the proposed activities address unmet drug abuse education and prevention needs in the schools to be served;

(d) the extent to which any drug abuse prevention and education efforts by the applicant will be coordinated with related efforts by other agencies, organizations and groups in local community.

(e) the extent to which team membership reflects individuals who have demonstrated leadership or potential for leadership regarding, and concern for, or interest in, drug abuse problems;

(f) the extent to which the team is composed of persons representing a variety of education related disciplines;

(g) the extent to which and the manner in which the team will be utilized after training in the development and administration of drug abuse prevention and early intervention programs in the schools in the school district of the applicant local educational agency; and

(h) the degree of commitment on the part of the applicant to support and facilitate the drug abuse activities of the team after training is completed as demonstrated by provision for such matters as facilities, administrative support, and program planning.

(20 U.S.C. 1221c(b)(1); 21 U.S.C. 1002, 1133)

VI. *General provisions regulations.* Assistance will be subject to regulations in Part 100a of Title 45 of the Code of Federal Regulations, as well as other applicable statutory and regulatory requirements.

(20 U.S.C. 1221c(b)(1))

[FR Doc.74-13670 Filed 6-13-74;8:45 am]

GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

Notice of Criteria for Selection of Applications in Fiscal Year 1974

Pursuant to the authority contained in Title VIII, section 808 of the Elementary and Secondary Education Act as amended (20 U.S.C. 887a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare has established criteria for selection of applications in Fiscal Year 1974 for grants for demonstration projects to improve school health and nutrition services for children from low-income families, as set forth below.

These criteria were proposed in the FEDERAL REGISTER on March 19, 1974 (39 FR 10257, 10259) as part of a complete set of regulations for this program.

In light of the comments received from the public and of the time required to revise and republish the proposed rules as final regulations, it is necessary to republish the funding criteria separately so as not to hold the funding of the projects in abeyance pending preparation of the final regulations for publication in the FEDERAL REGISTER.

No comments were received from the public on the funding criteria at the public hearing held on April 16, 1974, or during the comment period. These criteria are therefore adopted without change.

Effective date. These criteria shall be effective on June 14, 1974.

(Catalog of Federal Domestic Assistance Number 13.523, Demonstration Projects in School Health and Nutrition Services for Children from Low-Income Families.)

Dated: May 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: June 7, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

CRITERIA FOR SELECTION OF APPLICATIONS IN FISCAL YEAR 1974

GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

(Sec. 164 of Pub. L. 91-230, 84 Stat. 153 (20 U.S.C. 887a))

Decisions on applications will be made by the Commissioner and will be based on consideration of the criteria set forth in § 100a.26 (b) of this chapter, in addition to the following criteria:

(1) The degree to which the proposed project will achieve the delivery of services through the coordination of community resources and thus minimize the need for direct purchase of services;

(2) The adequacy of the proposed relationship between the regular education programs in the project target school or schools to be served by the project, and the health and nutrition needs of the project target children;

(3) The adequacy of plans for effective and meaningful parental involvement; and

(4) The likelihood of the continuation of project activities beyond the end of the funding period.

(20 U.S.C. 887a)

[FR Doc.74-13669 Filed 6-13-74;8:45 am]

Office of the Secretary

FEDERAL COUNCIL ON THE AGING

Meeting Announcement

The Federal Council on the Aging will hold their first meeting in the New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C., on June 25, 1 p.m. to 5 p.m. in Room 2010 and on June 26, 9 a.m. to 3 p.m. in Room 2008. The Council will determine means of organizing themselves to carry out their general responsibilities as directed by the Congress in the 1973 amendments to the Older Americans Act. Meeting open to public observation.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

JUNE 11, 1974.

[FR Doc.74-13761 Filed 6-13-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Sunday, June 30, 1974, at 10 a.m. to 4 p.m. and Monday, July 1, 1974, from 9 a.m. to 4 p.m. in Room 5051 HEW-North Building, Third and Independence Avenues, SW., Washington, D.C. Beginning at 4 p.m. on Sunday, June 30, two subcommittees of the Advisory Council will meet. One subcommittee deals with social security financing, the other with equal treatment under the social security program based on sex and marital status. The meetings of the Advisory Council and its subcommittees are open to the public.

Further information on the Council may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2510. Further information on the Council's subcommittee on

financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594–2514. Further information on the Council's subcommittee on the status of women under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594–2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800–13.807, Social Security Programs)

Dated: May 31, 1974.

JOHN TROUT,
Executive Secretary,
Advisory Council on Social Security.

[FR Doc.74–13705 Filed 6–13–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

U.S. ADVISORY COMMITTEE ON OBSTACLE CLEARANCE REQUIREMENTS

Notice of Renewal

Notice is hereby given that the U.S. Advisory Committee on Obstacle Clearance Requirements is being renewed. The Flight Standards Service is the sponsor of the Committee which consists of a group of 14 experts on obstacle clearance requirements. The Committee develops information and data in support of proposals to be submitted by the United States to the ICAO Obstacle Clearance Panel for consideration and/or for positions to be taken by the United States relating to proposed international standards and requirements for prevention of the erection or removal of obstacles to air navigation. The Committee's activity is limited to those obstacle clearance matters which have international implications.

The Secretary of Transportation has determined that the formation and use of the U.S. Committee on Obstacle Clearance Requirements are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on June 4, 1974.

GERALD E. GIBSON,
Chairman, U.S. Advisory Committee on Obstacle Clearance Requirements.

[FR Doc.74–13639 Filed 6–13–74;8:45 am]

STATE PARTICIPATION PROGRAM

Federal Railroad Administration

Investigative and Surveillance Activities

This is to give notice pursuant to § 212.17 of the State Participation Regulations published by the Federal Railroad Administration (FRA) as Part 212 of Title 49 of the Code of Federal Regulations (38 FR 34782) that the States of Missouri and Vermont will participate in carrying out the investigative and surveillance activities prescribed by the Federal Railroad Administrator (the Administrator) as necessary for the enforcement of the FRA Track Safety Standards (49 CFR Part 213) during fiscal year 1975 (July 1, 1974 to June 30, 1975).

The Public Service Commission (the Commission) of Missouri has executed a certification for fiscal year 1975 on April 25, 1974. Investigative and surveillance activities conducted by the Missouri Commission are to commence on July 1, 1974. The Commission now employs one Track Inspector who will conduct the prescribed track investigative and surveillance activities to be carried out under this certification. Pursuant to § 212.53(c) (49 CFR 212.53(c)) the Commission will comply within three years of this initial certification with the requirement for three (3) track inspectors for the State of Missouri.

The Public Service Board (the Board) of Vermont has executed an agreement with the Administrator under which the Board will conduct the prescribed track investigative and surveillance activities during the periods July 1, 1974 to November 1, 1974 and May 1, 1975 to June 30, 1975.

This notice is published under the authority of sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.), section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)), and § 212.17 of the regulations of the Federal Railroad Administration (49 CFR 212.17).

Issued in Washington, D.C. on June 6, 1974.

JOHN W. INGRAM,
Administrator.

[FR Doc.74–13681 Filed 6–13–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS GENERAL ELECTRIC COMPANY SUBCOMMITTEE

Notice of Meeting

JUNE 12, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' General Electric Company Subcommittee will hold a meeting on July 1, 1974 in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of the meeting will be to discuss General Electric's Standard Safety Analysis Report (GESSAR). This is the first of at least two meetings on this subject.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

MONDAY, JULY 1, 1974, 9:00 A.M.–5:00 P.M.

Discussions with the General Electric Company and the AEC Regulatory Staff. Representatives of the General Electric Co. will make presentations on General Electric's Standard Safety Analysis Report (GESSAR).

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of, the day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and representatives of the General Electric Co. to discuss privileged information relating to the proposed standard design features.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the executive sessions at the beginning and end of the day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 24, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will

receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on July 1, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 27, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after July 3, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after September 3, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-13839 Filed 6-13-74;9:25 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON ANTICIPATED TRANSIENT WITHOUT SCRAM

Notice of Meeting

JUNE 12, 1974.

In accordance with the purposes of Section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Anticipated Transient Without Scram (ATWS) will hold a meeting at 8:30 a.m. on July 3, 1974 in Room 1062, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is implementation of the Technical Report on ATWS, WASH 1270. This meeting will be closed to the public.

The Subcommittee is meeting with their consultants and Regulaotry Staff participants to discuss several Regulatory Staff proposals for implementing positions taken in WASH 1270 and to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of a discussion of proposed plans and the exchange of opinions regarding these proposed plans, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that any non-exempt material that will be discussed during the above closed session will be inextricably intertwined with exempt material, and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee, Management Officer.

[FR Doc.74-13777 Filed 7-13-74;8:45 am]

[Docket Nos. 50-348-OL 50-364-OL]

ALABAMA POWER CO.

Notice and Order for Special Prehearing Conference

In the matter of Alabama Power Company (Joseph M. Farley Nuclear Plant, units 1 and 2).

Notice is hereby given that, pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Facility Operating Licenses", dated May 17, 1974 (39 FR 18131), and in accordance with § 2.751(a) of said Commission's rules of practice, 10 CFR Part 2, a special prehearing conference will be held in the above captioned proceeding on June 28, 1974 at 10 a.m. local time in "4th Floor Courtroom" at the Houston County Court House, Main and Oak Streets, Dothan, Alabama.

This Special Prehearing Conference will be held before the Atomic Safety and Licensing Board (the Board) which was established in the aforementioned notice of hearing which is composed of Dr. Hugh Paxten, Dr. Harry Foreman and Mr. John F. Wolf, Chairman.

This Special Prehearing Conference will deal with the following matters:

1. The identification of key issues in the proceeding;
2. Any steps necessary for further identification of the issues;
3. The need for discovery and the time further action and
4. The establishment of a schedule for further action; and
5. Any pending motions and such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties are directed to confer in advance of the Special Perhearing Conference, in such manner as they deem appropriate, and report to the Board at said conference on any stipulations regarding issues in controversy or any other mutually agreeable procedures to expedite this proceeding.

By order of the Atomic Safety and Licensing Board.

Dated this 10th day of June 1974, at Bethesda, Maryland.

JOHN F. WOLF,
Chairman.

[FR Doc.74-13643 Filed 6-13-74;8:45 am]

[Docket Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER AND LIGHT CO.

Notice of Third Prehearing Conference

In the matter of the Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4).

Please take notice that, pursuant to the Atomic Energy Commission's Notice of Hearing dated September 21, 1972, and in accordance with the Commission's rules of practice (10 CFR Part 2), the Atomic Safety and Licensing Board will conduct a prehearing conference for this proceeding starting at 10 a.m. e.d.t., July 2, 1974, at the following location:

ASLB Hearing Room, Room 1202
12th Floor, Landow Building
7910 Woodmont Avenue
Bethesda, Maryland

This prehearing conference is preliminary to a public evidentiary hearing that will be held by an Atomic Safety

and Licensing Board ("the Board") to consider the application of the Carolina Power and Light Company ("the Applicant") for AEC construction permits to build four pressurized water nuclear reactors on the applicant's site about 20 miles southwest of Raleigh, North Carolina, the proposed plant to be known as the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4.

This prehearing conference will deal with the following procedural matters:

(1) Ascertain readiness of all parties for the evidentiary hearing,

(2) Resolve any outstanding motions or disputes between counsel for the parties,

(3) Assure that all discovery has been completed pursuant to the Board's May 24 Order,

(4) Obtain any last-minute agreements, stipulations or admissions of the parties directed toward narrowing the scope of the hearing and avoiding unnecessary proof and time-consuming foundational questions.

(5) Identification of proposed witnesses and limitation on the number of expert witnesses,

(6) The setting of a daily hearing schedule (hours, proposed daily recesses) and schedule for exchanging pre-filed direct testimony,

(7) Entertain any proposals or suggestions that might expedite the presentation of witnesses and exhibits, and such other matters as may aid in the orderly disposition of the proceeding.

Counsel for the parties are directed to confer in advance of the prehearing conference in an attempt to work out agreements relating to the foregoing items and also to be prepared to report to the Board on the prospects for:

1. Settlement or dropping of any of the now-admitted contentions;

2. Any further stipulations that might narrow the scope of any of the matters in controversy;

3. A stipulation or agreement listing basic material facts so as to eliminate unnecessary foundational witnesses;

4. A list of those major exhibits and documents that are to be offered in evidence without objection by any party.

All interested members of the public are invited to attend this prehearing conference, as well as the later evidentiary hearing. Limited appearance statements will not be heard or received at the prehearing conference, but any person wishing to make a limited appearance addressing his concerns or interests regarding the proposed plant may do so, orally or in writing, on the first day of the later public evidentiary hearing (now scheduled for July 16, 1974 in Raleigh, North Carolina). See Title 10 Code of Federal Regulations, § 2.715 regarding limited appearance statements.

It is so ordered.

Issued at Bethesda, Maryland, this 10th day of June, 1974.

For the Atomic Energy Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.74-13644 Filed 6-13-74;8:45 am]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Authority To Operate Using Mixed Oxide Fuel

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 22, 1974 (39 FR 10927), the Atomic Energy Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR-29 to the Commonwealth Edison Company and the Iowa-Illinois Gas and Electric Company (jointly referred to as the licensee). This amendment, effective immediately, authorizes the licensee to operate the Quad-Cities Nuclear Power Station Unit 1 (the facility) using a partial loading of five 7 x 7 fuel assemblies containing mixed plutonium and uranium oxide. The related changes to the Technical Specifications are incorporated in Amendment No. 11 as Change No. 20. The licensee is presently licensed to possess and operate the facility located in Rock Island County, Illinois, at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing U-235).

The Commission has found that (a) the application for the above action dated February 28, 1974, including supplements filed prior to the application dated June 15, 1973, July 11, 1973, December 14, 1973, and March 18, 1974, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations published in 10 CFR Chapter I, (b) there is reasonable assurance that the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public and that such activities will be conducted in compliance with the rules and regulations of the Commission, and (c) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission's Directorate of Licensing has completed its evaluation of the action and issued a favorable Safety Evaluation.

A copy of Amendment No. 11 with Change No. 20 to the Technical Specifications of Facility Operating License No. DPR-29 and the Directorate of Licensing's Safety Evaluation issued concurrently with the amendment are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. Single copies of these items may be obtained upon request sent to 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 7th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-13645 Filed 6-13-74;8:45 am]

[Docket Nos. 50-346A, 50-440A, 50-441A]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order Rescheduling Prehearing Conference

In the matter of the Toledo Edison Company and the Cleveland Electric Illuminating Company, (Davis-Besse Nuclear Power Station), (Perry Plant, Units 1 and 2).

Take notice that the Prehearing Conference in the above-captioned matter, as noticed and announced by an order of this Board dated May 31, 1974, by agreement of the parties and the Board, is hereby rescheduled to occur on Tuesday, June 25, 1974, commencing at 9:30 a.m. local time at the Postal Rate Commission, Suite 500, 2000 L Street NW., Washington, D.C.

It is so ordered.

Issued at Bethesda, Maryland, this 10th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-13642 Filed 6-13-74;8:45 am]

[Docket Nos. 50-369, 50-370]

DUKE POWER CO.

Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing

In the matter of Duke Power Company, William B. McGuire Nuclear Station Units 1 and 2, Docket Nos. 50-369, and 50-370.

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operation licenses from Duke Power Company (the applicant) which would authorize the applicant to possess, use, and operate the William B. McGuire Nuclear Station, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the applicant's site on the shore of Lake Norman in Mecklenburg County, North Carolina, approximately seventeen miles north-northwest of Charlotte, North Carolina. Each unit would operate at a steady-state reactor core power level of 3411 megawatts thermal.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR

Part 50, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facilities, is being made available at the Metropolitan Clearinghouse, P.O. Box 4168, Charlotte, North Carolina 28204, and at the State Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of facility operating licenses to Duke Power Company which would authorize the applicant to possess, use, and operate the William B. McGuire Nuclear Station, Units 1 and 2 in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's Directorate of Licensing; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D; (3) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Ch. I. Construction of the facilities was authorized by Construction Permit Nos. CPPR–83 and CPPR–84, issued by the Commission on February 28, 1973. Construction of Unit No. 1 is anticipated to be completed by March 1, 1977 and Unit No. 2 by January 1, 1978.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before July 15, 1974, the applicant may file a request for a hearing with respect to issuance of the facility operating licenses 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 of 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 by 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 of 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 July 15, 1974. A copy of the petition should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Mr. W. L. Porter, Duke Power Company, PO. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated May 30, 1974, and the applicant's environmental report dated May 30, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Directorate of Licensing; (2) the Commission's draft environmental statement; (3) the Commission's final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 7th day of June 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing—Regulation.

[FR Doc.74–13758 Filed 6–13–74;8:45 am]

[Docket No. 50–10]

COMMONWEALTH EDISON COMPANY

Notice of Request for Variance Involving Facility Operating License

The Commonwealth Edison Company of Chicago, Illinois (the licensee), is authorized by Facility Operating License No. DPR–2 to operate a nuclear power reactor identified as Unit No. 1 of the licensee's Dresden Nuclear Power Station, located in Grundy County, Illinois, at steady-state power levels up to 700 MWt. The licensee has requested a variance for Unit No. 1 from the July 1, 1974, requirement for achieving compli-

ance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors.

Notice is hereby given that the Director of Regulation is considering the requested variance which would extend the deadline for achieving compliance for Dresden Unit 1 from July 1, 1974 to January 1, 1976. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the request for a variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of the licensee's June 10, 1974 request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 12th day of June, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-13779 Filed 6-13-74;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Request for Variance Involving Facility Operating License

The Consumers Power Company of Jackson, Michigan (licensee) is authorized by Facility Operating License No. DPR-6 to operate a nuclear power reactor identified as the Big Rock Point Nuclear Plant (the facility), located in Charlevoix County, Michigan, at steady-state power levels up to 240 MWt. The licensee has requested a variance for the facility of the July 1, 1974, requirement for achieving compliance with the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971) for emergency core cooling systems for light-water reactors.

Notice is hereby given that the Director of Regulation is considering the requested variance which would extend the deadline for achieving compliance for the facility from July 1, 1974 to November 15, 1975. The variance may be granted upon a finding that good cause has been shown, and that there is reasonable assurance that the granting of the variance will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the request for a variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of the licensee's May 30, 1974, request and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Charlevoix Public Library at 107 Clinton Street, Charlevoix, Michigan.

Dated at Bethesda, Maryland, this 12th day of June 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors No. 2, Directorate of Licensing.

[FR Doc.74-13778 Filed 7-13-74;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Consideration of Variance Involving Facility Provisional Operating License No. DPR-13

The Southern California Edison Company of Rosemead, California and San Diego Gas and Electric Company of San Diego, California (licensees) are authorized by Facility Operating License No. DPR-13 to operate a nuclear power reactor identified as San Onofre Unit 1 (the facility), located in San Diego County, California, at steady state power levels up to 1347 MWt.

By letters dated September 30, 1971, December 29, 1971, May 12, 1972, and January 31, 1973, the Southern California Edison Company (SCE) submitted the results of its analysis for San Onofre Unit 1 reactor, demonstrating that the performance of the ECCS would meet the requirements of the Commission's Interim Acceptance Criteria (36 FR 12247, June 29, 1971). This analysis was accepted by the staff in a letter to SCE dated March 6, 1974. Recently, the staff has undertaken a reexamination of (i) whether compliance with the Interim Acceptance Criteria is satisfied by an analysis such as that provided for San Onofre Unit 1 by SCE which relies upon the availability of off-site power, and (ii) whether under these circumstances, a variance from the July 1, 1974 requirement for achieving compliance with the Interim Acceptance Criteria may be required for San Onofre, Unit 1.

Notice is hereby given that the Director of Regulation is considering a variance which would extend the July 1, 1974 deadline for achieving compliance for the facility. The variance may be granted upon a finding that there is good cause and that there is reasonable assurance that the granting of the extension will not adversely affect the health and safety of the public. The Director of Regulation will consider and issue a determination, together with supporting reasons, with respect to the variance. In that connection, the Director of Regulation invites the submission of views and comments by any interested persons. Such views and comments should be submitted in writing, addressed to the Director of Licensing, USAEC, Washington, D.C. 20545, not later than fourteen days after the date of publication of this notice.

A copy of SCE's letters of September 30, 1971, December 29, 1971, May 12, 1972, and January 31, 1973, and related correspondence and documents including the Commission's letter of March 6, 1974, have been placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Clemente Public Library at 233 Granda Street, San Clemente, California.

Dated at Bethesda, Maryland, this 12th day of June, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-13838 Filed 6-13-74;8:45 am]

INTERNATIONAL NUCLEAR POWER PROGRAM

Preparation of Environmental Impact Statement

Notice is hereby given that the U.S. Atomic Energy Commission has commenced the preparation of an environmental impact statement on its International Nuclear Power Program. This Program includes agreements for cooperation in the civil uses of atomic energy under section 123 of the Atomic Energy Act of 1954, as amended, uranium enrichment services contracts between the Commission and foreign persons, and export licenses. The procedures and guidelines to be followed in preparing the environmental impact statement will be those established by the Commission's regulations (10 CFR Part 11), and the Guidelines of the Council on Environmental Quality (CEQ) of August 1, 1973 (38 FR 20550).

Copies of documents to be utilized in the preparation of this statement will be available for inspection at the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

All persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental impact statement are invited to send them in duplicate to Dr. James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before August 15, 1974.

Dated at Germantown, Md., this 12th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-13837 Filed 6-13-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-6-42, Docket No. 26779]

ALLEGHENY AIRLINES, INC.

System Mail Rates; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of June, 1974.

By this order the Board proposes to establish a final subsidy-free mail rate for Allegheny Airlines, Inc., effective on and after July 1, 1974. Allegheny has received subsidy under a series of local-service class subsidy rates since January 1, 1961, and is the first of the domestic local service airlines to achieve self-sufficient status.

By Order 74-1-123, dated January 24, 1974, in Docket 25659, the Board established Class Rate VII as the fair and reasonable final subsidy rate for the local-service industry for the period on and after July 1, 1973. Order 74-2-59, dated February 14, 1974, amended Class Rate VII to reflect the results of the first six-month review under the profit-offset provisions of the class rate, effective January 1, 1974. By Petition for Reconsideration of Order 74-1-123, filed February 6, 1974, and Exception to Order 74-2-59, filed February 26, 1974, Allegheny has requested the Board to correct an asserted error in the distribution of revenue data between eligible and ineligible services used by the Board in determining Allegheny's subsidy need.

We will resolve the matters raised by Allegheny's filings in Docket 25659 and make final the carrier's mail rate for the period July 1, 1973, through June 30, 1974, by a separate order to be issued later. It is not necessary to dispose of these matters before proceeding to a determination of the fair and reasonable rate of mail compensation for Allegheny for the period on and after July 1, 1974. The background and basis for our proposal to establish a subsidy-free rate for Allegheny beginning July 1, 1974, are detailed in the following sections of this order.

During the past several years Allegheny has experienced rapid development and growth which has been accompanied by a steadily declining need for subsidy support. This growth is due in part to mergers with Lake Central and Mohawk and in part to Allegheny's aggressive development of its preexisting system. Certainly, the route modifications and awards under the Board's route strengthening program have contributed substantially to Allegheny's commendable progress.

In calendar year 1973, Allegheny's revenues, other than subsidy, totaled $325.5 million, more than six times its commercial revenues in 1967, just prior to the Lake Central merger. The carrier is now the largest of the domestic local service carriers by a substantial margin and, in terms of passenger-miles carried, is nearly 80 percent the size of Braniff, the smallest domestic trunkline.

This growth has been matched by a steady reduction in subsidy need, as shown in Appendix A.[1] In fiscal year 1967, Allegheny required $4,687,000 in subsidy support for its pre-merger route system. In that same year, the combined subsidy of the Allegheny, Lake Central, and Mohawk systems was over $12 million. By fiscal year 1971, after the Lake Central merger but before the merger with Mohawk. Allegheny's subsidy was down to $1,251,000. Allegheny's and Mohawk's combined subsidy that year was $3,509,000. In fiscal year 1973, Allegheny's subsidy was reduced to $2,765,000 for its entire system reflecting both mergers.

For the 12 months ending March 31, 1974, Allegheny reported a system operating profit of $18.1 million, based on operating revenues of $334.2 million, exclusive of subsidy, and operating expenses of $316.1 million. After application of the standard rate-making adjustments (shown in Appendix C) the operating profit becomes $22.0 million. This amount represents a system rate of return on an adjusted investment of $178.2 million (see Appendix D) of 12.32 percent—without subsidy. Under the guidelines of Class Rate VII, Allegheny would be allowed a system rate of return of 11.7 percent[2] or $20.8 million. By the same token, Allegheny's return on investment compares favorably with the return standard of 12.35 percent set for local service carriers in the Domestic Passenger-Fare Investigation for commercial rate purposes.[3] On the basis of its most recent adjusted earnings, its steadily declining subsidy need, and its favorable prospects for the future, it is clear that Allegheny no longer requires subsidy support.

As can be seen below, the results for the year ended March 31, 1974 represent an improvement over the carrier's experience for the 12 months ending September 30, 1973 which were used as a basis for the initial review of Class Rate VII (Order 74-2-59).

	12 Months Ending	
	Sept. 30, 1973	Mar. 31, 1974
Adjusted investment (thousand)	$181,978	$178,202
Adjusted operating profit: (thousand) excluding subsidy	18,351	21,971
Return on adjusted investment: excluding subsidy (percent)	10.08	12.32

Although Allegheny's subsidy-eligible services still are not self supporting, the economic need generated by these operations is more than offset by the profits from ineligible services. For the year ending March 31, 1974, Allegheny experienced an operating loss on eligible services, after rate-making adjustments, of $2.1 million but generated profits of $24.1 million on its lucrative routes that are ineligible for subsidy. Therefore, when the need of the carrier as a whole is considered as the Board is required to do in computing subsidy,[4] the conclusion is inescapable that Allegheny is a mature carrier and no longer needs to be nurtured by subsidy.[5]

Allegheny has achieved a greater degree of self sufficiency than other carriers removed from subsidy in the past. Subsidy was terminated for Hawaiian carriers based on indications that the operations had the potential to become self sufficient.[6] Continental asked to be removed from subsidy on the strength of benefits expected to result from growth.[7]

Although free of subsidy Allegheny retains many of the characteristics of a local service carrier (Appendix B). Allegheny will, therefore, continue to be regarded as a local service carrier for regulatory purposes, e.g., the standards and requirements established by the Board in the Domestic Passenger-Fare Investigation for local service carriers will continue to apply to Allegheny.

On the basis of the foregoing, we tentatively find and conclude that, on and after July 1, 1974, the fair and reasonable rates of compensation to be paid to Allegheny Airlines, Inc., for the transportation of mail over its entire system as constituted on or subsequent to July 1, 1974, the facilities used and useful therefor, and the services connected therewith, are the service mail rates payable to Allegheny Airlines, Inc., by the Postmaster General in effect on July 1, 1974, or thereafter established by the Board.[8]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302:

It is ordered, That:

1. All interested persons, and particularly Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix, determine, and publish the mail rates specified above.

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 14 days, and, if notice is filed, written an-

[1] Appendices filed as part of the original document.

[2] This represents a differentiated rate of return of 10.6 percent on eligible investment and 12.35 percent on ineligible investment. See explanatory note 9 of Appendix D.

[3] Docket 21866-8, Order 71-4-58, April 9, 1971.

[4] Delta Air Lines v. Summerfield, 347 U.S. 74 (1954).

[5] Allegheny's situation in this regard is no different from other self-sufficient carriers, all of which operate some routes which do not pay their way.

[6] Aloha Airlines, Inc., and Hawaiian Airlines., Mail Rates, Order E-24230 September 27, 1966; Order E-24430, November 22, 1966.

[7] Continental Air Lines, Inc., Mail Rates, 25 C.A.B. 76 (1957).

[8] Allegheny's current service mail rates are the temporary rates established by Order 74-1-89, dated January 16, 1974, which are subject to retroactive adjustment upon issuance of an order establishing final mail rates in Docket 23080-2.

swer and supporting documents shall be filed within 30 days after the date of service of this order.

3. If notice of objection is not filed within 14 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if any answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final order, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the rates herein specified.

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Allegheny Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13700 Filed 6-13-74;8:45 am]

[Order 74-6-44, Docket No. 25280 Agreement C.A.B. 24415]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by the Joint Traffic Conferences; Order

JUNE 10, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 22, 1974.

Specific commodity item No.	*Description and rate*
5708	Quartz and silica products 80 cents per kg., minimum weight 1,000 kgs. From Paris to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That: 1. Agreement C.A.B. 24415, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, Order 73-9-109 of Septembr 28, 1973, and Order 74-4-7 of April 2, 1974 and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13699 Filed 6-13-74;8:45 am]

[Docket No. 26662]

NON-ACCEPTANCE OF WATCHES WHEN THE DECLARED VALUE EXCEEDS $1,000 PER SHIPMENT PROPOSED BY JET AIR FREIGHT

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 28, 1974, at 10 a.m. (local time), in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Robert M. Johnson.

In order to facilitate the conduct of the conference, the Bureau of Economics is instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) request for information; (4) statement of position; and (5) proposed procedural dates on or before June 18, 1974.

Dated at Washington, D.C., June 11, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-13701 Filed 6-13-74;8:45 am]

[Docket No. 26642]

REVISIONS TO DEMAND SCHEDULING FARE CONCEPT PROPOSED BY AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 27, 1974, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

In order to facilitate the conduct of the conference, the Bureau of Economics is instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) request for information; (4) statement of position; and (5) proposed procedural dates on or before June 17, 1974.

Dated at Washington, D.C., June 10, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc. 74-13702 Filed 6-13-74;8:45 am]

[Docket No. 24739]

SCHENKERS INTERNATIONAL FORWARDERS, INC.

Notice of Hearing

In the matter of Schenker and Co., GmbH (Germany), d/b/a Schenkers International Forwarders, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 16, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the supplemental prehearing conference report served on May 14, 1974, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 10, 1974.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.74-13703 Filed 6-13-74;8:45 am]

[Dockets 25513, 25661, Agreement C.A.B. 24392 R-1 through R-3, Agreement C.A.B. 24398]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Agreement Relating to North Atlantic, South Pacific and North/Central Pacific Proportional Fares

Correction

In FR Doc. 74-12747, appearing on page 19802 in the issue of Tuesday, June 4, 1974, add "Order No. 74-5-140" to the heading.

[Docket No. 22859; Order 74-6-19]

TRANS WORLD AIRLINES, INC.

Order of Suspension

Correction

In FR Doc. 74-13252, in the issue of Monday, June 10, 1974, in paragraph 2

in the second column the last line should read "markets over 1,250 miles;"

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 Noon on June 28, 1974, at the Young Men's Christian Association, 11 and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss projects recommended for SAC study during FY '75.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-13727 Filed 6-13-74;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on June 18, 1974, at the Maine Teachers Association, 35 Community Drive, Augusta, Maine 04331.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, Federal Building, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss (1) the reconstitution of the Maine State Advisory Committee and (2) suggested SAC projects for FY '75.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 3, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-13726 Filed 6-13-74;8:45 am]

SOUTH CAROLINA STATE ADVISORY COMMITTEE

Notice and Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the South Carolina State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on June 21, 1974, in the Buccaneer Room of the Capitol Cabana Hotel, 1901 Assembly Street, Columbia, South Carolina 29201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting shall be to determine the role of the SAC in gathering background material for a proposed factfinding meeting on the use of Law Enforcement Assistance Administration (LEAA) funds in the Lower Savannah Planning District.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-13725 Filed 6-13-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from June 3 through June 7, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (July 29, 1974)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Final

Holland Lake, Flathead National Forest, Missoula County, Mont., June 3: The statement refers to a proposed revised multiple use plan for the Holland Lake Planning Unit, Swan Lake-Condon Ranger District, Flathead National Forest. The Unit contains 93,400 acres, of which 70,500 acres are National Forest lands. The eleven management units of the Planning Unit will be managed for recreation, timber, and roadless values. Adverse impact will result from road construction and timber harvesting activities (105 pages). Comments made by: DOI. (ELR Order No. 40910.)

Ten Year Management Plan, Flathead National Forest, several counties, Montana, June 3: The statement refers to a proposed ten year timber management plan for the Flathead National Forest. The Forest totals 2,355,366 acres, of which 942,339 acres are considered to be in the timber growing land base. There will be construction of forest roads, skid trails, firelines, and log landings. Adverse impact will be to water quality, aesthetics, wildlife habitat, and vegetative succession (185 pages). Comments made by: USDA, DOC, EPA, DOI, State and local agencies and concerned citizens. (ELR Order No. 40920.)

Lower Wolf Planning Unit, Kootenai National Forest, Montana, June 6: Proposed is the implementation of a multiple use plan on the Lower Wolf Unit of the Kootenai National Forest. Management will be for such values at big game habitat, primitive conditions, timber harvesting, and aesthetics. There will be some road construction; the wilderness option will be reduced on 16,000 acres of the Richards Mountain Inventoried Roadless Area. Comments made by: EPA, USDA, DOI, State and local agencies and concerned citizens. (ELR Order No. 40935.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

River Bend Station, Units 1 and 2, West Feliciana County, La., June 7: Proposed is the issuance of construction permits to the Gulf States Utilities Co. for the two unit Station. The identical boiling water reactors will each produce 2894 MWt, which will be used to generate 940 MWe; future levels of 3015 MWt and 980 MWe (net) are considered in the statement. Cooling will be with water drawn from and returned to the Mississippi (after flowing through a forced draft tower system); cooling water will be lost (through evaporation) at 48 cfs. Eighty percent of the 2679 acre site is forest, the remaining being pasture; 700 acres will be disturbed by construction activities. (ELR Order No. 40937.)

Shirley Basin Uranium Mill, Carbon County, Wyo., June 6: Proposed is the construction of Source Material License SUA-442, issued to Utah International Co., for the operation of a uranium mill in the Shirley Basin area. The mill is designed as an acid-leach, resin ion-exchange uranium ore processing plant with a design capacity of 1500-1800 tons/day. Although the licensing action does not extend to mining, the environmental impact of that activity is included in the statement (65 pages). (ELR Order No. 40930.)

Final

Comanche Peak Station, Units 1 and 2, Somervell County, Tex., June 7: The statement refers to the issuance of construction permits to the Texas Utilities Generating Company for the two unit Comanche Peak Steam Electric Station. Each unit will produce 3425 MWt, which will be used to generate 1161 MWe (net) design levels of 3575 MWt and 1206 MWe (net) are anticipated. A 3228 acre reservoir will be constructed to provide cooling water for the station. In addition to the land inundated by the reservoir, 400 acres of rangeland will be committed to project measures; another 439 acres will be acquired as right-of-way for 15 miles of transmission lines; 8 farm residences will be displaced. Comments made by: EPA, FPC,

DOI, HEW, USDA, COE, USCG, AHP, State agencies. (ELR Order No. 40939.)

Surry Power Station, Units 3 and 4, Surry County, Va., June 3: The statement refers to the proposed issuance of a construction permit to the Virginia Electric Power Company for Units 3 and 4 at the Surry Power Station. Each Unit will employ a pressurized water reactor to produce 2631 MWt in order to generate 882 MWe (net); an ultimate power level of 2763 MWt is anticipated. Exhaust steam will be cooled by the recirculation of condenser cooling water through floating spray modules in a landlocked canal, for which makeup water will be obtained from the existing discharge canal for Units 1 and 2. Blowdown will be discharged to the existing intake canal for Units 1 and 2. James River water will be consumed at 60 cfs. Comments made by: USDA, FPC, DOC, HEW, HUD, DOT, DOI, EPA, State agencies. (ELR Order No. 40922.)

Exxon Nuclear, Mixed Oxide Fuel Plant, Washington, June 5; Proposed is the issuance of a full-term (five year) Special Nuclear Material License to the Exxon Nuclear Co., Inc. for the operation of a mixed oxide fuel element fabricating pilot plant in Richland. The plant is designed to process mixed UO_2 and PuO_2 powder into fully clad and assembled fuel elements. The mixed oxide fuels plant shares its 160 acre site with a UO_2 fabrication plant. (202 pages.) Comments made by: USDA, DOC, COE, HEW, HUD, DOI, DOT, EPA, FPC. (ELR Order No. 40927.)

Department of Defense

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. 202–693–7168.

Draft

Foster City Development, San Mateo County, Calif., June 3: The Estero Municipal Improvement District, Foster City has applied for a Department of the Army Permit to place approximately 2,470,000 cubic yards of fill on 5 areas totalling 382 acres in Foster City, San Mateo County. The 5 areas are proposed to be used for residential, city center, and light industrial development. The alteration of land use would eliminate wildlife habitat, and increase the chance of air quality degradation. (San Francisco District.) (51 pages.) (ELR Order No. 40919.)

Wildcat and San Pablo Creeks (2), Contra Costa County, Calif., June 5: This revised draft discusses independent channel improvement on Wildcat and San Pablo Creeks. The project will allow for protection from a 100-year frequency flood, urban development of the floodplain, improved housing in North Richmond, and creation of a recreation complex with regional and local significance. Adverse impacts are the loss of 5 acres of riparian habitat along San Pablo Creek, conversion of segments of the channel to concrete, and negative effects normally associated with construction. (San Francisco District.) (ELR Order No. 40929.)

Beach Erosion Project, Duval County, Fla., June 6: The project consists of placing about 3.75 cubic yards of sand along 10 miles of Atlantic Ocean shoreline in Duval County. Periodic nourishment will be required to compensate for erosion losses during the fifty year life of the project. Dredging will temporarily degrade water quality, close the beach, and destroy most benthic organisms in the borrow and nourishment areas. (Jacksonville District.) (35 pages.) (ELR Order No. 40933.)

Dworshak Dam and Reservoir, Clearwater County, Idaho, June 3: The proposed action is the completion, operation, and management of Dworshak Dam and Reservoir, a multiple-purpose water resource project located in Clearwater County. The project has been under construction since 1963 and is 91% complete. Project purposes are flood control and power production with additional benefits to recreation. Adverse impacts are the loss of 54 miles of river, and negative effects on aesthetics and recreation with reservoir drawdown. (Walla Walla District.) (ELR Order No. 40921.)

Degognia and Fountain and Grand Tower Districts, Illinois, Missouri, June 4: The statement refers to the construction of five pumping stations and 75,080 feet of ditching in the Degognia and Fountain Bluff Levee and Drainage District and Grand Tower Drainage and Levee District in Jackson County, Illinois, and Perry County, Missouri. Adverse impacts include the direct loss of 82 acres of timber and brushland; 500 to 700 acres of wooded land will gradually be converted to cropland. (St. Louis District.) (26 pages.) (ELR Order No. 40925.)

Lower Rio Grande Basin, Cameron, Hidago, and Willacy Counties, Tex., June 5: Proposed is a development plan for the Lower Rio Grande Basin. Project measures will include 164 miles of flood-related channel works; 1,394 miles of multi-purpose channel works and land treatment measures. The plan is intended to reduce floodwater damages, reduce sediment yield, and increase net agricultural yields. Impact will include the diversion of agricultural production on 28,000 acres. (46 pages.) (ELR Order No. 40928.)

Grays Harbor and Chehalis River Navigation Project, Grays Harbor County, Wash., June 5: The statement refers to the ongoing and proposed maintenance activities comprising the Grays Harbor and Chehalis River Navigation Project, including maintenance dredging for Harbor navigation channels and turning basins and the construction, rehabilitation, and maintenance of the North Jetty, the South Jetty, erosion protection works at Point Chehalis, and breakwaters at Westhaven Cove. Adverse impacts are the loss of 125 acres of tidelands annually due to deposition of dredged materials, the removal of organisms in the channel trough, and short-term negative effects associated with the rehabilitation of the North Jetty. (ELR Order No. 40913.)

Final

Aransas Pass, Gulf Intracoastal Waterway, Tex., June 3: The statement refers to the proposed deepening and widening of the channel of Aransas Pass and nearby navigation areas. Dredged spoil will be placed in existing land disposal areas. Adverse impact will be to marine biota; 30 acres of marsh will be covered by spoil. (Galveston District.) (80 pages.) Comments made by: DOT, EPA, HEW, DOI, State, and local agencies. (ELR Order No. 40911.)

Shell Dredging, San Antonio Bay, Tex., June 7: The statement refers to the proposed continuation of Army Corps permits for the dredging of shells in San Antonio Bay, subject to imposition of certain limitations and restrictions based on environmental considerations. There will be minor local damage to oyster beds, with more widespread but relatively minor and temporary damage to the small animals that live in the bay bottom and furnish food for fish and shrimp. (Galveston District.) (Six volumes.) Comments made by: EPA, HEW, DOC, DOI, DOT, State, and local agencies, and concerned citizens. (ELR Order No. 40936.)

Department of Interior

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF LAND MANAGEMENT

Draft

King Range National Conservation Area, Mendocino and Humboldt Counties, Calif., June 5: Proposed is the establishment of the 54,000 King Range National Conservation Area. Included is the designation of Area boundaries, a multiple use plan, a management program, and regulations to govern mining in the Area. The proposal will result in the construction of 37 miles of new roads and the reconstruction of 30 miles of existing road; the reseeding of 1200 acres of eroding soils; and the reforestation of 2600 acres. Recreation use will increase by over 100 percent, leading to adverse impacts on wildlife and primitive recreation values. There will be restrictions placed on mineral exploration (94 pages). (ELR Order No. 40926.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft

Importation Regulations on injurious wildlife, June 3: Proposed is the establishment of lists of wildlife species that pose a low risk of injury to human beings, the interests of agriculture, horticulture, forestry or wildlife of the United States. Injurious species would then be imported only by permit. The action is designed to prevent a detrimental impact on the environment by greatly reducing the possibility of the establishment of exotic species of wildlife in the United States. The major adverse impact will be that of economic effects to those importers who will not be eligible for permits for scientific, educational, medical, or zoological purposes (37 pages). (ELR Order No. 40917.)

GEOLOGICAL SURVEY

Final

Proposed Oil and Gas Operations, Ocala National Forest, Lake, Marion, and Putnam Counties, Fla., June 3: The statement refers to the issuance of a permit for the drilling of an exploratory well on an existing oil and gas lease in the Ocala National Forest. One hundred and sixty-three leases have been issued for land in the forest. The statement is intended to outline potential oil and gas operations in the Forest ranging up to the possible development in the event of a major discovery; and to determine whether additional terms and conditions should be proposed for the leases prior to development, in order to prevent environmental damage (2 volumes). Comments made by: USDA, DOD, COE, DOT, EPA, State agencies. (ELR Order No. 40914.)

Interstate Commerce Commission

Draft

Plummer to New Duval Railroad, Duval County, Fla., June 3: Proposed is the construction and operation, by the Georgia Southern and Florida Railway Co., of a branch railroad line connecting Plummer, Kings Road, and the planned new community of New Duval. Construction of the line, in connection with the new community, will encourage industrial development of the presently rural section of Duval County west of Jacksonville (71 pages). (ELR Order No. 40916.)

Railway Abandonment, Related Construction (SCL), South Carolina, Georgia, June 4: Proposed is the abandonment of 24.07 miles of rail line, between Coosaw and Pritchard, South Carolina, and between Savannah and Hutchinson Island, Georgia, by the Seaboard Coast Line Railroad (SCL). In a related action, SCL would construct a new line from Hardeeville to Leavy, a distance of 7.53 miles. The total action will result in the elimination of 20 miles of track, much of which traverses environmentally sensitive coastal estuary land, in favor of 7 miles of track,

which will traverse high-ground commercial timber land (39 pages). (ELR Order No. 40923.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401. 615-755-2002.

Draft

Johnsonville Steam Plant; Humphreys Co., Humphreys County, Tenn., June 3: Proposed is the construction and operation of a 600 MW gas turbine plant at the Johnsonville Steam Plant. Adverse impact will include the discharge of particulates, SO2 and NOx, and the possible spillage or leakage of fuel oil into Kentucky Reservoir (36 pages). (ELR Order No. 40912.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, SW., Washington, D.C. 20590. 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Door County, Cherryland Airport, Door County, Wis., June 7: Proposed is the construction of a NE/SW runway extension, 75 x 1000', in order to increase the load bearing capacity of the runway and to allow use by general aviation turbo-jet aircraft. Taxiway, turnaround, apron, and lighting measures will also be constructed. Adverse impacts will include the acquisition of 8.87 acres in fee and 69.06 acres easement, the loss of trees and wildlife habitat, and the increase of noise levels in the nearby state park. Comments made by: USDA, EPA, HUD, DOI, DOT, DOC, State, and local agencies. (ELR Order No. 40938.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Alabama Route 59, Baldwin County, Ala., June 3: The statement refers to the construction of Alabama Route 59 for approximately 21 miles in Baldwin County. There are 6 alternate locations presented in this draft for the proposed project. Adverse impacts are the acquisition of land, the displacement of people, and increased air and noise pollution. (69 pages.) (ELR Order No. 40915.)

Steese Highway, Farmers Loop to Fox, Alaska, June 3: The project includes relocation, grading, drainage, and surfacing of the Steese Highway between the Farmers Loop Road intersection and Fox. Several different locations are discussed in the statement. Adverse impacts are the displacement of people, and increased air and water pollution. (ELR Order No. 40918.)

Route 60, Stoddard County, Missouri, June 6: The project consists of the adding of two 12 foot lanes to 13.1 miles of Route 60 in Stoddard County. The ultimate facility will include 3 diamond interchanges, a grade separation and access roads. Adverse impact will include the loss of some wildlife habitat, the removal of 13 houses, and other construction-related impacts. (9 pages.) (ELR Order No. 40934.)

I-40, Carson and Gray Counties, Tex., June 6: The statement refers to the construction of I-40 from 2.0 miles west of Groom to 2.0 miles east of Groom, a total length of 5.5 miles. Adverse impact will include the taking of 269 acres of land, and increased noise and air pollution. (25 pages.) (ELR Order No. 40932.)

Final

Cross Island Highway, St. Croix, Virgin Islands, June 4: The statement refers to the proposed construction of 8.25 miles of four lane highway between Christiansted and Frederiksted. Right-of-way acquisition would impact 55 residences, 25 businesses, 3 churches, and 1 school. Additionally, several thousand large shade trees would be destroyed by the project. (82 pages.) Comments made by: EPA, DOT, USDA, DOI, HEW, HUD. (ELR Order No. 40924.)

I-57, Milwaukee to Green Bay, Sheboygan, Manitowoc, and Brown Counties, Wis., June 6: The proposed project is the construction of 49 miles of I-57 from Milwaukee to Green Bay. The facility will be a 4 lane, divided controlled-access freeway. The corridor will require 2,000 acres of land displacing 30 to 40 families and affecting 50 to 70 farm operators. The facility will traverse several streams increasing erosion. Loss of wildlife and increases in noise and air pollution will occur. (391 pages.) Comments made by: DOT, DOI, EPA, USDA, USCG, HEW, COE, State, and local agencies. (ELR Order No. 40931.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-13691 Filed 6-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1490) has been filed by Amchem Products, Inc., Ambler, PA 19002, proposing establishment of a tolerance (40 CFR Part 180) for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity figs at 5 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a procedure in which the residues are esterified with diazomethane and then analyzed by gas chromatography using an alkali thermionic detector or a flame photometric detector in the phosphorus mode.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13733 Filed 6-13-74;8:45 am]

AVITROL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512 (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1498) has been filed by Avitrol Corp., Post Office Box 45141, Tulsa, OK 74145, proposing establishment of a tolerance (40 CFR Part 180) for residues of the bird repellant 4-aminopyridine in or on sunflower seeds at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the bird repellant is a gas chromatographic procedure using a flame ionization detector.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13734 Filed 6-13-74;8:45 am]

CHEVRON CHEMICAL CO.

Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 4H5054) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of the insecticide O,S-dimethylacetylphosphoramidothioate and its metabolite O,S-dimethyl phosphoramidothioate in cotton seed meal at 8 parts per million; soybean hulls at 6 parts per million; and cottonseed hulls at 4 parts per million resulting from application of the insecticide to growing cotton and soybeans.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-13735 Filed 6-13-74;8:45 am]

MARYLAND; CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing and Request for Approval of State Program

The State of Maryland has submitted a request for approval of its state program for control of discharges of pollutants to navigate waters under section 402 of the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376, Supp. 1973 (the Act).

A public hearing to consider this request will be held July 17, 1974, at the Francis Scott Key Memorial Hall, St. Johns College, Annapolis, Maryland starting at 2 p.m.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. To administer the NPDES program the State must have, among other authorities: (1) Authority to issue permits which comply with all pertinent requirements of the Act, (2) authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to insure that the Administrator, the public, and any affected States and

agencies are given notice of and opportunity for a public hearing with regard to each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The State of Maryland proposes that the Maryland Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland (area code 301–267–5041), operate this program for control of discharges into navigable waters of the State in compliance with the Act.

The hearing panel will consist of the Environmental Protection Agency Administrator, or his representative, who will serve as the Presiding Officer, the Director of the Department of Natural Resources or his representative, and the Environmental Protection Agency Regional Administrator, Region III, or his representative.

This request and program description may be inspected by the public at the Maryland Department of Natural Resources or at the United States Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (area code 215–597–9800).

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by July 24, 1974, either in person or by mail, to the Environmental Protection Agency, Region III, at the previously mentioned address.

Oral statements will be received and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments received by July 24, 1974, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Maryland's request for state program approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

JUNE 11, 1974.

[FR Doc.74–13732 Filed 6–13–74;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given of a meeting of the Effluent Standards and Water Quality Information Advisory Committee, established under section 515 of the Federal Water Pollution Control Act ("the Act") 33 U.S.C. 1374; Pub. L. 92–500, to be held in Crystal Mall Building No. 2, Arlington, Virginia, throughout the week of July 8–July 12, 1974. A schedule of individual workshop rooms will be posted at the ESWQIAC Office, room No. 821, building No. 2, Crystal Mall.

The agenda consists of the following workshops:

JULY 8

9 AM TO 12 NOON

Fertilizer
Off-site rendering; meat and poultry processing
Inorganic chemical products

1:30 PM TO 4:30 PM

Pressed and blown glass
Animal feed; breakfast cereal and wheat starch
Organic chemicals
Asbestos manufacturing; textile, friction materials and sealing devices

JULY 9

9 AM TO 12 NOON

Auto and other laundries
Canned and preserved fruits and vegetables
Miscellaneous food and beverages
Mineral mining and processing

1:30 PM TO 4:30 PM

Water supply
Ore mining and dressing
Transportation
Fish hatcheries and farms

JULY 10

9 AM TO 12 NOON

Paving and roofing materials
Paint and ink
Miscellaneous chemicals
Machinery and mechanical

1:30 PM TO 4:30 PM

Coal mining
Pottery, etc.
Petroleum and gas
Steam supply

JULY 11

9 AM TO 12 NOON

Converted paper products
Rubber processing
Pulp and paper
Electroplating

1:30 PM TO 4:30 PM

Ferro Alloys—Iron and steel industry
Timber products and furniture mfg.
Canned and preserved seafood processing

JULY 12

9 AM TO 12 NOON

Plastics and synthetics
Other non-fertilizer phosphates
Cane sugar
Non-ferrous metals

The workshops are being conducted to acquire scientific and technical information which will improve the development of effluent limitations. Attendees are requested to bring to these workshops information in writing to meet the above objective. In addition, as a result of these worshops additional data and information requirements may be generated from attendees.

The workshops will be open to the public and under the overall direction of the committee chairman. Individual workshops will be conducted by members of the ES&WQIAC Committee. Any member of the public wishing to attend or participate should contact Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room #821, Crystal Mall Building #2, Washington, D.C. 20460. (Telephone (703) 557–7390.)

MARTHA SAGER,
Chairman, ES&WQIAC.

[FR Doc.74–13739 Filed 6–13–74;8:45 am]

MILPR NT, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (see 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H5051) has been filed by Milprint, Inc., 4200 North Holton Street, Milwaukee, WI 53201, proposing that § 121.1074 *Piperonyl Butoxide* (21 CFR 121.1074) and § 121.1075 *Pyrethrins* (21 CFR 121.1075) be amended to provide for the safe use of combinations of piperonyl butoxide and pyrethrins for insect control as components of cellophane/polyolefin two-ply bags to be used only for prunes, raisins, and other dried fruits.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–13736 Filed 6–13–74;8:45 am]

NOR–AM AGRICULTURAL PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1503) has been filed by NOR–AM Agricultural Products, Inc., 1275 Lake Ave., Woodstock, IL 60098, proposing establishment of an exemption from the requirement of a tolerance for residues of isophorone (3,5,5-trimethyl-2-cyclohexen-1-one) when used as an inert solvent or cosolvent in postemergence herbicides applied to beets (sugar beets and table beets).

The analytical method proposed in the petition for determining residues of isophorone is by measurement of its absorbance at 233 nanometers on a recording ultraviolet spectrophotometer.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–13737 Filed 6–13–74;8:45 am]

UNIROYAL CHEMICAL

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1499) has been filed by Uniroyal Chemical, Bethany, CT 06525, proposing establishment of tolerances for combined negligible residues of the fungicide carbon (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities peanuts and peanut hay at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a procedure in which caustic digestion cleaves aniline from the fungicide. The aniline is removed by steam distillation and analyzed with a gas chromatograph using a microcoulometric nitrogen detector.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.74-13738 Filed 6-13-74;8:45 am]

[OPP-32000/66]

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 August 13, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under Section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 13, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 264-9. Amchem Products, Inc., Brookside Avenue, Ambler, Pennsylvania 19002. Weedone 2,4,5-T Woody Plant Herbicide. Active Ingredients: 2,4,5-Trichlorophenoxyacetic acid, butoxyethanol ester 59.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-237. Chemagro Division of Baychem Corporation, P.O. Box 4913, Kansas City, Missouri 64120. Nemacur 10% Granular Nematicide. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12050-G. Chemco Chemical Company, 115 Cole, Dallas, Texas 75207. Zor-O-Cide Synergized Pyrethrins Area Spray. Active Ingredients: Pyrethrins 0.30%; Piperonyl Butoxide Technical 0.60%; N-octyl bicycloheptene dicarboximide 1.00%; Petroluem distillate 98.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12050-R. Chemco Chemical Company, 115 Cole, Dallas, Texas 75207. Biothrin. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans allethrin (allyl homolog of Cinerin I) 0.100%; Related compounds 0.008%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.392%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239-2186. Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, California 94804. Ortho Paraquat CL. Active Ingredients: Paraquat Dichloride 29.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239-EUEU. Chevron Chemical Company, Ortho Division, 940 Hensley Street, Richmond, California 94804. Diquat Herbicide Concentrate. Active Ingredients: Diquat dibromide [6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedilium dibromide] 35.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5549-TR. Coastal Chemical Corporation, P.O. Box 856, Greenville, North Carolina 27834. CCC TMP 6-1.5. Active Ingredients: Toxaphene 55.4%; O,O-dimethyl O-p-nitrophenyl thiophosphate 13.8%; Xylene 25.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34095-R. Commonwealth Sanitation Services Inc., P.O. Box 8422, Santurce, P.R. 00910. Rochek-A Residual Insecticide. Active Ingredients: O,O-Diethyl-O-(2-isopropyl-4-methyl- 6 -purimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; n-Octyl Sulfoxide of isosafrole 0.230%; Related compounds 0.031%; Petroleum distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 230-TT. FMC Corporation, Industrial Chemical Division, 633 Third Avenue, New York, New York 10017. FMC Pool Start C—Superchlorinator and Stabilizer. Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 729-LL. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pennsylvania 15230. Gulf Lite Outdoor Fogger. Active Ingredients: (5-Benzyl-3-furyl)-methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related compounds 0.050%; Aromatic Petroleum solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729-LA. Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pennsylvania 15230. Gulfspray Outdoor Fogger. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related Compounds 0.050%; Aromatic Petroleum solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905-80. Helena Chemical Company, Clark Tower, Suite 2900, Memphis, Tennessee 38137. Helena Hels—Mate. Active Ingredients: Toxaphene 66.6%; O,O-dimethyl O-p-nitrophenyl thiophosphate 16.1%; Xylene 3.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4651-RR. Hunter Chemicals, Inc., P.O. Box 14532, Houston, Texas 77021. Hunter's Algicide Concentrate 400. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4651-RG. Hunter Chemicals, Inc., P.O. Box 14532, Houston, Texas 77021. Hunter's Algicide Concentrate 100. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148-EE. Leffingwell Chemical Company, 111 South Berry Street, Brea, California 92621. Leffingwell Phosphamidon 8 Spray. Active Ingredients: Phosphamidon 74.5%; Related Compounds 3.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9554-EI. Levenson Chemical Co., 1407 Harney Street, Omaha, Nebraska 68102. Dursban Apartment and Household Insect Spray. Active Ingredients: Chloropyrifos (O, O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.5%; Pyrethrins 0.1%; Piperonyl butoxide, technical 0.2%; N-octyl bicycloheptene dicarboximide 0.3%; Aromatic petroleum derivative solvent 1.0%; Petroleum distillate 97.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881-LA. Lystads, Incorporated, 901 University Avenue, Grand Forks, North Dakota 58201. Lystads Pyrispray Poultry House Spray. Active Ingredients: Pyrethrins 0.30%; Piperonyl butoxide, technical 1.50%; Petroleum distillate 98.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33925-R. Marto Chemicals, Inc., P.O. Box 15583, Orlando, Florida 32808. Instant Mildew Remover. Active Ingredients: Calcium Hypochlorite 4.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33735-R. Middle States Oil Company, 14812 Detroit Avenue, Cleveland, Ohio 44107. No-Pidge for Bird and Insect Control. Active Ingredients: Polybutene

92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34339–R. Mid-Lands Chemical, 1617 Vinton Street, Omaha, Nebraska 68108. Action Surface Disinfectant Cleaner. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28% C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Isopropanol 0.63%; Sodium carbonate 2.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12310–RG. Misco International Chemicals, Inc., 1021 South Noel Avenue, Wheeling, Illinois 60090. Aqua-Check. Active Ingredients: Diquat dibromide 6,7-Dihydropyrido (1,2-a:2',1'-cpyrazinedilium dibromide) 4.35%. Method of support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2224–UO. Mobil Chemical Company, Industrial Chemicals Division, P.O. Box 26683, Richmond, Virginia 23261. Technical Grade Bifenox. Active Ingredients: Methyl 5-(2',4'-dichlorophenoxy)-2-nitrobenzoate 97.0%; Related compounds 1.3% Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969–RRE. Parsons Chemical Works, Inc., P.O. Box 146, Grand Ledge, Michigan 48837. Parsons Mole-Gopher Killer Bait. Active Ingredients: Arsenic trioxide 1.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–333. Prentiss Drug & Chemical Co., Inc., 363 Seventh Avenue, New York, New York 10001. Prentox Sulfoxide 40% Solution—An Insecticide for Formulating Use. Active Ingredients: N-octyl sulfoxide of isosafrole 35.2%; Related compounds 4.8%; Methylated Naphthalenes 60.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 572–261. Rockland Chemical Co., Inc., P.O. Box 204, Caldwell, New Jersey 07006. Summer Green with Dursban 20–5–10. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.575%; Aromatic petroleum derivative solvent 0.322%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 572–EIU. Rockland Chemical Co., Inc., P.O. Box 204, Caldwell, New Jersey 07006. Rockland Residual Fly Spray-B. Active Ingredients: Fenthion, O,O-Dimethyl O-[4-(methylthio)-m-toly] phosphorothioate 25.2%; Aromatic Petroleum Distillate 69.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2155–TT. I. Schneid, Inc., 1429 Fairmont Avenue, Atlanta, Georgia 30318. Pool-Cide. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2155–TA. I. Schneid, Inc. Towercide 5. Active Ingredients: Poly[oxyethylene (dimethylimino) ethylene (dimethylimino) ethylene dichloride] 5.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2155–TI. I. Schneid, Inc. Towercide 10. Active Ingredients: Poly[oxyethylene (dimethylimino) ethylene (dimethylimino) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 538–58. O. M. Scott & Sons, Marysville, Ohio 43040. (Scotts) Halts Plus Crabgrass Preventer Plus Lawn Fertilizer. Active Ingredients: S-(0,0-Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benzenesulfonamide 5.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1685–TT. The State Chemical Mfg. Co., 3100 Hamilton Avenue, Cleveland, Ohio 44114. Stop 'N' Gro Granular Weed-Killer & Fertilizer. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.00%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1685–TI. The State Chemical Mfg. Co., 3100 Hamilton Avenue, Cleveland, Ohio 44114. Formula 220–A, Brush-Kill Selective Weed and Brush Killer. Active Ingredients: Butoxyethyl ester of 2,4-Dichlorophenoxyacetic Acid 18.9%; Butoxyethyl ester of 2,4,5-Trichlorophenoxyacetic Acid 18.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476–ERLI. Stauffer Chemical Company, 1200 South 47th Street, Richmond, California 94804. Imidan 70–WP Agricultural Insecticide—Wettable Powder. Active Ingredients: *N*-(Mercaptomethyl)-phthalimide, *S*-(*O,O*-Dimethyl Phosphorodithioate) 70%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33586–R. A. E. Stein Company, P.O. Box 138, New Braunfels, Texas 78130. Algaecide #4200. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 40.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400–80. Uniroyal Chemical, Division of Uniroyal, Inc., Amity Road, Bethany, Connecticut 06525. Vitavax Fungicide. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 400–103. Uniroyal Chemical, Division of Uniroyal, Inc., Amity Road, Bethany, Connecticut 06525. Kylar–85A Plant Regulant. Active Ingredients: Succinic acid 2,2-dimethylhydrazide 85.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876–EGL. Velsicol Chemical Corporation, 341 East Ohio Street, Chicago, Illinois 60611. Velsicol Technical EPN For Formulation of Insecticides Only. Active Ingredients: O-Ethyl O-p-nitrophenyl phenylphosphonothioate 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639–T. Willard Products, 70 Chemical Way, Redwood City, California 94064. Willard Penta-Tox Water Repellent and Penta Preservative. Active Ingredients: Pentachlorophenol 4.5%; Other Chlorophenols and Related Compounds 0.5%; Mineral Spirits 86.7%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received previously published in the Federal Register of May 21, 1974 (39 FR 17886).

EPA Reg. No. 11687–7. Transvaal, Inc., P.O. Box 691, Marshall Road, Jacksonville, Arkansas 72076. Transvaal Brush–RHAP LV–4T Herbicide 2,4,5-T Low Volatile. Active Ingredients: Isooctyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 65.5%. . . . Correction: Originally published as 65.1%.

Dated: June 7, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–13590 Filed 6–13–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 704]

DOMESTIC PUBLIC RADIO SERVICES

Common Carrier Services Information;[1] Applications Accepted for Filing [2]

JUNE 10, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21484–C2–P–74, AnsweRite Professional Telephone Service, Edward C. Smith, d/b/a (New). C.P. for a new 2-way station operating on 454.250 MHz located at 220 East New York Avenue, De Land, Florida.

21485–C2–TC–(2)–74, Communications Engineering Inc. Consent to Transfer of Control from Sernco, Inc., a California Corporation, TRANSFEROR, to Howell Corporation, A Texas Corporation, TRANSFEREE. (KWA634, Anchorage, Alaska) (KWB404, Anchorage, Alaska)

21486–C2–P–74, New Jersey Mobile Telephone Co., Inc. (KEK290). C.P. to relocate facilities operating on 454.200 MHz at New Loc. #1: On top of hill overlooking Pompton Lakes, Passaic, New Jersey.

21487–C2–P–74, New England Telephone And Telegraph Company (KCC268). C.P. to replace transmitter operating on 152.72 MHz located at Mt. Greylock, 2.6 miles West of Adams, Massachusetts.

21488–C2–P–74, Peoples Telephone Company, Inc. (New). C.P. for a new 2-way station to operate on 152.75 MHz to be located near Alabama Hwy. 68, 2 miles N.W. of Leesburg, Alabama.

21489–C2–P–74, The Ohio Bell Telephone Company (KQA771). C.P. to replace test facilities operating on 157.92 MHz at Loc. #1: 121 Huron Street, Toledo, Ohio; & replace facilities operating on 152.66 MHz (Base) at Loc. #2: East South Boundary Street at intersection of Maple Street, Perrysburg Township, Ohio.

21490–C2–P–74, Indiana Telephone Corporation (New). C.P. for a new 1-way station to operate on 158.10 MHz located at 14 Jackson Street, North Vernon, Indiana.

21491–C2–P–74, Salisbury Answering Service (KGH868). C.P. to add location #2: 1.27 Miles Northeast of Berlin, Maryland to operate on 152.15 MHz.

21492–C2–P–(2)–74, Eastern Illinois Telephone Corporation (KSC869). C.P. to relocate base facilities on 152.60 MHz, change antenna location and antenna system located at N.E. Corner of 13th Street N.E. and Route 40, Casey, Illinois.

21493–C2–P–(2)–74, Gulf Central Communications & Electronics, Inc. (KKO352). C.P. for additional facilities at Loc. #1: North Side of Southern Pacific RR Tracks, Approx. 1 Mile West of Lafayette, Louisiana to operate on 454.275 and 454.300 MHz.

21494–C2–P–(3)–74, Radiotelephone Company of Indiana, Inc. (KSA811). C.P. to add Loc. #3: 11 South Merdian Street, Indianapolis, Indiana to operate on 454.100 MHz, 454.200 MHz, 454.275 MHz.

Major amendments

8463–C2–P–72, Zanesville Radiotelephone (New). Amend to change the base frequency from 152.03 MHz to 454.350 MHz. All other particulars of operation remain as reported in Public Notice #599, dated June 5, 1972.

6248–C2–P–73, Tele-Page, Inc. (New). Amend to change the 454.275 MHz base frequency to 454.175 MHz. All other particulars are to remain as reported on Public Notice #686, dated February 4, 1974.

20975–C2–P–74, Mobile Radio Systems, Ltd. (KQZ702). Amend to change antenna radiation pattern and increase effective radiated power. All other particulars are to remain as reported on Public Notice #689, dated February 25, 1974.

Corrections

Application File #21334–C2–P–(2)–74 filed by Edward C. Smith d/b/a AnsweRite Professional Telephone Service (KLF658) on the Commission's Public Notice dated May 13, 1974, should have been listed as a Major Amendment to file #20985–C2–P–74 on the Commission's Public Notice dated March 4, 1974.

The Following Renewal application was timely filed but inadvertently left off a previous Public Notice:

NEW JERSEY

Licensee	*Call Sign*
Radio Dispatch Co	KUO630

Correction: to indicate (2) applications were filed for separate facilities formerly appearing as file Number #21309–C2–P–(2)–74 on Public Notice dated May 6, 1974, Report No. 699. Facilities on 35.22 MHz now under file number 21361–C2–P–74.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

OHIO

Buckeye Communications Company (KUO-558), 20136–C2–MP–74.

Central Mobile Radio Phone Service (KUO-557), 20428–C2–P–(2)–74.

RURAL RADIO SERVICE

60314–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new Central Office Station to be operated on 152.51 MHz located 35 miles SW of TOK, Mentasta "J" Rptr., Alaska

60315–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new Rural Subscriber Station to be operated on 157.77 MHz located at Mentasta Village, 178 miles SE of Fairbanks, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4430–C1–P–74, United Video, Inc. (KXQ54), 4.5 Miles ENE of Galesburg, Illinois. Lat. 40°57'16" N., Long. 90°16'55" W. C.P. to correct coordinates of station and to transmit frequencies 10735.0V MHz and 10895.0V MHz toward a new point of communication at Canton, Illinois, on azimuth 153°06'.

4431–C1–ML–74, American Telephone and Telegraph Company (KJM94), 10.3 Miles East of Thelma, Georgia. Lat. 30°49'39" N., Long. 82°39'03" W. Mod. of License to change polarization on existing frequencies to 3710V, 3730H, 3790V, 3810H, 3870V, 3890H, 3950V, 3970H, 4030V, 4050H, and 4130H toward Benton, Florida.

4432–C1–ML–74, Same (KJM95), 3 Miles North of Benton, Florida. Lat. 30°31'05" N., Long. 82°40'22" W. Mod. of License to change polarization on existing frequencies to 3750V, 3770H, 3830V, 3850H, 3910V, 3930H, 3990V, 4010H, 4070V, 4090H, 4170H toward Fargo, Georgia.

4433–C1–ML–74, Same (KSV33), 1.1 Miles NE of Gulf Hammock, Florida. Lat. 29°15'41" N., Long. 82°42'32" W. Mod. of License to change polarization on existing frequencies to 3770H, 3850H, 3930H, 4010H, 4090H, 4170H, and 4198V toward Dunnellon, Florida.

4434–C1–ML–74, Same (KSV34), 2.7 Miles South of Dunnellon, Florida. Lat. 29°00'-30" N., Long. 82°27'00" W. Mod. of License to change polarization on existing frequencies to 3730H, 3810H, 3890H, 3970H, 4050H, 4130H, and 4190V toward Gulf Hammock, Florida.

4435–C1–ML–74, Same (KIL94), 24 O'Henry Avenue, Asheville, North Carolina. Lat. 35°35'45" N., Long. 82°33'29" W. Mod. of License to change polarization of existing frequencies to 3950V and 4110V toward Mt. Olive Church, North Carolina.

4436–C1–ML–74, Same (KJX28), 2.0 Miles SE of Black Mountain, North Carolina. Lat. 35°35'28" N., Long. 82°17'28" W. Mod. of License to change polarization of existing frequencies to 3950V and 4110V toward Marion, North Carolina.

4437–C1–ML–74, Same (KJX27), End of Mu-ford Avenue, Marion, North Carolina. Lat. 35°41'18" N., Long. 82°01'39" W. Mod. of License to change polarization of existing frequencies to 3990V and 4150V toward Black Mountain, North Carolina.

4438–C1–ML–74, Same (KID65), Currahee Mountain, 4.5 Miles SW of Toccoa, Georgia. Lat. 34°31'46" N., Long. 83°22'30" W. Mod. of License to change polarization on existing frequencies to 3730H, 3750V, 3810H, 3830V, 3890H, 3910V, 3970H, 3990V, 4050H, 4070V, 4130H, and 4150V toward Little Mountain, South Carolina.

4439–C1–ML–74, Same (KID66), Little Mountain, 5 Miles SW of Anderson, South Carolina. Lat. 34°26'33" N., Long. 82°42'04" W. Mod. of License to polarization of existing frequencies to 3710V, 3770H, 3790V, 3850H, 3870V, 3930H, 3950V, 4010H, 4030V, 4090H, 4110V, and 4170H toward Currahee Mountain, Georgia.

4440–C1–ML–74, American Telephone and Telegraph Company (KJM89), Garretta, 8.2 Miles ESE of Rentz, Georgia. Lat. 32°19'55" N., Long. 82°52'03" W. Mod. of License to change polarization on existing frequencies to 3750V, 3770H, 3830V, 3850H, 3910V, 3930H, 3990V, 4010H, 4070V, 4090H, 4170H, toward Nickelsville, Georgia.

4441–C1–P–74, Same (KJM88), 4.2 Miles SE of Nickelsville, Georgia. Lat. 32°39'15" N., Long. 83°01'48" W. Mod. of License to change polarization on existing frequencies to 3710V, 3730H, 3790V, 3810H, 3870V, 3890H, 3950V, 3970H, 4030V, 4050H, 4130H, toward Garretta, Georgia.

4442–C1–P/L–74, CPI Microwave, Inc. (New). Application for C.P. and License for a new station within the operating territory of CPI Microwave, Inc. and its affiliated companies, which currently includes the States of Texas and Ohio on frequencies 11695.0 MHz and 11700.0 MHz.

4443–C1–ML–74, Pacific Northwest Bell Telephone Company (KYS62), 1503 Third Avenue West, Seattle, Washington. Lat. 47°37'58" N., Long. 122°21'36" W. Mod. of License to change polarization on existing frequencies to 3770H, 3850H, and 3930H toward Gold Mountain, Washington.

4444–C1–ML–74, Same (KYS63), Gold Mountain, 7.4 Miles West of Bremerton, Washington. Lat. 47°32'58" N., Long. 122°47'03" W. Mod. of License to change polarization on existing frequencies to 3730H, 3810H, and 3890H toward Seattle 5, Washington.

4453–C1–P–74, Western Tele-Communications, Inc. (New), 3.5 Miles SE of Waukesha, Wisconsin. Lat. 42°57'43" N., Long. 88°10'19" W. C.P. for a new station on frequencies: 6226.9H toward Plat, Wisconsin; 6226.9V toward Salem, Wisconsin; 11385.0V toward Milwaukee, Wisconsin.

4459–C1–P–74, Data Transmission Company (New), 0.8 Mile NW of Shawsville, Maryland. Lat. 39°39'00" N., Long. 76°33'57" W. C.P. for a new station on freqs. 6404.8V toward Hebbville, Maryland, on azimuth 206°19'; 6375.2H toward Truce, Pennsylvania, on azimuth 45°45'.

4460–C1–P–74, Same (New), 0.6 Mile W. of Truce, Pennsylvania. Lat. 39°53'08" N., Long. 76°15'05" W. C.P. for a new station on frequency 6123.1V toward Shawsville, Maryland, on azimuth 225°57'; 6123.1H toward Welsh Mtn, Pennsylvania on azimuth 49°28'.

4461–C1–P–74, Western Tele-Communications, Inc. (New), 1 Mile North of Flat Rock, Michigan. Lat. 42°06'54" N., Long. 83°16'49" W. C.P. for a new station on frequencies: 10975V toward Detroit, Michigan on azimuth 37°45'; 6034.2V toward La Salle, Michigan, on azimuth 210°06'.

Major amendments

Informative: Western Tele-Communications, Inc., hereby amends twenty-one (21) applications between Chicago, Illinois and Pittsburgh, Pennsylvania in accordance with the Commissions Rules governing the April 30, 1974 deadline.

4307–C1–P–72, Western Tele-Communications, Inc. (New), Chicago. C.P. to relocate facilities to the John Hancock Building at Lat. 41°53'57'' N., Long. 87°37'24'' W. frequency 6226.9V on azimuth 136°51' towards new point of communication Gary.

4309–C1–P–72, Same (New), Gary C.P. to change station name from Glen Park to Gary and relocate facilities to Lat. 41°35'53'' N., Long. 87°14'53'' W. Frequencies 5974.8V on azimuth 317°06' toward Chicago, and 5945.2V on azimuth 81°33' toward Michigan City.

4310–C1–P–72, Same (New), Michigan City. C.P. to relocate facilities to Lat. 41°38'55'' N., Long. 86°47'10'' W. Change point to communication to Gary on frequency 6226.9H on azimuth 261°51', frequency 6226.9H on azimuth 93°58' towards South Bend.

4311–C1–P–72, Same (New), South Bend. C.P. to relocate facilities to Lat. 41°36'58'' N., Long. 86°11'32'' W. Frequencies 5974.8H on azimuth 274°22' towards Michigan City and 5974.8H on azimuth 84°48' towards new point to communication La Grange:

4312–C1–P–72, Same (New), La Grange. C.P. to change station name and location from Sturgis to La Grange at Lat. 41°39'36'' N., Long. 85°31'16'' W. Frequencies 6226.9H on azimuth 265°14' towards South Bend, and 6226.9V on azimuth 68°04' towards Kinderhook.

4313–C1–P–72, Same (New), Kinderhook. C.P. to relocate facilities to Lat. 41°48'04'' N., Long. 85°02'59'' W. Frequencies 5974.8V on azimuth 248°23' towards new point of communication La Grange, and 10775V on azimuth 74°50' towards Hillsdale.

4314–C1–P–72, Same (New), Hillsdale. C.P. to relocate facilities to Lat. 41°53'14'' N., Long. 84°37'15'' W. Frequencies 11665V on azimuth 255°07' towards Kinderhook and 5974.8H on azimuth 84°06' towards Adrian.

4315–C1–P–72, Same (New), Adrian. C.P. to relocate facilities to Lat. 41°55'48'' N. Long. 84°02'51'' W. Frequencies 6226.9H on azimuth 264°29' towards Hillsdale, and 6226.9V on azimuth 133°08' towards Toledo.

4316–C1–P–72, Same (New), Toledo. C.P. to relocate facilities to Lat. 41°37'28'' N. Long. 83°36'50'' W. Frequencies 5945.2V on azimuth 313°25' towards Adrian, 5945.2V on azimuth 133°46' towards Fremont, and 6034.2V on azimuth 23°19' towards La Salle.

4317–C1–P–72, Same (New), La Salle. C.P. to relocated facilities to Lat. 41°51'31'' N., Long. 83°28'44'' W. Frequencies 6315.9V on azimuth 203°24' towards new point to communication Flat Rock.

4318–C1–P–72, Same (New), Detroit. C.P. to relocate facilities to Lat. 42°20'02'' N., Long. 83°03'06'' W. Change frequency to 11625V on azimuth 217°54' towards new point to communication Flat Rock.

4319–C1–P–72, Same (New), Fremont. C.P. to relocate facilities to Lat. 41°22'56'' N., Long. 83°16'44'' W. Frequencies 6197.2V on azimuth 314°00' towards Toledo, and 6197.2H on azimuth 105°58' towards Monroeville.

4320–C1–P–72, Same (New), Monroeville. C.P. to relocate facilities to Lat. 41°61'02'' N., Long. 82°45'06'' W. Frequencies 6004.5V on azimuth 286°19' towards Fremont, and 6034.2H on azimuth 77°16' towards new point of communications Henrietta.

4321–C1–P–72, Same (New), Henrietta. C.P. to change station name and location from Oberlin to Henrietta at Lat. 41°20'38'' N., Long. 82°17'46'' W. Frequencies 6197.2V on azimuth 257°34' towards Monroeville, and 6256.5V on azimuth 87°14' toward Cleveland.

4322–C1–P–72, Same (New), Cleveland. C.P. to relocate facilities to Lat. 41°21'49'' N., Long. 81°09'28'' W. Frequencies 6197.2V on azimuth 267°37' towards new point of communication Henrietta, and 5974.8V on azimuth 94°53' towards Hiram.

4323–C1–P–72, Same (New), Hiram. C.P. to relocate facilities to Lat. 41°19'35'' N., Long. 81°09'28'' W. frequencies 6197.2V on azimuth 275°15' towards Cleveland, and 6226.9H on azimuth 150°29' towards new point of communication Berlin Center.

4324–C1–P–72, Same (New), Berlin Center. C.P. to change station name and location from Austintown to Berlin Center at Lat. 41°00'34'' N., Long. 80°55'16'' W. Frequencies 5945.2V on azimuth 330°39' towards Hiram, and 5974.8V on azimuth 123°44' towards East Palestine.

4325–C1–P–72, Same (New), East Palestine. C.P. to relocate facilities to Lat. 40°50'38'' N., Long. 80°35'44'' W. Frequencies 6226.9V on azimuth 303°57' towards new point of communication Berlin Center, and 6226.9H on azimuth 130°23' toward Aliquippa.

4326–C1–P–72, Same (New), Aliquippa. C.P. to relocate facilities to Lat. 40°37'15'' N., Long. 80°15'08'' W. Frequencies 5945.2H on azimuth 310°37' towards East Palestine and 5945.2H on azimuth 150°47' towards new point of communication, Carnegie.

4327–C1–P–72, Same (New), Carnegie. C.P. to change station name and location from Pittsburg to Carnegie at Lat. 40°24'36'' N., Long. 80°05'53'' W. Frequencies 6197.2H on azimuth 330°53' towards Aliquippa.

3133–C1–P–70, Data Transmission Company (New). Change Station location to 0.3 mile SW of Cooksville, Maryland. Lat. 39°19'08'' N., Long. 77°01'35'' W. Change frequencies and points of communications to 6226.9H MHz on azimuth 187°41' towards Washington D.C., and 6315.9H MHz on azimuth 86°49' towards Hebbville, Maryland, respectively.

3134–C1–P–70, Same (New). Change station location to 0.8 Mile SW of Hebbville, Maryland. Lat. 39°19'47'' N., Long. 76°46'11'' W. Change frequency on azimuth 107°40' toward Baltimore, Maryland; change frequencies and points of communication to 6063.8V MHz on azimuth 266°58' towards Cooksville, Maryland, and 6152.8H MHz.

3135–C1–P–70, Same (New). Change station location to 201 North Charles Street, Baltimore, Maryland. Lat. 39°17'29'' N., Long. 76°36'55'' W. Change frequency and point of communication to 10775V MHz and Hebbville, Maryland, on azimuth 287°46'.

3141–C1–P–70, Same (New). Station location: 525 Wm. Penn. Place, Pittsburgh, Pennsylvania. Change frequency on azimuth 194°52' towards McMurray, Pennsylvania to 11585V MHz.

3142–C1–P–70, Same (New), 1.3 Miles SW of McLeary, Pennsylvania. Change Radio Path azimuth towards Salem, Ohio to 307°13'.

3143–C1–P–70, Same (New). Change station location to 2.4 Miles S of Salem, Ohio. Lat. 40°51'18'' 1N., Long. 80°53'18'' W. Change radio path azimuths toward McLeary, Pennsylvania, and Rootstown, Ohio, to 126°55' and 310°49', respectively.

3144–C1–P–70, Same (New), 3.0 Miles SE of Rootstown, Ohio. Change radio path azimuth towards Salem, Ohio, to 130°37' and change polarization of frequency 6404.8 MHz on azimuth 297°23' towards Broadview Ht., Ohio, to Horizontal.

3145–C1–P–70, Same (New), Cleveland, Ohio. Change Frequency on azimuth 181°56' towards Broadview Hts., Ohio, to 11385H MHz.

3146–C1–P–70, Same (New), 4.0 Miles SW of Amherst, Ohio. Change frequency on azimuth 105°22' towards Broadview Hts. to 6375.2V MHz and change polarization of frequency 6404.8 MHz on azimuth 267°31' towards Castalia, Ohio, to Vertical.

3148–C1–P–70, Same (New), 1.3 Miles SW of Williston, Ohio. Change frequency on azimuth 01°35' towards Oldport, Michigan, to 6375.2V MHz.

3149–C1–P–70, Data Transmission Company (New), 3.1 Miles SW of Oldport, Michigan. Change frequency on azimuth 181°34' towards Williston, Ohio, to 6123.1V MHz.

3150–C1–P–70, Same (New), Cadillac Square and Bates Street, Detroit, Michigan. Change frequency on azimuth 212°31' towards Oldport, Michigan, to 6404.8V MHz.

3153–C1–P–70, Same (New). Change station location to Welsh Mtn., 2.9 Miles SW of Elverson, Pa. Lat. 40°07'45'' N., Long. 75°52'46'' W. Change frequencies and points of communication to 6286.2H MHz on azimuth 123°30' towards Lima, Pa., and 6375.2V MHz on azimuth 229°42' towards Truce, Pa., add frequency 6256.5V on azimuth 337°40' towards new point of Communication at Bernville, Pa.

3155–C1–P–70, Same (New). Change station location to 0.8 Mile SW of Lima, Pa. Lat. 39°54'38'' N., Long. 75°27'08'' W. Change frequencies on azimuth 303°47' towards Welsh Mtn., Pa., to 6034.2V MHz and to 10775V MHz on azimuth 79°0' towards Philadelphia, Pa.

3156–C1–P–70, Same (New). Change station location to 1700 Market Street, Philadelphia, Pa. Lat. 39°57'09'' N., Long. 75°10'11'' W. Change frequencies and point of communication to 11385V MHz on azimuth 259°10' toward Lima, Pa.

3157–C1–P–70, Same (New). Change station location to 1.0 Mile SW of Palmerton, Pa. Lat. 40°46'53'' N., Long. 75°38'34'' W. Change frequency on azimuth 78°53' towards Hope, New Jersey, to 6375.2V MHz and change frequency and point of communication to 6197.2H MHz and Bernville, Pa., respectively, on azimuth 225°51'.

3158–C1–P–70, Same (New), 7.0 Miles E. of Hope, New Jersey. Change frequencies on azimuth 259°28' toward Palmerton, Pa., to 6123.1H MHz and on azimuth 63°58' toward Woodstock, New Jersey, to 6034.2V MHz.

2268–C1–P–73, Same (New). Change station location to American University, Washington, D.C. Lat. 38°56'10'' N., Long. 77°05'33'' W. Change frequency and point to communication to 5974.8V MHz and Cooksville, Md., respectively, on azimuth 7°38'.

2271–C1–P–73, Same (New), 3.4 Miles SW of Broadview Heights, Ohio. Change frequencies on azimuth 285°44' toward Amherst, Ohio, to 6123.1H MHz and on azimuth 1°56' toward Cleveland, Ohio, to 10935V MHz.

3540–C1–P–73, Same (New), McMurray, 2.0 Miles S. of Bethel, Pa. Change polarization of frequency 6152.8 MHz on azimuth 317°7' toward McLeary, Pa., to Horizontal.

3541–C1–P–73, Data Transmission Company. Change station location to 3.4 Miles NE of Bernville, Pa. Lat. 40°28'10'' N., Long. 76°03'45'' W. Change frequency on azimuth 42°12' toward Palmerton, Pa., to 5945.2H MHz and change point of communication and frequency to Welsh Mtn., Pa., and 6004.5H MHz, respectively, on azimuth 157°33'.

3542–C1–P–73, Same (New), 1.0 Mile NW of Woodstock, New Jersey. Change frequency on azimuth 244°10' towards Hope, New Jersey to 6286.2H MHz.

MULTIPOINT DISTRIBUTION SERVICE

50160–C5–P–74, M.C.C.A. Service Corporation (New), 14 Lafayette Square, Buffalo, New York. Lat. 40°53'09" N., Long. 78°52'17" W. C.P. for a new station on frequencies 2160.75H and 2156.25H. (Primary Service Area: Buffalo, New York).

501610–C5–P–74, Same (New), 222 Midtown Towers, Rochester, New York. Lat. 43°09'15" N., Long. 77°36'12" W. C.P. for a new station on frequencies 2160.75H and 2156.25H. (Primary Service Area: Rochester, New York).

50162–C5–P–74, Same (New), 821 Frighton Avenue, East, Jamesville, New York. Lat. 43°00'19" N., Long. 76°07'50" W. C.P. for a new station on frequencies 2160.75H and 2156.25H. (Primary Service Area: Syracuse, New York).

[FR Doc.74–13690 Filed 6–13–74;8:45 am]

FEDERAL ENERGY OFFICE

CONSUMER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Consumer Advisory Committee will meet June 20, 1974, at 9:30 a.m., Room 3000–A, 12th & Pennsylvania Ave., NW., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Office (FEO), with respect to general consumer interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

The agenda for the meeting is as follows:

1. Project Independence Blueprint—progress report.
2. Consumer Energy Act of 1974—S. 2506, including discussions of amendments 1025 (Deregulation of Natural Gas) and 643 (FOGCO).
3. FEA Advisory Committee—status under reorganizations plans.
4. Justification of Controlled Oil Price Increase—as announced by the Cost of Living Council.
5. FEO Price Decontrol—options available.
6. Subcommittee Meetings
   - —Pricing.
   - —Energy Conservation and Environment.
   - —Energy Resource Development.
   - —International Energy Affairs.
   - —Special Impact.
   - —Economics & Data.
   - —Consumer Affairs.
7. Subcommittee Reports

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Oral statements or participation by the public in the meeting will not be permitted, but any member of the public who wishes to file a written statement with the Committee shall be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Carol Jordan, Federal Energy Office, Washington, D.C., phone number (202) 961–8033.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Due to the need for input from the Committee, at this time, this meeting is being scheduled prior to elapse of the usual 15-day notice period.

Issued at Washington, D.C., on June 12, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74–13802 Filed 6–13–74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01017	Westfal-Larsen & Co. A/S: *M/S Villanger.*
01028	Flensburger Schiffsparten Vereinigung AG.: *Saturn.*
01063	E. B. Rederi A/S Aaby's: *Rego.*
01112	Trade Banner Line, Inc.: *Trade Carrier.*
01125	N. V. Ubem S.A. (Union Belge D' Enterprises Maritimes): *Loverval.*
01172	H. Clarkson and Company Limited: *Gallic Bridge.*
01239	A/S Nittedal & A/S Tank: *Bjorgfjell, Bjorghav.*
01437	The Carlton Steamship Co. Ltd.: *Trumentor.*
01465	Scottish Ship Management Limited. *Temple Bar, Temple Inn.*
01527	Cia Carreto De Navegacion S.A.: *Pearl Creek.*
01578	Harald Jacobsen Shipping A/S: *Janne.*
01583	I/S Kvartia Marin: *Storfold.*
01838	Skipsaksjeselskapet Eidsiva: *Vinni.*
01854	Southern Towing Co.: *STC 2011, SS 2012,*
01935	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Dampskibsselskabet AF 1912 Adtieselskab: *Susan Maersk.*
01995	Rederi AB Disa: *Vishamn.*
02156	Lorentzens Skibs A/S: *Mary Stove.*
02199	Atlantic Richfield Co.: *Atlantic Navigator.*
02245	Extramar Panama S.A.: *Albano.*
02285	Atlan Lines, S.A.: *Jade, Topacio.*
02428	The Kinsman Marine Transit Company: *Buckeye Monitor, Henry Laliberte, Joe S. Morrow, Kinsman Independent, R. E. Webster, Uhlmann Brothers.*
02496	United States Steel Corporation: *AB 752, AB 754, CL 750, TJ 511 E, TJ 515 E.*
02524	Watergate Steam Shipping Co., Ltd: *Starworth.*
02665	Ubersee - Schiffahrtsgesellschaft Schmidt & Co. KG: *Bodil Schmidt.*
02716	Aktieselskabet Det Dansk-Franske Dampskibsselskab: *Slesvig.*
02956	Ashland Oil, Inc.: *A.O. & R. Co. S–223.*
02975	Venture Shipping (Managers) Limited: *Vera Venture.*
03115	Pansurena Navegacion S.A. Panama: *Aristovoulous.*
03137	The Cunard Steamship Company Limited: *Cunard Campaigner, Cunard Caravel.*
03165	Asimi Maritime Co. Ltd.: *St. Demetrius.*
03216	Rederiaktiebolaget Rex: *Blido.*
03236	Compania Petrolera Armadora S.A.: *North Prince.*
03329	Hudson Waterways Corporation: *Transchamplain.*
03502	Shinyei Senpaku K. K.: *Otowasan Maru.*
03635	Hines, Incorporated: *John Picton.*
04016	Mayaguez Fishing Company, Inc.: *Lexington.*
04019	Nord-Transport Strandheim & Stensaker: *Hansel.*
04040	Halfdan Ditlev Simonsen & Co.: *Inni.*
04056	Ugland Shipping Co. A/S Jorgensens Rederi A/S Skips A/S Kysten: *Bonita.*
04066	Taurus Shipping Co. Inc.: *Akbar.*
04172	Eklof Marine Corp.: *E 12.*
04364	The Jamaica Banana Producers Steamship Co. Ltd.: *Jamaica Planter.*
04404	Lars Rej Johansen: *Jolandia, Jorivka.*
04601	American Tunaboat Association: *Anna Maria, Calypso, City of Lisbon, City of Panama, Jacqueline A, Mary Elizabeth, Rosa Olivia.*
04609	Standard Dredging Corporation: *Alabama, Burlington.*
04708	M.S. "Jogela" Tunnecke Schiffahrtsgesellschaft, Bremen: *Jogela.*
04711	M.S. "Embla" Tunnecka Schiffahrtsgesellschaft, Bremen: *Jowood.*
04712	Tunnecke Schiffahrtsgesellschaft M.S. "Joquita", Bremen: *Joquita.*
04794	Sea King Corporation: *Grand Valor.*
04970	Stainless Tanker I/S: *Stainless Tanker.*
05024	Continental Shipping, Inc.: *Constance.*
05539	Westgate Terminals, Inc.: *Southgate, Westgate.*
05579	Black Sea Shipping Co.: *Medynj.*
05765	Chricodi Compania Naviera S.A. Panama: *Zougro.*
05854	Levin Metals Corporation: *DE 705.*
05923	Pacific Tradewinds, Inc.: *Pacific Tradewinds.*
06042	Luzon Stevedoring Corporation: *CSC–252.*
06036	South Texas Towing, Inc.: *T–700.*
06114	Masahei Yamamoto: *Seishu Maru No. 8, Seishu Maru No. 22.*
06129	Azov Shipping Company: *Zaporozye.*
06572	K/g "Nordsee" Frachtschiffahrt GMBH & Co.: *Jennes.*
06833	Mediterranean Klif Shipping Co. Ltd. & A. H. Basse & T. Gulner Jensen & J. Poulsen: *Mediterranean Klif.*
06928	Elmini Love, Inc.: *Mini Love.*
07123	Priiam Shipping Co. Ltd.: *Lorna P.*
07178	Water Tunnel Contractors: *S–101, S–102.*

No. Certificate	Owner/operator and vessels
07241---	Bacanamar Compania Naviera S.A.: *Nafsika.*
07347---	Navegantes Transatlantica S.A.: *Rio Casca.*
07847---	Toshin Yusosen Co., Ltd.: *Toyo Maru.*
07857---	Plotinos Shipping Co. S.A.: *Elissavet K.*
07956---	Sanford Towing Inc.: *Grand Turk.*
08193---	Orepton Shipping Company Limited: *Maritihi.*
08315---	Burmast Shipping & Exploration Corp.: *Burmah Amber.*
08602---	Orelliastar Shipping Company Limited: *Marisuerta.*
08692---	Rita Shipping Co. Ltd.: *RS I.*
08823---	Blue Water Transport, Inc.: *Conoco America, Conoco Canada.*
09006---	Stena Line AB: *Stena Trailer.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13722 Filed 6-13-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01443---	Denholm Line Steamers Limited: *Monach.*
01547---	Costa Armatori S.P.A.: *Luisa C, Anna C, Giovanna C.*
01605---	D'Amico Societa Di Navigazione S.P.A.: *Cielo Di Salerno, Cielo Di Roma.*
01861---	BP Tanker Company Limited: *British Trident.*
02021---	Atlantska Plovidba: *Ruder Boskovic.*
02038---	Polskie Linie Oceaniczne: *Kuznica.*
02190---	Bugsier-Reederei-und Bergungs-Aktien-Gesellschaft: *P.W.D. Victoria.*
02246---	Blue Star Line Ltd.: *Sanstefano. Annaflora, Imperia.*
02472---	Texasgulf, Inc.: *TG 23, TG 24.*
02928---	PHS Van Ommeren (France): *Port Renard.*
02952---	Blandford Shipping Company Limited: *Star Blackford, Star Bulford.*
02976---	Arthur-Smith Corporation: *Tenneco 150.*
03139---	Offshore Marine Ltd.: *Cromarty Shore.*
03301---	Prudential Grace Lines Inc.: *Santa Ana.*
03391---	Societe Maritime Shell: *Mactra.*
03420---	Dainichi Kaiun Kabushiki Kaisha: *Nichigaku Maru.*
03438---	Inui Kisen K.K.: *Kenjyu Maru.*
03453---	Kyosei Kisen K.K.: *Seiho Maru.*
03459---	Meiji Kaiun K.K.: *Meitai Maru.*
03484---	Sanko Kisen K.K.: *Eastern Dale.*
03503---	Shofuku Kisen K.K.: *Iwaki Maru.*
03544---	Herness Shipping Company A/S: *Nordic Regent, Nodic Rover.*
03923---	Shinwa Kaiun Kabushiki Kaisha: *Seiyo Maru.*
04037---	C. F. Bean, Inc.: *Tide Mar XXI.*
04070---	Frota Oceanica Brasileira S.A.: *Frotasirius, Frotavega.*
04122---	Kristian Gerhard Jebsen Skipsrederi: *Kiwi Arrow.*
04126---	Jugoslavenska Linijska Plovidba, Rijeka: *Nikola Tesla, Trecl Maj.*
04138---	Dixie Sand and Gravel Company: *Steel Dredge No. 8.*
04289---	Dixie Carriers, Inc.: *DXE 134 BDC, DXE 271 DC, DXE 272 DC, DXE 292 BDC.*
04407---	Domar, Inc.: *Domar 6501.*
04420---	Navigation Alta Italia S.P.A.: *Nai Rocco Piaggio.*
04423---	Marcona Carriers Limited: *Marcona Venturer, Marcona Vanguard, Marcona Voyager, Marcona Pioneer, Marcona Pathfinder, Marcona Traveler, Marcona Exporter, Marcona Trader.*
04458---	Naviera Artola, S.A.: *Irache.*
04503---	Okutsu Suisan Kabushiki Kaisha: *Zenkomaru No. 31.*
04601---	American Tunaboat Association: *Jo Ann, Conquest.*
04637---	McAllister Brothers Inc., N.Y.: *527N, 659.*
04638---	McAllister Brothers Inc. Del.: *YRB 27.*
04803---	Brent Towing Company, Inc.: *S. B. Thomas.*
04884---	Hall Corporation Shipping Ltd.: *Axel Heiberg.*
04939---	Panocean Shipping & Terminals Ltd.: *Post Endeavour.*
05039---	Inland Oil & Transport Co.: *IOT-401, IOT-402, IOT-451, IOT-452, IOT-309, Lady Julie, Lady Mignon.*
05098---	Esso Tankers Inc.: *Esso Melbourne.*
05239---	Zapata Off-Shore Company: *Zapata Ugland.*
05425---	Georgia Transporters, Inc.: *GT 115, GT 121.*
05508---	Galaction Shipping Co., Ltd.: *Marvella.*
05549---	Polsk Zegluga Morska: *Politechnika Slaska, Syn Pulku.*
05577---	Far-Eastern Shipping Company: *Pravdinsk, Alehandr Tvardovsky.*
05579---	Black Sea Shipping Co.: *Medin, Ismailia.*
05636---	Takashiromaru Kaiun Kabushiki Kaisha: *Takashiro Maru No. 25.*
05736---	Flota Cubana De Pesca: *Oceano Atlantico.*
05763---	Towa Senpaku K.K.: *Prince Maru No. 7.*
05822---	"Marcosa" Maritima Contenental Y De Comercio S.A.: *Marcoverde.*
06117---	Helmut Bastian Reederei: *Pelikan.*
06578---	Van Nievelt, Goudriaan & Co. N.V.: *Anne Christina, Megrez, Meres.*
06877---	Societe Francaise De Transports Maritimes: *Penmen, Penmarch, Post Energie.*
06885---	Bewa Line A/S: *Lita Bewa, Lykke Bewa, Rikke Bewa.*
06921---	Lee Lai Maritime S.A. (Panama): *Chieh Teh, Chieh Foo, Chieh Teng.*
06963---	Societe Francaise De Transports Maritimes A.T.A. Walon: *Mulsanne.*
07498---	Louisiana Materials Co., Inc.: *SC 930.*
07717---	Mississippi Marine Transport Co.: *Miss Kathy.*
07763---	TTT, Inc.: *El Taino.*
07833---	Pyramid Ventures Group, Inc.: *Pyramid Viking.*
07904---	Kabushiki Kaisha Koyo Gyogyo: *Koyomaru No. 25.*
08555---	Universal Towing Company-D. J. Marine Service, Inc.: *LSMR-518, Crane Barge.*
08642---	Shinwa Steamship Co., (HK) Ltd.: *Asia Prosperity.*
08643---	Cape Navigation S.A.: *Cape Esan.*
08660---	Caminos Oceanicos Armadora, S.A.: *Lord Nelson.*
08665---	New Zealand Government: *Toa Moana.*
08675---	Torre Canal S.P.A. Di Navigazione: *Piviere.*
08746---	N.V. Bocimar: *Eeklo, Zelzate, Belval, Chertal, Stolt Boel.*
08787---	Smit Internationale Zeesleep-En Bergingsbedrijfbv: *Barentsz-Zee, Tasman Zee, Thames, Orinoco, Hudson, Mississippi, Smit Salvor, Elbe, Rode Zee, Noordzee, Poolzee, Zwarte Zee, Witte Zee.*
08801---	Nordestal Maritima S.A.: *Carole.*
08818---	Venus Carriers Corporation S.A.: *Blue Bottle.*
08823---	Conoco Shipping Company: *Conoco America, Conoco Canada.*
08867---	Purple Planet Shipping Limited: *Wistaria Purple.*
08894---	Maritime Coastal Containers Limited: *Hansa Bay, Bergfalck.*
08909---	Dominique Maritime Corp.: *Dominique.*
08931---	American River Transportation Co.: *Sally Archer.*
08941---	Ogden Danube Transport, Inc.: *Ogden Danube.*
08955---	Lonborg Rederierne A/S: *Nina Lonborg, Tobias Lonborg.*
08966---	Baring Shipping Company S.A. Panama: *Baring.*
08978---	Cayman Island Vessels Ltd: *Hollis Hedberg.*
08993---	Venus Shipping & Trading Corporation: *Petrola XI.*
08995---	Electra Shipping & Trading Corporation: *Petrola XVI.*
09002---	Commercial Transport Corporation: *Chem 100, Chem 101, Chem 102, Chem 103, Chem 104, Chem 105, Chem 106, Chem 107, Chem 108, Chem 109.*
09003---	VTG Vereinigte Tanklager Und Transportmittel GMBH: *Sachsentor.*
09019---	Del Monte Del Ecuador, C.A.: *Artic Maid, San Antonia V.*
09020---	General Navigation Ltd.: *Sterling.*
09023---	Korea Tanker Co. Ltd.: *Lucky No. 1.*
09024---	Veb Fischkomobinat Rostock: *F. C. Weiskopf, Rudolf Leonhardt, Bodo Uhse, Eversbagen.*
09030---	Leodamas Maritime Company: *Leodamas.*
09036---	Comandamentul Flotei Di Pescuit Oceanic Navorm-Tulcea: *Marea Neagra, Delta Dunar II, Razelm, Sinoe, Negoiu, Ceahlau, Moldoveanu, Retezat, Rarau, Polar IV, Inau, Semenic, Mures, Trotus, Ialomitza, Siret, Milcov, Neaglov, Juil, Polar I, Polar II, Polar III.*
09043---	Sofisana Shipping Company, S.A.: *Soula K.*
09044---	Demka Shipping Company, S.A.: *Eugenia K.*
09045---	Isanaso Shipping Company, S.A.: *Michalis K.*
09047---	R/A Hadrian: *Vespasian.*
09048---	Ipiros Shipping Company Limited: *Marivana Maria.*
09050---	Xanadu Cruises, Inc.: *Xanadu.*

No. Certificate	Owner/operator and vessels
09053	Farpesca, S.A.: *Farpesca Cuarto.*
09054	A/S Geir: *Skarbo.*
09057	Ryan-Walsh Stevedoring Company, Inc.: *D.B. 235, Frank L.*
09058	M/S "Landmark" Heyer K.G.: *Roro Cimbria.*
09059	Samson Tug & Barge Co., Inc.: *STB 10.*
09060	Navifrut S.A.N.C.I.I.A.Y.F.: *Cipolletti.*
09062	Davit Transport Corporation: *Susan Maersk.*
09061	Pan Mal Compania Naviera, S.A.: *Pothiti.*
09066	National Transport Corp.: *Vantage Defender.*
09067	Allied Marine Transports Limited: *Leonidas D.*
09068	Asian Shipping Corporation: *Astyanax.*
09070	Raleigh Bay Shipping Co., Ltd.: *Pavlina.*
09071	BASF Wyandotte Corporation: *Star Wyandotter.*
09076	Ferrostaal-Poseidon Bulk Reederei GMBH: *Puerto Buitrago.*
09077	Andromache Compania Naviera S.A.: *Aegis Heroic.*
09079	Maidstone Shipping Corporation: *Aegis Typhoon.*
09080	Surrey Shipping Co., Ltd.: *Star Kestrel.*
09081	Blue Shipping Co., S.A.: *Blue Sky.*
09082	Trans Maritime Shipping S.A.: *Oriental Garnet.*
09083	Balbao Navigation S.A.: *Sovereign Opal.*
09085	Equator Carriers Limited: *Kythnos.*
09086	Jutland Shipping Corporation: *Souli.*
09087	General Bulk Carriers Limited: *Serifos.*
09088	Dong Won Fisheries Co., Ltd.: *Dong Won No. 6, Dong Won No. 16.*
09089	Fucsia Shipping Company Ltd.: *Five Fields, Forsizia.*
09096	Dong Won Industrial Co., Ltd.: *Dong Won No. 83, Dong Won No. 86.*
09097	Nagos Navigation Co., Ltd.: *Triada.*
09100	Pride Shipping Co., Ltd.: *Aegis Storm.*
09101	Aeacos Compania Naviera S.A.: *Aegis Atomic.*
09102	Ariel Maritime Limited: *Aegis Thunder.*
09103	Anemone Shipping Company Limited: *Anco Elias.*
09106	Antilles Marine Cargo Limited: *Amorgos.*
09109	Fukuryu Gyogyo Kabushiki Kaisha: *Fukuryu Maru No. 31.*
09110	Blue Sea Shipping Company, Ltd.: *Blue Sea.*
09114	Blue Saga Shipping Company, Ltd.: *Blue Saga.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13723 Filed 6-13-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

JUNE 7, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, June 20, 1974, from 1:30 p.m. to 3:30 p.m., Room 5334, General Services Administration Building, 18th and F Streets, NW., Washington, D.C. This meeting will be for the purpose of arriving at Architect-Engineer selection recommendations for the proposed Exterior Repair, Building Nos. 159-159E and 160, Navy Yard Annex, Washington, D.C. (GS-00B-02677).

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-13673 Filed 6-13-74;8:45 am]

[Federal Property Management Regulations; Temp. Reg. F-223]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Colorado Public Utilities Commission in a proceeding involving the application of the City of Colorado Springs, Colorado, for an increase in gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 6, 1974.

[FR Doc.74-13672 Filed 6-13-74;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 June 11, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards: Voluntary Energy Conservation Labeling Program Retailer Interview Schedule, Energy Guide Label for Refrigerators and Freezers, Form ____, Single time, Weiner, Retail sales personnel.

Home Playground Equipment Interview Questionnaire and Home Playground Equipment Handout Questionnaire, Form NBS 787, NBS 788, Single time, Caywood, Households.

Children's Furniture and Equipment Handout Questionnaire, Form NBS 786, Single time, Caywood, Individuals.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: CWS Progress Report—Assistance to Students Who Reside in, But Who Attend Eligible Institutions Outside of, American Samoa or the Trust Territory of the Pacific Island, Institutions of Postsecondary education.

Alcohol, Drug Abuse, and Mental Health Administration, Child Abuse: Baseline Data, Form ADAMH 0530, Single time, Reese, Parents in Chicago area.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Mechanism to Heighten Physician Awareness and Utilization of Physician's Assistants, Form HRABHRD 0605, Occasional, HRD/Caywood, Practicing MDs & PAs in Florida.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Bituminous Coal and Lignite Mine Capacity, 1973, Form 6-1401-X-1, Single time, Weiner, Business firms.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard, Application for Enlistment, Form CG 2520, Occasional, Sheftel, General public Ages 17-42.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Brewers and Dealers Hop Stocks Report, Form ____, Semiannual, Lowry, Brewers and hop dealers.

Egg-Type Pullet Chicks for Hatchery Supply Flocks, Form ____, Monthly, Lowry, Egg-type chicken breeders.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, DMS Statement of Controlled Materials Requirements for Class "A" Products—Production or R&D, Form DMS 4A, Occasional, Sheftel, Manufacturer and contractors who use controlled materials.

DMS—Detailed Breakdown of Controlled Materials Requirements', Form DMS 4S, Occasional, Sheftel, Manufacturer and contractors who use controlled materials.

DMS—Statement of Controlled Materials Requirements for Class "A" Products—Construction, Form DMS 4C, Occasional, Sheftel, Manufacturer and contractors who use controlled materials.
Bureau of the Census, Food Stamp Recipiency Supplement—August 1974, Form CPS 1, Single time, Planchon/Sunderhauf, Households.

FEDERAL RESERVE SYSTEM

Report of Condition—State Member Banks, Form FR 105, Quarterly, Weiner, Business firms.

FEDERAL RESERVE BOARD

Report of Outstanding Commercial Paper Placed by Brokers and Dealers: Form FR 957a, Monthly, Weiner, Brokers and dealers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Request for Payment of BEOG Award, Form OE 304, Occasional, Lowry, BEOG recipients and institutions of enrollment.
Request for Additional Payment of BEOG Award, Form CE 304-1, Occasional, Lowry, Individuals.
Alcohol, Drug Abuse, and Mental Health Administration, Client Oriented Data Acquisition Process (CODAP), Form ADAMNIDA 0528, Quarterly, HRD/Reese, Federally funded treatment programs.
Social and Rehabilitation Service, Statistical Report on Numbers of Recipients and Amounts of Money Payments under Public Assistance Programs, Form SRS NCSS 2078.1, 2078.1A, 2078.2, 2078.3, Monthly, Sunderhauf/Caywood, 54 State PA agencies.
Annual Budget for Child Welfare Services, Form SRS CSA (CWS)-2, Annual, Caywood, State public welfare agencies.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service:
Application for Milk Indemnity Payment, Form ASCS 373, Occasional, Evinger, Dairy farmers.
Marketing and Payment Report—Milk Indemnity Payment Program, Form ASCS 374, Single time, Evinger, Dairy farmers.
Federal Crop Insurance Corporation, Claim for Citrus Indemnity, Form FCI 63 Citrus, Occasional, Evinger, Farmers.
Foreign Agricultural Service, Regulations—Financing Commercial Sales of Agricultural Commodities under Title I, P.L. 480, Form ____, Occasional, Evinger, Commodity suppliers shipping firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for School Assistance in Federally Affected Areas, Title I of P.L. 874, Form OE 4019, Annual, Evinger (x).
Application and Nomination for a Graduate Fellowship, Form OE 1048, Occasional, Evinger (x).
State Plan and Report of Project Applications for Grants to Institutions of Higher Education, Form OE 1117, Annual, Evinger (x).
Application for Special Project Grant under Title V, Section 505 of the Elementary and Secondary Education Act of 1965, Form OE 4439, Occasional, Evinger (x).
Guarantee Agency Monthly Report, Guaranteed Student Loan Program, P.L. 89-329, Form OE 1130, Monthly, Evinger (x).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities
Application for Rehabilitation Loan-Owner-Occupied Property Containing One-to-Four-Dwelling Units, Form 6230, Occasional, CVA (x).
Request for Rehabilitation Check—Section 312 Rehabilitation Loan Program, Form 6236, Occasional, CVA (x).
Application for Rehabilitation Loan-Investor Owned Residential Property or Mixed-Use Loan, Form 6243, Occasional, CVA (x).

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-13834 Filed 6-13-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

OWNERS AND TENANTS ADVISORY BOARD

Charter

1. *Objectives and scope of activities.* The owners and Tenants Advisory Board, established pursuant to section 3(j) of Public Law 92-578 (October 27, 1972), is to advise and assist the Board of Directors of the Pennsylvania Avenue Development Corporation during the preparation of a comprehensive development plan for the area adjacent to the north side of Pennsylvania Avenue between Third and Fifteenth Streets, NW., in Washington, District of Columbia. The Advisory Board's advice and assistance is rendered through meetings with the Corporation's Board of Directors and through separate meetings with representatives of the Corporation's staff.

2. *Advisory Board tenure.* The functions of the Advisory Board will be discharged upon completion of the preparation period of the development plan and the termination of the subsequent review period by Congress of the plan, which extends for 60 legislative days after submission of the plan to Congress by the Corporation.

3. *Official to whom Advisory Board reports.* The Advisory Board will report to Ms. Katharine Gresham, Urban Planner and member of the Corporation staff.

4. *Support services.* Necessary support for the Advisory Board will be provided by the Pennsylvania Avenue Development Corporation.

5. *Advisory Board duties.* The Advisory Board shall perform the following duties, which are solely advisory in nature:

a. To review, discuss and comment on elements of the evolving development plan as prepared by the Corporation staff and considered by the Board of Directors, and to recommend alternatives and additional considerations for inclusion in the plan;

b. To provide a communication link between the Pennsylvania Avenue Development Corporation and owners and tenants of the affected area;

c. To prepare an annual report of its activities and recommendations that have occurred during the past year; and

d. To maintain competent and adequate records of all actions taken and detailed minutes of all meetings held.

6. *Estimated annual cost.* Estimated annual operating cost of the Advisory Board will be $1,860, and will involve approximately 21 man/days of staff support.

7. *Meetings.* Meetings of the Advisory Board shall be open to the public; such meetings shall occur at least bimonthly and shall continue through to the termination date of the Board.

8. *Termination date.* The Advisory Board shall terminate at the end of the Congressional review period of the completed plan as provided in section 4(d) of Pub. L. 92-578, or on December 31, 1974, whichever date occurs first.

9. The date of this charter is June 14, 1974.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-13675 Filed 6-13-74;8:45 am]

POSTAL SERVICE

POSTAL CONTRACTING MANUAL

Proposed Patent Rights Policy

The Postal Service has under consideration a proposal to adopt a patent policy calling for the acquisition and management of patent rights so as to foster economy in providing postal services.

The principal features of the proposed patent policy are:

(1) Postal Service acquisition of all right, title and interest in inventions through the inclusion of certain prescribed patent rights clauses in every contract a purpose of which is (a) research, (b) development or engineering, (c) architect-engineer or other personal or professional services, or (d) other similar services.

(2) Postal Service acquisition of an unrestricted, irrevocable, royalty-free license, exclusive as regards Postal Service competitors, in those instances where it is conclusively demonstrated that an invention discovered during the course of performance of a Postal Service contract is primarily based on "background" patents or proprietary data which are the property of the particular contractor involved.

(3) Active promotion of early public use of Postal Service-owned patents by means of licensing or sale.

(4) Establishment of a Patent Rights Board to manage and promote the Postal Service's patent rights portfolio.

(5) Under specified conditions, authorization of joint ventures, joint ownership of patent rights or other joint arrangements with Postal Service contractors.

The above-described proposed patent rights policy, if adopted, will be incorporated in section 9 of the Postal Contracting Manual as paragraphs 9-105 through 9-105.10. The Postal Contract-

ing Manual has been incorporated by reference in the FEDERAL REGISTER. See 39 CFR 601.100. Notice of regular changes to the Postal Contracting Manual are periodically published in the FEDERAL REGISTER. The text of the changes are filed with the Director of the Federal Register, and subscribers of the Manual receive the amendments from the Government Printing Office. See 39 CFR 601.105.

Inasmuch as the above proposed patent rights policy represents a departure from the policy currently being followed by the Postal Service, the Postal Service is publishing in the FEDERAL REGISTER the full text of the proposed changes to the Postal Contracting Manual and solicits the views of interested persons on these changes.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed patent rights policy to the Assistant General Counsel, Contracts and Property Division, United States Postal Service, Washington, D.C., 20260, at any time on or before July 19, 1974. Accordingly, complying voluntarily with the advance notice requirement of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rule making, the Postal Service proposes to amend section 9 of the Postal Contracting Manual by adding new 9–105 to read as set forth below.

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

9–105 *Patent Rights.*

9–105.1 *Background.* The Postal Service is under Congressional mandate to provide prompt, reliable, efficient, and economical postal service. Accordingly, businesslike management of all Postal Service property, including patent rights, is both essential and mandatory.

9–105.2 *Policy.* Patent rights shall be acquired and managed in such manner as to promote the economic, operational, and competitive well-being of the Postal Service. In furtherance of this general policy, the following specific policies apply:

(a) *Postal Service Title.* The entire right, title, and interest shall be acquired in and to any invention under applicable contracts (see 9–105.3) except as prescribed in (b) below.

(b) *Postal Service License.* Where it is conclusively demonstrated that the invention is primarily based on "background" patents or proprietary data which are the property of the contractor, an unrestricted, irrevocable, royalty-free license, exclusive as regards Postal Service competitors, shall be acquired.

(c) *Early Public Use.* To insure the early public use of Postal Service patent rights, commercial license or sale at fair market value shall be actively promoted except where it would jeopardize the competitive position of the Postal Service.

9–105.3 *Application.* The applicable patent rights clause set forth in 9–105.10 shall be included in every contract, a purpose of which is research, development or engineering; architect-engineer or other personal or professional services; or other similar work.

9–105.4 *Deviations.* Notwithstanding the provisions of 1–109, approval of the Assistant Postmaster General, Procurement and Supply Department, is required for any proposed deviation to this 9–105. Proposed deviations shall be supported by a written justification, reviewed by the Law Department and signed by the contracting officer, clearly demonstrating that the deviation will be in the overall best interest of the Postal Service.

9–105.5 *Contractor Acceptance.* Where a prospective contractor is unwilling to accept, requires revisions to, or proposes profit or other concessions concerning inclusion of a required patent rights clause, an analysis, including any necessary discussions, shall be conducted to determine the course of action which is in the overall best interest of the Postal Service. The analysis shall include consideration of such factors as obtaining the work from other sources, the estimated fair market value of any probable patent rights, possible effect on the competitive position of the Postal Service, and the contractor's absorption of equivalent costs of contract performance. Should the prospective contractor's position prevail, in whole or in part, it shall be considered a deviation and processed in accordance with 9–105.4.

9–105.5 *Responsibilities.*

(a) *Technical Personnel.* Technical personnel are responsible for identifying those proposed contracts under which inventions may be developed, for determining that the contractor has identified and reported all inventions, and for analyzing the potential application and value of each invention.

(b) *Contracting Officer.* The contracting officer is responsible for including the appropriate patent rights provisions in the contract, for conducting all negotiations for purchase, sale, royalty, use and other agreements thereon, and for administering contracts, licenses and agreements therefor in such manner that the Postal Service receives full compliance and benefits thereunder.

(c) *Law Department.* The Law Department is responsible for maintaining the Postal Service patent rights portfolio and insuring that all appropriate patent applications, licenses, agreements and similar safeguards are properly filed and prosecuted.

(d) *Patent Rights Board.* A Patent Rights Board consisting of one representative of the Procurement and Supply Department, who shall be the chairman, and one representative each of the Law Department, Finance Department, Research and Engineering Department, Customer Services Department, and Real Estate and Buildings Department shall be responsible for the overall business management and commercial promotion of the Postal Service patent rights portfolio.

9–105.7 *Approval.* Approval in accordance with the procedures of 9–105.4 is required, except where patent rights are obtained through use of the clauses in 9–105.10, for all acquisition or disposition of patent rights. Examples are:

(i) Specific acquisition of patents rights by contract, license, or agreement,

(ii) Specific disposition of patent rights by contract, license, or agreement, and

(iii) Granting of title under paragraph (e)(1), of the Patent Rights clause in 9–105.10(a).

9–105.8 *Consideration.* Fair market value shall be obtained for all disposition of patent rights, except that:

(i) No consideration, other than a share of royalties received by the contractor, shall be required where title is granted under 9–105.7(iii), and

(ii) Lesser or no consideration, as appropriate, may be obtained from Governmental and non-profit organizations.

9–105.9 *Joint Arrangements.* Notwithstanding any other provisions of this 9–105, joint ventures, joint ownership of patent rights, or other joint arrangements may be entered into with contractors when approved in accordance with 9–105.4.

9–105.10 *Clauses.*

(a) *Research, Development or Engineering.* The following clause shall be included in every contract, a purpose of which is research, development, or engineering.

PATENT RIGHTS (JULY 1974)

(a) *Definitions Used in This Clause.* (1) Subject Invention means any invention or discovery, whether or not patentable, conceived or first actually reduced to practice in the course of or under this contract. The term "Subject Invention" includes, but is not limited to, any art, method, process, machine, manufacture design or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(2) Postal Service purpose means the right of the Postal Service to practice and have practiced (make or have made, use or have used, sell or have sold, or otherwise authorize the use by anyone) any Subject Invention throughout the world by or on behalf of the Postal Service.

(3) Contract means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Postal Service where a purpose of the contract is the conduct of experimental, developmental, research or engineering work.

(4) Subcontract and subcontractor means any subcontract or subcontractor of the Contractor, any lower-tier subcontract or subcontractor under this contract.

(b) *Rights Granted to the Postal Service.* Except as provided in (e) of this clause, the Contractor agrees to grant the Postal Service all right, title and interest in and to each Subject Invention (made by the Contractor). Nothing contained in this Patent Rights clause shall be deemed to grant any rights with respect to any invention other than a Subject Invention.

(c) *Invention Disclosures and Reports.* (1) With respect to Subject Inventions (made by the Contractor), except those which are obviously unpatentable under the patent laws of the United States, the Contractor shall furnish to the Contracting Officer:

(i) A written disclosure of each invention promptly after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete in technical detail to convey to one skilled in the art to which the Invention pertains a clear understanding of the nature, purpose, operation, and to the extent known the physical, chemical, or electrical characteristics of the Invention; when unable to submit a complete disclosure, the Contractor shall within three (3) months thereof submit a disclosure which inlcudes all such technical detail then known to him and shall, unless the Contracting Officer authorizes a different period, submit all other technical detail necessary to complete the disclosure within three (3) additional months.

(ii) Interim reports at least every six (6) months, the initial period of which shall commence with the date of this contract, each report listing all such Inventions conceived or first actually reduced to practice more than three (3) months prior to the date of the report and not listed on a prior interim report, or certifying that there are no such unreported Inventions;

(iii) Prior to final settlement of this contract, a final report listing all such Inventions including all those previously listed in interim reports, or certifying that there are no such unreported Inventions (This Final Report and any Interim Report under (ii) above shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.);

(iv) Information in writing, as soon as practicable, of the date and identity of any public use, sale, or publication of such Invention made by or known to the Contrac-

tor or of any contemplated publication by the Contractor;

(v) Upon request, such duly executed instruments and other papers (prepared by the Postal Service) as are deemed necessary to vest in the Postal Service the rights granted it under this clause and to enable the Postal Service to apply for and prosecute any patent application, in any country, covering such Invention where the Postal Service has the right under this clause to file such application; and

(vi) Upon request, an irrevocable power of attorney to inspect and make copies of each United States patent application filed by, or on behalf of, the Contractor covering any such Invention.

(2) With respect to each Subject Invention in which the Contractor has been granted rights under paragraph (e) of this clause, the Contractor agrees to provide written reports at reasonable intervals, when requested by the Postal Service as to:

(i) The commercial use that is being made or is intended to be made of such Invention;

(ii) The steps taken by the Contractor to bring the Invention to the point of practical application, or to make the Invention available for licensing.

(d) *Subcontracts.* (1) The Contractor shall, unless otherwise authorized or directed by the Contracting Office, include a patent rights clause containing all the provisions of this Patent Rights clause except provision (f) in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, research or engineering work. In the event of refusal by a subcontractor to accept this Patent Rights clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not, in any subcontract or by using such a subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Postal Service in the performance of this contract). Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such a patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish to the Contracting Officer a copy of such subcontract, and notify him when such subcontract is completed. It is understood that the Postal Service is a third party beneficiary of any subcontract clause granting rights to the Postal Service in Subject Inventions, and the Contractor hereby assigns to the Postal Service all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Postal Service with respect to Subject Inventions. If there are no subcontracts containing patent rights clauses, a negative report is required. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Postal Service in regard to Subject Inventions.

(e) *Contractor's Request for Rights.* The Contractor at the time of first disclosing a Subject Invention pursuant to paragraph (c)(1)(i) of this clause, but in no event later than three (3) months thereafter in the case of (i) below, may submit in writing to the Contracting Officer a fully documented request for:

(i) Right, title, and interest at no cost where it can be conclusively demonstrated that the Invention is primarily based on "background" patents or proprietary data which were the property of the Contractor at the date of this contract, or

(ii) In the case of other Inventions, rights which the Contractor proposes to obtain by purchase or license at fair market value.

The Contracting Officer will review the Contractor's request for rights and will notify the Contractor whether such request will be granted in whole or in part. Rights requested under (i) above will be granted where the Contracting Officer determines that the demonstration is conclusive, except that the Postal Service will retain (a) a share of all royalties received by the Contractor therefrom (50 percent unless otherwise set forth in the contract) and (b) for Postal Service purposes an irrevocable, royalty-free license, exclusive as regards practice or use by Postal Service competitors. Rights requested under (ii) above will be as the Postal Service may elect to license or sell under separate agreement between the parties.

(f) *Withholding of Payment.* (1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer the final report required by (c)(1)(iii), all written invention disclosures required by (c)(1)(i), and all information as to subcontracts required by (d)(2).

(2) If at any time before final payment under this contract the Contractor fails to deliver an interim report required by (c)(1)(ii), or a written invention disclosure required by (c)(1)(i), the Contracting Officer shall withhold from payment $50,000 or ten percent (10 percent), o. the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded ninety percent (90 percent) of the amount of this contract) until the Contractor corrects all such failures.

(3) After payments total eighty percent (80 percent) of the amount of this contract, and if no amount is required to be withheld under (2) above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patent Rights clause of this contract or other known Postal Service contracts, withhold from payment such sum as he considers appropriate, not exceeding $50,000 or ten percent (10 percent), of the amount of this contract whichever is less, to be held as a reserve until the Contractor delivers all the reports, disclosures, and information specified in (1) above. Subject to the ten percent (10 percent) or $50,000 limitation, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph (f) while the amount specified by this paragraph is being withheld under other provisions of this contract. The total amount withheld under (1), (2) and (3) above shall not exceed $50,000 or ten percent (10 percent), of the amount of this contract whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Postal Service under this contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. As used in this paragraph (f), "this contract" means "this contract as from time to time amended." In cost-type contracts, "amount of this contract" means "estimated cost of this contract."

(g) *Right to Disclose Subject Inventions.* The Postal Service may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this Patent Rights clause.

(h) *Forfeiture of Rights in Unreported Subject Inventions.* The Contractor shall forfeit to the Postal Service all rights in any Subject Invention which he fails to report to the Contracting Officer at or prior to the time he (i) files or causes to be filed a United States or foreign application thereon, or (ii) submits the final report required by (c)(iii) of this clause, whichever is later, provided that the Contractor shall not forfeit rights in a Subject Invention if (A) contending that the invention is not a Subject Invention, he nevertheless reports the invention and all the facts pertinent to his contention to the Contracting Officer within the time specified in (i) or (ii) above, or (B) he establishes that the failure to report was due entirely to causes beyond his control and without his fault or negligence. The Contractor shall be deemed to hold any such forfeited Subject Invention, and the patent applications and patents pertaining thereto, in trust for the Postal Service pending written assignment of the Invention. The rights accruing to the Postal Service under this paragraph shall be in addition to and shall not supersede any other rights which the Postal Service may have in relation to unreported Subject Inventions. Nothing contained herein shall be construed to require the Contractor to report any invention which is not in fact a Subject Invention.

(i) *Examination of Records Relating to Inventions.* The Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

(j) *Preparing Patent Applications.* The Contracting Officer may require the Contractor, pursuant to the procedures of the Changes clause, to prepare for Postal Service filing a United States patent application covering any Subject Invention under the contract to which the Postal Service has the entire right, title, and interest.

(b) *Architect-Engineer.* Clause 7 of PS Form 7490 shall be included in every contract, a purpose of which is architect-engineer services. That clause reads as follows:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF POSTAL SERVICE (JULY 1974)

(a) All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Postal Service and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of 3 years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such

materials beyond such period. Prior to final settlement of this contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(b) The Postal Service shall have the right to assign this contract or any part hereof, including the transfer of the aforementioned documents. Any such assignment, however, shall not release the Postal Service from any of its obligations under this contract.

(c) *Other Personal or Professional Services.* Except for (a) and (b) above, the following clause shall be included in every contract, a purpose of which is personal or professional services.

INTELLECTUAL PROPERTY RIGHTS (JULY 1974)

All intellectual property rights evolving from studies, reports, or other data delivered under this Contract shall be the sole property of the Postal Service. The Contractor agrees to make, execute and deliver to the Postal Service any and all papers or other instruments in such terms and contents as may be required for the filing of any required instrument necessary for preserving an intellectual property right and does hereby assign and transfer to the Postal Service the entire right, title and interest in and to said intellectual property rights. Prior to final settlement of this Contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(d) *Other Contracts.* One of the foregoing clauses shall be included in every other contract where a patent rights clause is considered appropriate.

[FR Doc.74-13696 Filed 6-13-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8381]

AMERICAN LEADERS FUND, INC., ET AL.

Notice of Filing of Application

JUNE 7, 1974.

Notice is hereby given that American Leaders Fund, Inc. ("American Leaders"), Presidential Exchange Fund, Inc. ("Presidential"), Second Presidential Exchange Fund, Inc. ("Second Presidential"), and Fifth Presidential Exchange Fund, Inc. ("Fifth Presidential") (collectively "Applicants"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed transactions pursuant to which Presidential, Second Presidential and Fifth Presidential will be merged with American Leaders as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants are incorporated under the laws of the State of Maryland and the governing instruments of the Applicants are substantially similar. In addition, Applicants operate under investment advisory contracts containing substantially similar terms and conditions. The same individuals who serve as directors for American Leaders also serve as directors for Presidential, Second Presidential and Fifth Presidential. American Leaders Research Corp., P.E.F. Research Corp., S.P.F. Research Corp. and F.P.F. Research Corp., wholly owned subsidiaries of Federated Investors, Inc., act as investment advisers to American Leaders, Presidential, Second Presidential and Fifth Presidential respectively, and Federated Research Corp., another wholly owned subsidiary of Federated Investors, Inc., acts as sub-investment adviser to the Applicants. Accordingly, each of the Applicants may be deemed to be under common control and, therefore, each of the Applicants may be deemed to be an affiliated person of the others within the meaning of Section 2(a)(3) of the Act.

Applicants have entered into a Plan and Agreement of Merger ("Agreement of Merger") which provides for the merger, pursuant to Maryland law, of Presidential, Second Presidential and Fifth Presidential into American Leaders. Each of the Applicants will obtain either a ruling from the Internal Revenue Service or opinions from their respective tax counsel that: the merger will constitute a tax-free reorganization; no gain or loss will be recognized by the Applicants or their shareholders as a result of the merger; and the assets of Presidential, Second Presidential and Fifth Presidential respectively will have the same tax basis in the hands of American Leaders as they had in the hands of Presidential, Second Presidential and Fifth Presidential respectively. Approval of the Agreement of Merger requires the affirmative vote of the holders of a majority of the outstanding shares of each of the Applicants. If the Agreement of Merger is approved, it is anticipated that the merger will take place on or about July 1, 1974.

On the effective date of the merger, the outstanding shares of common stock of Presidential, Second Presidential and Fifth Presidential owned by each shareholder of said three Funds will be converted into that number of full shares (and fractional interests in a full share) of American Leaders as shall have an aggregate net asset value, as of the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the merger, equal to each Presidential, Second Presidential and Fifth Presidential shareholder's pro rata interest in the value of the net assets of Presidential, Second Presidential and Fifth Presidential. Prior to the effective date of the merger, each Applicant will declare a dividend to its respective shareholders consisting of substantially all of its undistributed net taxable investment income and net shortterm capital gains. With respect to longterm capital gains realized by Presidential and Fifth Presidential from April 1, 1973 (the beginning of their fiscal years) up to the effective date of the merger and by Second Presidential from December 1, 1973 (the beginning of its fiscal year) up to the effective date of the merger, Presidential, Second Presidential and Fifth Presidential will accrue the Federal tax payable thereon as a liability to be paid by American Leaders as the surviving corporation, and in determining the number of shares of American Leaders to be issued in the transaction, a reduction in an amount equal to such tax will be made on the net asset values of Presidential, Second Presidential and Fifth Presidential. Shortly before the effective date, American Leaders will distribute to its shareholders a long-term capital gains distribution, if available, substantially equal to the net long-term capital gains realized but not previously distributed since March 1, 1974 (the beginning of its fiscal year).

No adjustment in the net asset values of the Applicants will be made to compensate for any potential Federal income tax impact on the shareholders of the Applicants which may result from the differences among the Applicants in the percentage of each Applicant's net unrealized capital appreciation to its net asset value and in the amount of each Applicant's realized tax loss carry forward. Applicants assert that such potential tax consequences to shareholders cannot practically be determined and that there is, therefore, no way in which such potential consequences can be offset in an equitable manner. Applicants contend, moreover, that, in any case, such tax consequences will be minor with regard to the proposed transaction.

If the proposed merger had taken place on May 15, 1974, when American Leaders had 134,954 shares outstanding and net assets of $1,067,184, and Presidential had 231,715 shares outstanding and net assets of $7,188,726, and Second Presidential had 260,003 shares outstanding and net assets of $7,761,872, and Fifth Presidential had 332,664 shares outstanding and net assets of $9,517,062, shareholders of Presidential, Second Presidential and Fifth Presidential would have received per share approximately 3.92, 3.77 and 3.62 shares of American Leaders, respectively.

Section 17(a) of the Act, in pertinent part, prohibits an affiliated person of a registered investment company or an affiliated person of such a person, from knowingly selling to, or purchasing from, such investment company any security or property. Section 17(b) of the Act, provides that the Commission may exempt a proposed transaction from section 17(a) of the Act if the evidence establishes that (1) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned; and (3) the proposed transaction is consistent with the general purposes of the Act.

Applicants represent that the transaction is fair and reasonable and does not involve overreaching by any party concerned, in that the merger will be accomplished on the basis of the net asset value of American Leaders, Presidential, Second Presidential and Fifth Presidential determined at the same point in time. Applicants assert that the shareholders of each Applicant will benefit by the eli-

mination of certain presently duplicated expenses such as legal, proxy and advisory expenses. In addition, greater investment flexibility both with respect to normal portfolio transactions and redemption procedures is expected.

Applicants state that the investment objectives of each Applicant are substantialy identical and may be generally characterized as long term growth of capital and income. In addition, Applicants state that the proposed merger is consistent with the general policies of the Act.

The aggregate expenses of the Applicants in connection with the proposed merger, including legal, accounting, transfer agent and other miscellaneous expenses, are estimated at $25,000. All such expenses will be allocated to each Applicant in proportion to its respective net asset value.

Notice is further given that any interested person may, not later than July 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants as the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13720 Filed 6–13–74;8:45 am]

[File No. 500–1]

BBI, INC.

Suspension of Trading

JUNE 7, 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 June 8, 1974 through June 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13718 Filed 6–13–74;8:45 am]

[File No. 500–1]

LIBCO CORP.

Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Libco Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4 p.m. (e.d.t.) on June 6, 1974 through June 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13719 Filed 6–13–74;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (classes A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 9, 1974 through June 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–13721 Filed 6–13–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 529]

Assignment of Hearings

JUNE 11, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35796, Bus Fares, Between New York, N.Y. and New Jersey Points, now assigned July 29, 1974, will be held in Room 208, Tax Court, Federal Bldg., 26 Federal Plaza, New York, New York.

MC–C–5640 Sub 2, Mayflower Transit Lines, Inc.—Revocation of Certificate, now being assigned hearing July 23, 1974, (1 day), at New York, N.Y., in a hearing room to be later designated.

FF 426 Sub 1, Express Forwarding and Storage Co., Inc., now being assigned hearing July 24, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC–124211 Sub 239, Hilt Truck Lines, Inc., now being assigned hearing September 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–128383 Sub 47, Pinto Trucking Service, Inc., now being assigned hearing September 10, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–C–8337, Hinnis Freight Lines, Inc.—Investigation and Revocation of Certificates, now asigned being assigned hearing September 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F–12127, Indiana Refrigerator Lines, Inc.,—Control—D. & W. Refrigerated LTL Service, Inc., now being assigned hearing September 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–134599 Sub 100, Interstate Contract Carrier Corp., now being assigned hearing September 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC–F–12094, Ace Doran Hauling & Rigging Co.,—Purchase (Portion)—Tri State Motor Transit Co., now being assigned hearing September 30, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 76032 Sub-272, Navajo Freight Lines, Inc., application is dismissed.

MC–121658 (Sub-No. 4), Steven D. Thompson, now assigned July 15, 1974, at Jackson, Miss., is postponed to August 12, 1974, in the Sun-N-Sand Motor Hotel, 401 North Lamar, Jackson, Miss.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–13715 Filed 6–13–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 11, 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 1065.1(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 June 24, 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–14702 (Sub-No. E5), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in that part of Pennsylvania on and east of U.S. Highway 219, the District of Columbia, New Jersey, Maryland, and that part of New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence along U.S. Highway 15 to Lakeville, thence along Alternate U.S. Highway 20 to Leicester, thence along New York Highway 36 to Mt. Morris, thence along New York Highway 408 to junction New York Highway 16, near Hinsdale, thence southward along New York Highway 16 to Olean, and thence along New York Highway 16–A, to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Indiana, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, and those in Michigan on and south of Michigan Highway 46. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E6), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence south along U.S. Highway 522 to its intersection with U.S. Highway 29, thence along U.S. Highway 29 to its intersection with Virginia Highway 20, thence along Virginia Highway 20 to its intersection with U.S. Highway 460, thence along U.S. Highway 460 to its intersection with Virginia Highway 46, thence along Virginia Highway 46 to the Virginia-North Carolina State line, on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 46, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence west along Indiana Highway 32 to its intersection with Indiana Highway 67, thence along Indiana Highway 67 to its intersection with U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E7), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Pennsylvania on and west of U.S. Highway 219 (except points in Greene and Washington Counties), on the one hand, and, on the other, points in Indiana, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, and points in Michigan on and south of Michigan Highway 46. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E8), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Greene and Washington Counties, Pa., on the one hand, and, on the other, points in Illinois in the Chicago, Ill., commercial zone, points in Michigan on and south of Michigan Highway 46, and points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 67 to its intersection with Indiana Highway 18, thence along Indiana Highway 18 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E9), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in West Virginia east and north of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 20 to its intersection with West Virginia Highway 20, thence along West Virginia Highway 20 to its intersection with U.S. Highway 19, thence along U.S. Highway 19 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Michigan on and south of Michigan Highway 46, and points in Indiana on and north of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 37 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E12), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities requiring special equipment and commodities in bulk), between points in Beaver, Lawrence, and Mercer Counties, Pa., on the one hand, and, on the other, points in New Jersey and points in New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 to its intersection with U.S. Highway 20, thence over U.S. Highway 20 to its intersection with New York Highway 96, thence over New York Highway 96 to its intersection with New York Highway 17, thence over New York Highway 17 to its intersection with New York Highway 26, thence over New York Highway 26 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E18), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors,*

machinery, and machinery parts (except commodities requiring special equipment), from Buffalo and Rochester, N.Y., to points in Illinois in the Chicago, Ill., commercial zone as defined by the Commission, points in Indiana, and points in Michigan on and south of Michigan Highway 46. The purpose of this filing is to eliminate the gateways of (a) Warren, Ohio and (b) the plant site of the Timkin Roller Bearing Company, near Wooster, Ohio.

No. MC–14702 (Sub-No. E19), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities in bulk), between points in Michigan on and south of Michigan Highway 46, and points in Illinois in the Chicago, Ill., Commercial Zone as defined by the Commission, on the one hand, and, on the other, points in Ashtabula, Geauga, Lake, Trumbull, Carroll, Jefferson, Harrison, and Belmont Counties, Ohio. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E20), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities in bulk), between points in Indiana, on the one hand, and, on the other, points in Ashtabula, Geauga, Lake, Trumbull, and Columbiana Counties, Ohio. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC–14702 (Sub-No. E30), filed May 15, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except that which because of size or weight requires the use of special equipment), (a) between points in Maine, New Hampshire; points in that part of Massachusetts on, east, and north of a line beginning at the New Hampshire-Massachusetts State line, thence south along Massachusetts Highway 13 to its intersection with Massachusetts Highway 12, thence along Massachusetts Highway 12 to its intersection with Massachusetts Highway 9, thence along Massachusetts Highway 9 to the Atlantic Ocean; points in Vermont on and north of U.S. Highway 4, on the one hand, and, on the other, points in Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence south along U.S. Highway 218 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Illinois State line, points in the Upper Peninsula of Michigan on, west, and north of a line beginning at the Wisconsin-Michigan State line, thence north along Michigan Highway 35 to its intersection with U.S. Highway 41, thence along U.S. Highway 41 to the shore of Lake Superior at Marquette, Mich.; points in Wisconsin on and north of a line extending from the shore of Lake Michigan, thence west along Wisconsin Highway 22 to its intersection with Wisconsin Highway 29, thence along Wisconsin Highway 29 to the Wisconsin-Minnesota State line; and Eau Claire, Wis.; (b) between Boston, Mass., on the one hand, and, on the other, Davenport, Iowa. The purpose of this filing is to eliminate the gateways of (a) the plant site and warehouses of Alcan Aluminum Corporation at Oswego, N.Y., and (b) the plant site and warehouses of Alcan Aluminum Corporation at Fairmont, W. Va.

No. MC–30139 (Sub-No. E1), filed May 15, 1974. Applicant: HOLMES TRANSPORTATION, INC., 260 Cochituate Road, Framingham, Mass. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 in truckload lots), between Newburgh, N.Y., on the one hand, and, on the other, points in Rhode Island, those in Massachusetts and Connecticut on and east of a line extending from the Massachusetts-Vermont State line along U.S. Highway 5 to junction of the Connecticut Highway 9 south of Hartford, thence along Connecticut Highway 9 to Old Saybrook, Conn., and the Atlantic Ocean, and those in Rockingham and Strafford Counties, N.H. and in that part of Hillsboro County east of New Hampshire Highway 13.

(2) *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), (a) between points in Strafford County, N.H. and those in Rockingham County east of New Hampshire Highway 28, on the one hand, and, on the other, points in Massachusetts, Rhode Island and Connecticut and those in New York and New Jersey within 20 miles of New York, N.Y. (b) between points in Strafford and Rockingham Counties, N.H. and that part of Hillsboro County east of New Hampshire Highway 13, on the one hand, and, on the other, points in Rhode Island and Connecticut, those in Massachusetts east of Massachusetts Highway 12, those in New York and New Jersey within 20 miles of New York, N.Y., and Newburgh, N.Y.

(3) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along Maine Highway 16 to Milo, thence along unnumbered highway through Medford, to Rowland, thence along Maine Highway 155 through Enfield to Lincoln, thence along Maine Highway 16 to the United States-Canada Boundary line at or near Vanceboro, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, Rockingham County, N.H. west of a line beginning at Plaistown, N.H. along New Hampshire Highway 125 to the junction of New Hampshire Highway 107, thence along New Hampshire Highway 107 to the Rockingham-Merrick County line, those points in Hillsboro County east of New Hampshire Highway 13, and those in New York, and New Jersey within 20 miles of New York, N.Y., and Newburgh, N.Y. The purpose of this filing is to eliminate the gateways of: Hartford, Conn., Haverhill and Merrimac, Mass., in proposals number 1, 2(a), and 2(b), above, and points within 25 miles of Boston, Mass., Haverhill, Mass., and Hartford, Conn., in proposal (3) above.

No. MC–30280 (Sub-No. E41), filed May 8, 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, dairy products, livestock, acids, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from New York, N.Y., to points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 321 to York, thence along South Carolina Highway 5 to Rock Hill, thence along U.S. Highway 21 to junction South Carolina Highway 97, thence along South Carolina Highway 97 to junction U.S. Highway 521, thence along U.S. Highway 521 to Camden, thence along U.S. Highway 1 to Lugoff, thence along U.S. Highway 601 to St. Matthews, thence along South Carolina Highway 6 to Vance, thence along South Carolina Highway 310 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to Charleston. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Greenville, S.C.

No. MC–30280 (Sub-No. E42), filed May 6, 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 points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to Spartanburg, thence along U.S. Highway 176 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 1 to Aiken, thence along U.S. Highway 78 to Blackville, thence along South Carolina Highway 3 to junction U.S. Highway 278, thence along U.S. Highway 278 to Hilton Head Island, to Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Spartanburg, S.C.

No. MC–30280 (Sub-No. E43), filed May 6, 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: *Cotton*, from Norfolk, Va., to points in Georgia. The purpose of this filing is to eliminate the gateway of Elkin, N.C.

No. MC–30280 (Sub-No. E44), filed May 3, 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 within 15 miles of the corporate city limits of Atlanta, Ga., as defined in 1950, to points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 178 to Shoals Junction, thence along South Carolina Highway 420 to Ware Shoals, thence along South Carolina Highway 39 to Saluda, thence along U.S. Highway 178 to Pelion, thence along South Carolina Highway 215 to junction South Carolina Highway 6, thence along South Carolina 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rosinville, thence along U.S. Highway 78 to Charleston. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E45), filed May 4, 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 points in that part of Georgia on, south, and east of a line beginning at Savannah, thence along the route of Interstate Highway 16 to Macon, thence along Interstate Highway 75 to Cordele, thence along Georgia Highway 33 to the Georgia-Florida State line, to points in that part of South Carolina on, west, and north of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 85 to Anderson, thence along U.S. Highway 178 to Honea Path (excluding Honea Path), thence along U.S. Highway 76 to Clinton, thence along Interstate Highway 26 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–30280 (Sub-No. E46), filed May 4, 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 points in the New York, N.Y., commercial zone as defined by the Commission, The purpose of this filing is to eliminate the gateway of Gastonia, N.C.

No. MC–60756 (Sub-No. E1), filed May 14, 1974. Applicant: CRESCENT MOTOR LINE, INC., P.O. Box 2625, Spartanburg, S.C. 29303. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, in shipments weighing not less than 5,000 pounds each from any one consignor), (1) from Charleston, S.C. to points in Georgia, on and west of a line beginning at the intersection of U.S. Highway 29 and the Alabama-Georgia state line near West Point, thence along U.S. Highway 29 to its junction with Georgia Highway 53 near Winder, thence over Georgia Highway 53 to its junction with U.S. Highway 85, thence over U.S. Highway 85 to the Georgia-South Carolina State line; (2) from Charleston, S.C., to points in Anderson, Pickens, Oconee, Cherokee, and Union Counties, S.C.; (3) from Savannah, Ga., to points in Anderson, Pickens, Oconee, Cherokee, and Union Counties, S.C. The purpose of the filing of proposals (1), (2), and (3) is to eliminate the gateway of Lyman, S.C.; (4) from Savannah, Ga., to points in that part of North Carolina on and west of a line made by U.S. Highway 85 from the South Carolina-North Carolina State line near Grover, to its junction with North Carolina Highway 49, thence over North Carolina Highway 49 to the North Carolina-Virginia State line; (5) from Charleston, S.C., to points in that portion of North Carolina on and west of a line made by U.S. Highway 321 from the North Carolina-South Carolina State line near Crowders, to junction of North Carolina Highway 150, thence over North Carolina Highway 150 to junction with U.S. Highway 21, thence over U.S. Highway 21 to its junction with North Carolina Highway 268, thence over North Carolina Highway 268 to junction U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 52, thence over U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of the filing of proposals (4) and (5) is to eliminate the gateway of Spartanburg, S.C.

Textile products, bagging, bags and cotton-bailing ties, in shipments weighing not less than 5,000 pounds each from any one consignor (6) from points in Georgia, on and west of a line made by U.S. Highway 29 from the Alabama-Georgia State line near West Point, to its junction with Georgia State Highway 53, thence over Georgia Highway 53 to its junction with U.S. Highway 85, thence over U.S. Highway 85 to the Georgia-South Carolina State line to Charleston, S.C.; (7) from points in Pickens, Oconee, and Cherokee Counties, S.C., to Charleston, S.C.; (8) from points in Pickens, Oconee, and Cherokee Counties, S.C., to Savannah, Ga.; (9) from points in that part of North Carolina on and west of a line made by U.S. Highway 85 from the South Carolina-North Carolina State line near Grover, to its junction with North Carolina Highway 49, thence over North Carolina Highway 49 to the North Carolina-Virginia State line to Savannah, Ga.; (10) from points in that portion of North Carolina on and west of a line made by U.S. Highway 321 from the North Carolina-South Carolina State line near Crowders, to junction of North Carolina Highway 150, thence over North Carolina Highway 150 to junction with U.S. Highway 21, thence over U.S. Highway 21 to its junction with North Carolina Highway 268, thence over North Carolina Highway 268 to junction with U.S. Highway 601, thence over U.S. Highway 601 to junction U.S. Highway 52, thence over U.S. Highway 52 to the North Carolina-Virginia State line, to Charleston, S.C. The purpose of the filing of proposals (6), (7), (8), (9), and (10) is to eliminate the gateway of Spartanburg, S.C.

No. MC–63792 (Sub-No. E1), filed May 16, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof*, when their transportation is incidental to the transportation of such commodities, between Houston, Tex., on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC–63792 (Sub.-No. E2), filed May 16, 1974. Applicant: TOM HICKS TRANSFER COMPANYY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; (B) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; and (C) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines, between points in Florida, on the one hand, and, on the other, (1) points in Arkansas and Texas (points in Louisiana or Mississippi),* and (2) points in Kansas, Oklahoma, New Mexico, Colorado, Utah, and Wyoming (points in Louisiana, Mississippi, and points in Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–63792 (Sub-No. E3), filed May 17, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasnporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines; (B) *Machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (I) between points in Alabama, on the one hand, and, on the other, (1) points in Arkansas (points in Louisiana or Mississippi),* (2) points in Texas ((a) points in Louisiana, or (b) points in Louisiana or Mississippi and points in Arkansas),* and (3) points in Oklahoma, New Mexico, Colorado, Utah, and Wyoming ((a) points in Louisiana and points in Texas, or (b) points in Louisiana or Mississippi, points in Arkansas, and points in Texas),* and (II) between points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 91, thence along Alabama Highway 91 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 68, thence along Alabama Highway 68 to junction Interstate Highway 59, thence along interstate Highway 59 to the Georgia-Alabama State line, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, ((a) point sin Louisiana and points in Texas, or (b) points in Louisiana or Mississippi, points in Arkansas, and points in Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–63792 (Sub-No. E4), filed May 17, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines; (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (I) between points in Georgia, on the one hand, and, on the other, (1) points in Arkansas (points in Louisiana or Mississippi),* (2) points in Texas (points in Louisiana),* and (3) points in Oklahoma, New Mexico, Colorado, and Wyoming (points in Louisiana and Texas),* (II) between points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to junction Interstate Highway 16, thence along Interstate Highway 16 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Kansas (points in Louisiana and Texas),* and (III) between points in that part of Georgia on and south of Interstate Highway 20, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line (points in Louisiana and Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-63792 (Sub-No. E5), filed May 17, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 283, Harvey, La. 70058. Applicant's representative: C. W. Ferebee, P.O. Box 16006, Houston, Tex. 77022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main pipelines; (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and

(C) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (I) between points in Mississippi, on the one hand, and, on the other, (1) points in Texas (points in Louisiana or Arkansas),* and (2) points in New Mexico, Colorado, Utah, and Wyoming (points in Louisiana or Arkansas and points in Texas),* (II) between points in that part of Mississippi on, west, and south of a line beginning at the Tennessee-Mississippi State line, thence along Interstate Highway 55 to junction Mississippi Highway 8, thence along Mississippi Highway 8 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in that part of Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 177 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line (points in Louisiana or Arkansas and points in Texas),* and (III) between points in that part of Mississippi on, west, and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 278 to junction Mississippi Highway 8, thence along Mississippi Highway 8 to the Mississippi-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 75 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line (points in Louisiana or Arkansas, and points in Texas).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-73165 (Sub-No. E2), filed May 14, 1974. Applicant: EAGLE MOTOR LINES INCORPORATED, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick and refractory materials* (except those requiring special equipment), (1) from points in Mississippi on and north of U.S. Highway 80, to points in Florida east of Florida Highway 51 and on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (2) from points in Mississippi on and north of a line beginning at the Louisiana-Mississippi line, thence over Mississippi Highway 12 to Kocsiusko, thence over Mississippi Highway 14 to Mississippi-Alabama State line, to points in Florida on and east of U.S. Highway 231 and on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (3) from points in Mississippi on and north of U.S. Highway 78, to points in Florida on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (4) from points in Georgia on and north of a line beginning at the Georgia-Alabama State line, thence over U.S. Highway 78 to Atlanta, thence along Highway 23 to Baldwin, thence along U.S. Highway 123 to Georgia-South Carolina State line, to points in Florida on and west of Florida Highway 87; (5) from points in Georgia on and northwest of U.S. Highway 411, to points in Florida on and west of Florida Highway 231; (6) from points in Tennessee on and west of Tennessee Highway 56, to points in Florida on and north of a line beginning at Clearwater, and extending across Davis Causeway to Tampa, thence along U.S. Highway 92 to Kissimmee, thence along U.S. Highway 192 to Melbourne, thence along unnumbered highway to the Atlantic Ocean; (7) from points in Tennessee on and east of Tennessee Highway 56 and on and west of U.S. Highway 27, to points in Florida on and west of a line beginning at the Alabama-Florida State line, thence over U.S. Highway 129 to Chiefland, thence along U.S. Highway 98 to Lakeland, thence along U.S. Highway 92 to Tampa, thence across Davis Causeway to Tampa; and (8) from points in Tennessee on and east of U.S. Highway 27, to points in Florida on and west of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC-105984 (Sub-No. E3), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Texas 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipe lines); (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the competition of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in Oklahoma on and east of U.S. Highway 54, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-105984 (Sub-No. E5), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipe lines). (2) *Earth drilling machinery and equipment*,

and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, from De Baca County, N. Mex., to points in Colorado on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–105984 (Sub-No. E6), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Quay, Curry, Roosevelt, Lea, Eddy, Chaves, Otero, DeBaca, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–105984 (Sub-No. E7), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipeline materials, machinery, and equipment*, incidental to, or used in, the construction, repairing or dismantling of gas, gasoline and oil, pipelines; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Quay, Curry, Roosevelt, Lea, Eddy, Chaves, De Baca, Otero, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas on and west of U.S. Highway 77 between the Oklahoma-Texas State line and Denton, on and west of U.S. Highway 377 between Denton and Fort Worth, and on and north of U.S. Highway 80 between Fort Worth and Texas-New Mexico State line.

No. MC–105984 (Sub-No. E8), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Quay, Curry, Roosevelt, Lea, DeBaca, Eddy, Chaves, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–105984 (Sub-No. E10), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., dba JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in New Mexico on, north, and east of a line beginning at the New Mexico-Colorado State line, and extending south along Interstate Highway 25 to its intersection with New Mexico Highway 104, thence along New Mexico Highway 104 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to the Texas-New Mexico State line, on the one hand, and, on the other, points in Montana on and north of a line beginning at the Montana-Idaho State line, and extending along U.S. Highway 12 to its intersection with U.S. Highway 191, thence along U.S. Highway 191 to its intersection with Montana Highway 200, thence along Montana Highway 200 to its intersection with Montana Highway 200S, thence along Montana Highway 200S to Glendive, thence along Interstate Highway 94 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–105984 (Sub-No. E13), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., d.b.a., JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing or dismantling of gas, gasoline, and oil pipelines (except the stringing and picking up of pipe in connection with main pipelines); and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental

to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between Union, Colfax, and Hidalgo Counties, N. Mex., on the one hand, and, on the other, Cache County, Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–105984 (Sub-No. E16), filed May 5, 1974. Applicant: JOHN B. BARBOUR, JR., d.b.a., JOHN B. BARBOUR TRUCKING COMPANY, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and *pipe, pipe line materials, machinery, and equipment*, incidental to, or used in, the construction, repairing, or dismantling of gas, gasoline and oil, pipelines; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities to or from holes or wells, between points in Kansas, on and south of a line beginning at the Missouri-Kansas State line, and proceeding west along U.S. Highway 160 to its intersection with U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Colorado on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of points in Texas on and west of U.S. Highway 77 between the Oklahoma-Texas State line and Denton, on and west of U.S. Highway 377 between Denton and Fort Worth and on and north of U.S. Highway 80 between Fort Worth and the Texas-New Mexico State line.

No. MC–110525 (Sub-No. E452), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in Louisiana to points in Vermont. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E453), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335. Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in Massachusetts. The purpose of this filing is to eliminate the gateways of South Charleston, W. Va., and Elizabeth, N.J.

No. MC–110525 (Sub-No. E455), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Elizabeth, N.J.

No. MC–110525 (Sub-No. E456), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Connecticut. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Elizabeth, N.J.

No. MC–110525 (Sub-No. E457), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to points in Tennessee. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC–110525 (Sub-No. E458), filed May 1, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Connecticut to the District of Columbia. The purpose of this filing is to eliminate the gateways of Newark, N.J. and Morrisville, Pa.

No. MC–111401 (Sub-No. E16), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Denver and La Junta, Colo., to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Kansas on and west of U.S. Highway 281.

No. MC–111401 (Sub-No. E27), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from Kingsport, Tenn. to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Tex.

No. MC–111401 (Sub-No. E48), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in the *Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Arkansas to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC–111401 (Sub-No. E53), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn. to points in California, Colorado, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC–111401 (Sub-No. E54), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn. to points in Arizona, Idaho, Nevada, New Mexico, and Utah. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC–111401 (Sub-No. E55), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum products* (except lubricating oils) in bulk,

in tank vehicles, from points in Colorado to points in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee (except that no service shall be performed with respect to the transportation of liquefied petroleum gases and natural gasoline) to points in Mississippi. The purpose of this filing is to elimnate the gateway of Ardmore, Cleveland, Cushing, Duncan, Tulsa, or Wynnewood, Okla.

No. MC–111401 (Sub-No. E66), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from points in Colorado to points in Alabama, Kentucky, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC–111401 (Sub-No. E74), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, to the extent these commodities are petroleum products, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Company, located at or near Hoag, Nebr. to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC–111401 (Sub-No. E75), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, to the extent these commodities are petroleum products, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company, located at or near Hoag, Nebr., to points in that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from junction U.S. Highway 66 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC–111401 (Sub-No. E78), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Kansas to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC–111401 (Sub-No. E80), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Oklahoma to Texas Gulf Ports. The purpose of this filing is to eliminate the gateway of Longview, Texas.

No. MC–112822 (Sub-No. E30), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 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 containers, from points in that part of Oklahoma bounded by a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to El Reno, thence along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 77 to Pauls Valley, thence along Oklahoma Highway 19 to Ada, thence along Oklahoma Highway 12 to Calvin, thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Arkansas State line, and thence along the Oklahoma-Arkansas, Oklahoma-Missouri, and Oklahoma-Kansas State lines to points of beginning, to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC–112822 (Sub-No. E32), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 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 containers, from Casper, Wyo., to points in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, and extending along U.S. Highway 63 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, and thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–112822 (Sub-No. E34), filed May 17, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 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 points in that part of Kansas on, east, and south of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, to points in Idaho and Utah. The purpose of this filing is to eliminate the gateway of Wichita, Kansas.

No. MC–112822 (Sub-No. E36), filed May 17, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 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 Houston, Tex., to points in Kansas within the Kansas City, Kans., commercial zone, restricted against traffic having a prior movement by rail from Houston, Texas. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC–112822 (Sub-No. E84), filed May 13, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 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: *Lumber*, from Memphis, Tenn., to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–112822 (Sub-No. E85), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 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: *Lumber*, from points in Arizona to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–112822 (Sub-No. E86), filed May 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 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: *Lumber*, from points in that part of Missouri on and south of U.S. Highway 66 (except St. Louis) to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–113267 (Sub-No. E2), filed May 12, 1974. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3385 Airways Blvd., Memphis, Tenn. 38116. Applicant's representative: Lawrence A. Fischer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk, in tank vehicles equipped with mechanical refrigeration), from the plant site of Armour and Company at or

near Worthington, Minn., to Texarkana, Tex., and that part of Texas east and south of the eastern and southern boundaries of Bowie, Morris, Titus, Franklin, Wood, Van Zandt, Henderson, Freestone, Leon, Madison, Grimes, Waller, Fort Bend, and Brazoria Counties. The purpose of this filing is to eliminate the gateway of Shreveport, La.

No. MC–114019 (Sub-No. E81), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid edible coating compounds*, in bulk, in tank vehicles, from Nashville, Tenn., and Bowling Green, Ky., to Grand Rapids, Mich., and Denver, Colo., restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–114019 (Sub-No. E87), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, from Nashville, Tenn., and Bowling Green, Ky., to points in Indiana on, north, and east of a line beginning at the junction of the Indiana-Illinois State line and Indiana Highway 46, thence east on Indiana Highway 46 to its junction with Indiana Highway 37, thence south on Indiana Highway 37 to the Indiana-Kentucky State line, and points in Illinois on and north of a line beginning at the junction of the Missouri-Illinois State line and U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to Beardstown, thence along Illinois Highway 25 to its junction with Illinois Highway 78, thence along Illinois Highway 78, to its junction with U.S. Highway 136, thence along U.S. Highway 136 to its junction with U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, and points in Ohio, restricted to shipments moving from, to, or between warehouses or other facilities of wholesale food business houses. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–114019 (Sub-No. E88), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from LeSueur, Cokato, Montgomery, Watertown, Winsted, Blue Earth, Winthrop, and Glencoe, Minn., to points in West Virginia, those in Connecticut and New Jersey, within 30 miles of New York, N.Y., those in that part of New Jersey, Delaware, and Maryland, within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., restricted to the transportation of shipments moving from, to, or between warehouses, or wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or other warehouses or facilities of such plants. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC–114019 (Sub-No. E91), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Asbestos, scrap; asphalt, liquid or solid, in packages; automobile body panels, fibreboard, not covered, with cutouts, or of shape other than rectangular, painted or not painted, loaded on platforms or wooden skids; blocks, mastic (asphalt flooring, compound); board, fibreboard and pulpboard (impregnated with asphalt), in rectangular shapes, without cut-outs, painted or not painted, loaded on wooden platform or wooden skids; boards, asphalt composition, paving or flooring; boards, wall, asbestos; board, wall, fibreboard, pulpboard or strawboard; burlap, bituminized, in packages; caps, roofing, tin, in packages, carpet lining, paper, including felt paper plain, other than indented; cement, asbestos, in packages; cement, composition or asbestos; cement, furnace, in packages; cement, title, liquid; cement, roofing, in packages; cement, magnesia; clamps, metal in packages; clips, metal; cloth, cotton, saturated with asbestos; coating, roof, having asbestos, pitch tar or rosin base, in packages, conduits, bituminized fibre; creosote, in packages; eave filler strips, asphalt composition; fasteners, metal, in packages; felt, building or roofing, saturated or unsaturated; felts, paper, fabrics saturated, and/or coated; flashing blocks, asphalt composition; insulating material, asbestos or felt paper, in forms or shapes other than solid flat blocks or solid flat sheets; millboard, asbestos, in packages; mineral wood (rock or slag wool), metal reinforced, in packages; mineral wool (rock or slag wool), plain or saturated, with or without paper backs, in batts, or other than batts, in packages; mortar or cement, high temperature bonding, N.O.I., in packages; nails, in packages; packing, asbestos, braid or wick, in packages;

Paint, asphaltum, in packages; paint, coal tar, in packages; paper, asbestos, and/or other than asbestos, building roofing or sheathing, plain or unsaturated; paper, building, roofing or sheathing, saturated or unsaturated; paving joints, expansion (asphalt or asphalt base); paving joints, expansion (rubber composition); pipe, cement, containing asbestos fibre; pitch, roofing, in packages; planks, asphalt composition, paving or flooring; ridge rolls, asbestos, in packages; roofing, composition or prepared; roofing, or sheathing, asbestos hard, corrugated; sheathing, asbestos, hard flat, ornamented or not ornamented, polished or shaped, with or without fibre board center or back, and/or air-cell paper center; shingles, asbestos, hard (artificial stone shingles or slate), in bundles; shingles, asbestos; shingles, asphalt asbestos or composition; sheathings; shorts, asbestos; siding, asbestos; siding, asphalt; slabs, concrete, building or roofing; straps, tin, with fasteners, in packages; tar, roofing, in packages; tile, asphalt, composition, floor; and wood preservatives, in packages; from Joliet, Ill., to points in North Dakota, Colorado, Kentucky, Tennessee (except Memphis), West Virginia, and points in that part of Kansas, on, south, and west of a line beginning at the Missouri-Kansas State line and extending west along U.S. Highway 160 to junction Kansas Highway 26, thence north along Kansas Highway 26 to junction Kansas Highway 57, thence west along Kansas Highway 57 to junction U.S. Highway 59, thence north along U.S. Highway 59 to junction U.S. Highway 56, thence west along U.S. Highway 56 to junction Kansas Highway 99, thence north along Kansas Highway 99 to the Kansas-Nebraska State line, points in that part of Nebraska on and west of U.S. Highway 83, points in that part of South Dakota, on, north, and west of a line beginning at the Nebraska-South Dakota State line, and extending north along U.S. Highway 183, to junction South Dakota Highway 44, thence east along South Dakota Highway 44 to junction U.S. Highway 81, thence north along U.S. Highway 81 to junction South Dakota Highway 30, thence east along South Dakota Highway 30 to the South Dakota-Minnesota State line, points in that part of Minnesota, on, north, and west of a line beginning at the South Dakota-Minnesota State line, and extending east along Minnesota Highway 28 to junction Minnesota Highway 29, thence north along Minnesota Highway 29 to junction U.S. Highway 71, thence north along U.S. Highway 71 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to its junction with Minnesota Highway 200, thence east along Minnesota Highway 200 to junction Minnesota Highway 6, thence north along Minnesota Highway 6 to junction U.S. Highway 71, thence north along U.S. Highway 71 to International Falls. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC–114019 (Sub-No. E95), filed May 12, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, from points in New York and New Jersey within 40 miles of City Hall New York, N.Y., to points in Kentucky

on and west of Interstate Highway 75 and points in Michigan. The purpose of this filing is to eliminate the gateway of Jersey City, N.J., and Cincinnati or Toledo, Ohio.

No. MC–114019 (Sub-No. E96), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing cement, building, roofing and sheathing paper, building and roofing felt, nails, fasteners, asphalt, pitch, tar, shingles and sidings*, (1) from South Bend, Ind., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at junction New York Highway 14, thence north along New York Highway 14 to junction New York Highway 13, thence north along New York Highway 13 to junction U.S. Highway 11, thence north along U.S. Highway 11 to junction New York Highway 13, thence west along New York Highway 13 to Selkire Shores, points in that part of Maryland, Virginia and North Carolina east of a line beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 81 to junction U.S. Highway 40, thence south along U.S. Highway 40 to junction U.S. Highway 15, thence south along U.S. Highway 15 to junction U.S. Highway 1, thence south along U.S. Highway 1 to junction U.S. Highway 301, thence south along U.S. Highway 301 to junction North Carolina Highway 58 to Onslow Bay, and the District of Columbia; (2) from South Bend, Ind., to points in Pennsylvania, West Virginia, and points in that part of New York on and west of a line beginning at Windsor Beach and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Sunbury, Pa., and any points in Ohio.

No. MC–114019 (Sub-No. E100), filed May 15, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual values, household goods, as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), between Sparrows Point and Baltimore, Md., Philadelphia, Pa., and points in those parts of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., on the one hand, and, on the other, points in West Virginia on and north of West Virginia Highway 89, and in that part of West Virginia west of a line beginning at the junction of the West Virginia-Ohio State line and Interstate Highway 77, thence south along Interstate Highway 77 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Lansing, Belmont County, Ohio.

No. MC–114019 (Sub-No. E101), filed May 13, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities requiring special equipment), from points in Ohio to Hagerstown and Frederick, Md. (2) *Rigid conduit, electric cable, iron and steel articles, and armored cable* (except commodities requiring special equipment), from points in Ohio to Washington, D.C. The purpose of this filing is to eliminate the gateway of Wheeling or New Martinsville, W. Va.

No. MC–114019 (Sub-No. E112), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Illinois, Indiana, and points in Ohio on and north of U.S. Highway 22 beginning at the Ohio-Pennsylvania State line and extending west to junction with U.S. Highway 23, extending south to the Ohio-West Virginia State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island; (2) from points in New York and points in Pennsylvania on and north of U.S. Highway 422 from the Pennsylvania-Ohio State line east to its junction with U.S. Highway 219 and thence south on U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in Michigan; (3) from points in New York to points in Kentucky on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of points in Erie County, Pa., and Chautauqua County, N.Y.

No. MC–114019 (Sub-No. E113), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped in mechanical refrigeration, from points in New York, Pennsylvania, and West Virginia, and those in Ohio on and south of U.S. Highway 40 from the Pennsylvania-Ohio State line to its junction with U.S. Highway 23 and points on and east of U.S. Highway 23 to the Ohio-Kentucky State line, and those in New Jersey within 40 miles of City Hall, New York, N.Y., and those in New Jersey, Delaware, and Maryland within 30 miles of Philadelphia, Pa., and Sparrows Point and Baltimore, Md., to points in North Dakota, South Dakota, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateway of New Albany, Ind.

No. MC–114019 (Sub-No. E114), filed May 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicle, with frozen foods, in vehicles equipped with mechanical refrigeration, from points in Illinois and Indiana to points in Delaware and New Jersey, and those in Maryland on and east of U.S. Highway 15 (except Baltimore). The purpose of this filing is to eliminate the gateway of Hershey, Pa.

No. MC–114019 (Sub-No. E138), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Berrien County, Mich., to Westfield, N.Y., restricted to the transportation of shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–114019 (Sub-No. E142), filed May 9, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Soap, soap powder, washing powder, washing compound, toilet preparations, and glycerine* (except in bulk), (1) from Jeffersonville, Ind., to Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, and extending to Rochester, thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, and thence along New York Highway 17 to

the New York-Pennsylvania State line and points in Pennsylvania, and West Virginia, (2) from Jeffersonville, Ind., to points in the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, Wyoming, and points in Iowa on and north of Iowa State Highway 2 from the Illinois-Iowa State line to junction U.S. Highway 59, and on and west of U.S. Highway 59, from its junction with Iowa Highway 2 to the Nebraska-Kansas State line, points in Nebraska, on and north of U.S. Highway 136 from the Missouri-Nebraska State line to its junction with U.S. Highway 183, and on and west of U.S. Highway 183 from said junction to the Nebraska-Kansas State line those in Kansas on and west of U.S. Highway 183 from the Nebraska-Kansas State line to its junction with Kansas Highway 96 and on and north of Kansas Highway 96 from said junction to Kansas-Colorado State line, and those in Colorado on, north, and west of Colorado Highway 96 from the Colorado-Kansas State line to its junction with U.S. Highway 385, thence U.S. Highway 385 to its junction with U.S. Highway 50, thence U.S. Highway 50 to its junction with U.S. Highway 350, thence U.S. Highway 350 to its junction with Interstate Highway 25, thence Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of points in Ohio and Utica, Ill.

No. MC-128273 (Sub-No. E3), filed May 12, 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: *Paper and paper products*, from Snowflake, Ariz., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Herty or Sheldon, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13717 Filed 6-13-74;8:45 am]

[Notice 104]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75218. By application filed June 5, 1974, BERNARD J. WILSON AND SANDRA M. WILSON, doing business as PONEK MOVERS, 39 Atkinson St., Bellows Falls, VT 05101, seeks temporary authority to lease the operating rights of STEFAN P. PONEK AND ELIZABETH A. PONEK, doing business as PONEK MOVERS, 14 Russell St., Bellows Falls, VT 05101, under section 210a(b). The transfer to BERNARD J. WILSON AND SANDRA M. WILSON, doing business as PONEK MOVERS, of the operating rights of STEFAN P. PONEK AND ELIZABETH A. PONEK, doing business as PONEK MOVERS, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-13716 Filed 6-13-74;8:45 am]

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PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

FOOD LABELING

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

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

U.S. Recommended Daily Allowances for Infants

In the FEDERAL REGISTER of August 2, 1973 (38 FR 20745), the Commissioner of Food and Drugs published a proposal to amend 21 CFR 1.17 by revising paragraph (h)(1) to permit use of the U.S. Recommended Daily Allowances (U.S. RDA's) for vitamins and minerals established for infants in § 125.1(b) (38 FR 20717) in nutrition labeling of infant, baby, and junior-type foods.

Eight comments were received: three from consumers, two from professional organizations, one from a trade association, and two from manufacturers. The comments received and the Commissioner's responses are as follows:

1. Comments were received from three consumers supporting the nutrition labeling of infant, baby, and junior-type foods. Each comment indicated that the presence of the nutrition label information would assist in selecting a more nutritious diet for infants and small children.

2. The American Dietetic Association commented that it would like included in the regulation a statement that the U.S. RDA levels for infants will be updated as required by changes in the "Recommended Daily Allowances" of the Food and Nutrition Board of the National Academy of Sciences/National Research Council (NAS/NRC).

The Commissioner advises that a provision currently appears in § 125.1(b)(1) (38 FR 20717) stating that the U.S. RDA's are subject to reconsideration for possible amendment when the Food and Nutrition Board, NAS/NRC, revises the "Recommended Dietary Allowances." This applies to all of the U.S. RDA values established in § 125.1.

3. Several comments took issue with the proposed U.S. RDA for protein for infants.

The Committee on Nutrition, American Academy of Pediatrics, commented that an infant U.S. RDA of 20 grams for a protein with a protein efficiency ratio (PER) equal to or greater than casein was too high. The Committee recommended that 16 grams of protein be the U.S. RDA. The Committee pointed out that a protein level of 16 grams was consistent with the protein level set in the "Recommended Dietary Allowances" of the Food and Nutrition Board, NAS/NRC, in its 1968 report. The Committee comment stated that its members feel that any inflation of protein standards may actually result in greater incidence of protein deficiency in other countries where protein shortages often occur. The impact of the United States regulations in other countries could be serious according to the Committee on Nutrition.

The National Canners Association and the Gerber Products Company commented that, for infants less than 12 months of age, the U.S. RDA for protein should be 16 grams when the PER is equal to or greater than casein, and 23 grams if the PER is less than casein.

The Mead Johnson Company proposed that the Commissioner set the U.S. RDA at the daily protein level for infants of 1 year of age set by the Food and Nutrition Board, NAS/NRC.

In general, these comments asserted that the proposed U.S. RDA's for infants of 20 grams and 28 grams were set for children under 4 years of age and are not consistent with the values in the regulation on infant formulae (21 CFR 125.5) which establishes a protein content of 1.8 grams per 100 kilocalories. The caloric intake of a 1-year-old infant weighing 9 kilograms is approximately 900 kilocalories, and the protein requirement would be approximately 16 grams per day.

The Commissioner notes that the Food and Nutrition Board of the NAS/NRC established a similar requirement for protein per kilogram per day, and related that to a 9-kilogram infant in its 1968 Recommended Dietary Allowances. The body weight used by the Food and Nutrition Board in their Recommended Dietary Allowances, and that suggested by the Committee on Nutrition, American Academy of Pediatrics, 9 kilograms, represents approximately the median or 50th percentile weight for the 9-month-old male infant according to standard weight tables for infants, Nelson, W.E., V.C. Vaughan, and R.J. McKay, "Textbook of Pediatrics," 9th edition, W.B. Saunders Co. (1969). The 50th percentile weight for the 1-year-old male infant is 10.07 kilograms.

The Food and Drug Administration, in developing the currently established U.S. RDA's (21 CFR 125.1), set values at the upper level for a given population group in order to provide a labeling basis adequate for all of the persons in the group. Following this policy, the U.S. RDA for protein for infants should relate to the higher weight and should be 18 grams for protein equal to or better than casein. This value is the product of the 1.8 grams of protein per kilogram per day multiplied by a body weight of 10 kilograms which is the 50th percentile of the 1 year old. On this basis, the U.S. RDA for protein with a protein quality less than casein would be 25 grams, using a factor of 70 percent as the average PER value for dietary protein of a quality lower than casein. The regulation as set forth below adopts these two values as the U.S. RDA's for protein for infants.

4. The National Canners Association commented that there is a need for different U.S. RDA's for infants and for children under 4 years of age and that this is consistent with finding 13 in the Findings of Fact for Part 125 published on August 2, 1973 (38 FR 20713).

The Gerber Products Company also commented on the need for different U.S. RDA's for labeling food for infants and for children under 4 years of age. They proposed that 21 CFR 1.17(h)(1) be revised to read as follows:

> Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type food marketed and promoted primarily for infants and children under 4 years of age shall include nutrition information on the label and in labeling in compliance with this section except that the U.S. RDA levels for either infants from birth to 12 months of age or children under 4 years of age or both as contained in § 125.1(b) of this chapter shall be used. For the purposes of labeling these foods with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

The Commissioner has carefully considered the use of either or both the U.S. RDA values for vitamins, minerals, and protein for infants and children under 4 years of age on the labels of food offered for infants and for children under 4 years of age. Based on the comments received and other available information, the Commissioner concludes that there is a need for different U.S. RDA values for infants and for children under 4 years of age, as requested by the Gerber Company and the National Canners Association.

The petitioners pointed out that a few baby foods are promoted for both infants and children under 4 years of age. The Commissioner concludes that, because of the uniqueness of these two limited categories of foods, dual declaration of nutrients pursuant to § 1.17 should be permitted in this instance. Some "infant foods" can be used well beyond 1 year, and some "junior-type foods" can be used earlier than 1 year. The Commissioner therefore concludes that those infant or junior-type foods which are represented for both uses may include nutritional labeling based on the U.S. RDA both for infants and for children under 4 years of age. It appears that very few foods are represented or intended for both of these age groups, but such products properly should bear nutrition labeling for both groups.

The Commissioner recognizes that permitting such dual declaration, even in these limited circumstances, could result in misleading promotion if the U.S. RDA values for infants were emphasized in labeling and advertising, because it would artificially inflate the nutritional value of the food for use in children under 4 years of age. Accordingly, the final order provides that, where such dual declaration is used, it must also be included in all labeling in a way that gives equal prominence to both values and does not emphasize one of them.

The Commissioner emphasizes that dual declaration is permitted under these very limited circumstances because of the unique nature of these products. The provisions of § 1.17 already state that dual declaration for adults and children under 4 years of age is not permitted. The Commissioner has again reviewed that matter and concludes that other

forms of dual declaration remain unjustified.

5. The Mead Johnson Company commented that a protein with a PER of 20 percent that of casein has very little nutritional value for the infant and, if used to supply most of the protein needs for the infant, would not support normal growth. A value of 40 percent of casein would allow most of the average proteins in the diet to be included in contributing to the total protein intake.

The Commissioner agrees and has modified the proposal to require protein quality of 40 percent that of casein in order to make a U.S. RDA declaration for infant food. The increase in the minimum protein quality for which a U.S. RDA claim can be made from 20 percent of casein quality to 40 percent of casein quality would in the opinion of the Commissioner make very little, if any, practical change in the actual labeling of the protein in foods for infants. The Commissioner concludes that a protein with a PER of 20 percent that of casein is insufficient to promote adequate growth in infants whereas protein with a PER of 40 percent that of casein can be utilized for this purpose. The need to provide protection for infants, one of the most vulnerable population groups in relation to inadequate nutrition, is satisfied in part with this increase in the minimum protein quality. The 40-percent value will only apply to the U.S. RDA for protein for infants (under 12 months of age).

On the basis of a review of the comments, the Commissioner has modified the nutrition labeling proposal related to labeling infant, baby, and junior-type food marketed and promoted solely for infants, or for infants and children under 4 years of age, to establish a U.S. RDA for protein for infants, increase the minimum protein quality required to make a U.S. RDA label declaration, and define when the U.S. RDA's for children under 4 years of age can be used in labeling.

Background material in support of this regulation is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371 (a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended by revising § 1.17(h)(1) to read as follows:

§ 1.17 **Food; nutrition labeling.**

* * * * *

(h) * * *

(1) (i) Except where expressly covered by § 125.5 of this chapter, infant, baby, and junior-type food promoted for infants and children under 4 years of age shall include nutrition information on the label and in labeling in compliance with this section, except that the U.S. Recommended Daily Allowance (U.S. RDA) levels for infants from birth to 12 months of age or for children under 4 years of age contained in § 125.1(b) of this chapter shall be used in lieu of the U.S. RDA levels contained in paragraph (c)(7)(iv) of this section.

(ii) Both the U.S. RDA levels for infants from birth to 12 months of age and the U.S. RDA values for children under 4 years of age may be declared for foods represented or intended for use by both infants and children under 4 years of age. If such dual declaration is used on any label, it shall also be included in all labeling, and equal prominence shall be given to both values in all promotional material.

(iii) For the purposes of labeling these foods with a percent of the U.S. RDA for protein for infants, a value of 18 grams of protein shall be the U.S. RDA value for protein with a protein efficiency ratio (PER) equal to or greater than casein, and 25 grams if the PER of the protein is less than the PER of casein but greater than 40 percent of casein. For purposes of labeling foods for children under 4 years of age with a percent of the U.S. RDA for protein, a value of 20 grams of protein shall be the U.S. RDA value for protein with a PER equal to or greater than casein, and 28 grams if the PER of the protein is less than the PER of casein but greater than 20 percent of casein.

(iv) Total protein with a PER less than 40 percent of the PER of casein may not be stated on the label in terms of percentage U.S. RDA for infants, and the statement of protein content in grams per serving under paragraph (c)(4) of this section shall be modified by the statement "not a significant source of protein for infants" immediately adjacent to the protein content statement regardless of the actual amount of protein present.

* * * * *

Effective date. This regulation shall be effective on January 1, 1975.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–48 as amended, 1055; (21 U.S.C. 321, 343, 371(a)))

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13484 Filed 6-13-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 30—TABLE SIRUPS

Establishment of Standards of Identity

In a notice of proposed rule making published in the FEDERAL REGISTER of October 2, 1970 (35 FR 15403), the Commissioner of Food and Drugs proposed to establish standards of identity for table sirup, maple sirup, cane sirup, and sorghum sirup.

Sixty-six persons submitted comments in response to the proposal. The respondents included members of Congress, individual consumers, members of the medical community, and representatives of the sirup industry and trade associations.

The Commissioner has considered all of the comments and has adopted the suggestions he considers to be in the interest of consumers and has made other changes. A summary of the comments and the Commissioner's responses are as follows:

1. Section 30.1(b)(1)(i) provides for the use in table sirup of maple, cane, or sorghum sirup. Although the provision for the naming of such table sirups was not misunderstood in any comment, the section has been further clarified in the final order by adding the restriction that the finished food shall not meet the requirements prescribed by the standards for maple, cane, or sorghum sirups.

2. The proposed regulation listed glucose sirup, dried glucose sirup, corn sirup, and dried corn sirup as optional ingredients in table sirup. The listing has been omitted from the final order because these ingredients are now included among the nutritive sweeteners standardized under Part 26 and are permitted as "other nutritive carbohydrate sweeteners" in § 30.1(b)(1)(iii) of the final order.

3. The proposed standard for table sirup provided for the optional use of edible fats. The Commissioner concludes that it would be in the interest of consumers to permit the use of edible oils in addition to edible fats and is providing for them. However, he is of the opinion that the use of these products in "buttered sirups" may lead the consumer to believe that butter is present in an amount greater than is actually the case. Accordingly, he concludes that edible fats and oils (other than butter) are not suitable ingredients for use in "buttered sirups." Section 30.1(b)(3) of the final order reflects this limitation.

4. One comment interpreted the proposed regulation as providing for fruit flavored sirups when used as table sirups.

It is the Commissioner's intent that such flavored sirups be permitted. Accordingly, § 30.1(b)(5) of the final order includes natural and artificial fruit flavorings among the optional ingredients. However, fruit sirups identified as such are not standardized by this final order.

5. One comment recommended that the standard for table sirup (§ 30.1) either name malic acid in addition to the examples of acidifying agents listed in the proposed regulation or give no such examples.

Section 30.1(b)(10) of the final order permits acidifying agents as a class without giving examples. (See paragraph 22 below for a further discussion of this matter.)

6. The proposed standard for table sirup also provided for "food adjuncts" among the optional ingredients. The provision has been made more explicit in § 30.1(b)(12) of the final order by replacing the term with a description of the type of ingredient intended to be included.

7. A comment asked if the name of the food can be "buttered table sirup", "buttered corn sirup", etc., when applicable.

The Commissioner advises that this is the intent of § 30.1(c). The matter has been clarified in the final order.

With respect to labeling of "buttered sirups", the current industry practice is to include a quantitative declaration of the amount of butter present. The Commissioner is of the opinion that this practice is required by the principles established in 21 CFR Part 102. Accordingly, the final order specifies that the label shall contain a statement of butter content as part of the name of the food in the manner set forth in 21 CFR Part 102.

8. Three comments suggested that the minimum size of type for designating each additional sweetening ingredient in the name of the food, when the principal sweetener constitutes at least 80 percent of the total sweetener solids, be reduced from one-half the size of the type used in the name of the principal sweetener to one-fourth the size. As an alternative, it was suggested that the portion of § 30.1(c) pertaining to type size be deleted.

It is the conclusion of the Commissioner that neither of these suggested modifications would insure adequate protection to the consumer. No information was submitted to demonstrate that consumers' interests would be served by reducing the type size requirement. It should be noted that the type size requirement is consistent with the requirements of Part 102 of this chapter. The Commissioner is not aware of any labels that are too small to accommodate the type size specified in the regulation. Accordingly, the requirement has been retained in the final order.

9. A comment asked whether the requirement in § 30.1(c), that the label designation for the additional sweetener ingredients be part of the name of the food when the principal sweetener constitutes at least 80 percent of the total sweetener solids, pertains to maple, cane, and sorghum sirups and, if so, whether such words could be shown in type size larger than one-half the height of or possibly larger than the height of the letters used in the name of the principal sweetener.

The Commissioner advises that the requirement in the proposed standard did not exclude maple, cane, or sorghum sirups nor limit the maximum size of letters in the names of the additional sweeteners. The final order prescribes that the letters be of uniform style and size not less than one-half the height of nor larger than the letters used in the name of the principal sweetener. A similar change is being made in that portion of § 30.1(c) which provides, among the alternative names for table sirup, for including in the name of the food the names of sweetening ingredients in the order that they predominate by weight in the food. The final order prescribes that the names of the sweetening ingredients be printed in type of uniform style and size.

10. A comment pointed out that the requirement in § 30.1(d)(1) for the label declaration of optional ingredients did not include all of the ingredients referenced in § 30.1(b).

As revised in the final order, the requirement pertains to all optional ingredients used. The final order also requires label declaration of all optional ingredients used in maple, cane, and sorghum sirups. The change is consistent with the provisions of 21 CFR 3.88.

11. One comment interpreted § 30.1(d)(2) to mean that maple sirup and honey must each constitute not less than 10 percent of the finished food if both maple and honey are identified as the flavors of the sirup.

The Commissioner advises that this was not the intention. The requirement has been restated in the final order to provide that the 10-percent minimum applies to the total quantity of the two ingredients.

12. Two comments suggested that § 30.1(d)(3) be changed to exempt label declaration of the percentage of any sweetening ingredient represented as furnishing a significant organoleptic contribution to the table sirup when such sweetening ingredient is mentioned only in the name of the food or in the list of ingredients.

The Commissioner concludes that this standard should incorporate the principles of 21 CFR Part 102 as they pertain to the label declaration of any characterizing ingredient (sweetening ingredient or any other) whose proportion in the food has a material bearing on price or consumer acceptance. Accordingly, the final order now requires that the percentage of any such ingredient be decared as part of the name of the food if any representation of the ingredient is made on the label other than in the list of ingredients. It is common industry practice now to include percentages in the ingredients statements on the labels of table sirups. The action being taken in this standard would not preclude a continuation of the practice.

13. Section 30.1(d)(4) and (5) of the proposal prescribed the manner for declaring artificial coloring, artificial flavoring, and chemical preservatives on the label. These subparagraphs have been omitted from the final order because their provisions are now covered by paragraph (d)(1) of § 30.1 which has been changed in the final order to require that the common name of each optional ingredient used be declared on the label as required by 21 CFR Part 1.

14. A comment recommended that the species designations, saccharum M. and nigrum Michx F. be deleted from the source of maple sap specified in § 30.2 for maple sirup and that only the genus name Acer be retained. Grounds given were that, although maple sap is primarily harvested from the Acer saccharum M. and Acer igrum Michx F. species, other species may be harvested incidentally.

The Commissioner agrees with this recommendation and the final order has been changed accordingly.

15. One comment questioned the advisability of establishing a separate standard for cane sirup.

Since a substantial amount of cane sirup is consumed as such, the Commissioner concludes a standard for that food to be in the interest of consumers.

16. The proposed standard for cane sirup designated "ribbon cane sirup" as an alternative name for "cane sirup". Since ribbon cane is only one of several varieties of sugar canes, the Commissioner concludes that not all sugar cane sirups can properly be labeled "ribbon cane sirup". It has come to the Commissioner's attention that at this time the variety of cane known as "ribbon cane" is no longer grown in the United States nor is it imported. However, in certain geographic locations cane sirup other than ribbon cane has also been incorrectly labeled as "ribbon cane sirup". The Commissioner concludes that it would not be in the interest of consumers to provide for an alternative name that would misrepresent a food. Accordingly, such alternative name is not provided for in the final order.

17. One comment requested that the use of invertase and malt diastase be permitted as processing aids in sorghum sirup.

Since such enzymes serve useful functions in the manufacture of sorghum sirup, the Commissioner has no objection to the use of these or other safe and suitable anticrystallizing and antisolidifying agents and has provided for their optional use in § 30.4(b)(4), (5), and (6) of the final order.

18. A comment requested that, as an alternative to the name of the food standardized by § 30.4, the word "sorghum", unqualified, be permitted.

Since the word "sorghum", unqualified, has been used in the trade for a long time and is accepted by the consumer as an alternative for "sorghum sirup", § 30.4(c) has been revised in the final order to provide for both names.

19. Fifty-two comments requested more informative ingredient labeling so that people who have a need or desire to know of the presence of certain substances may be so informed. Many requested that the source of ingredients be declared, for example, whether the sucrose was prepared from cane or beets.

The Commissioner agrees that it is desirable to require the declaration of all optional ingredients by their common names. At this time there are no data to support a requirement of ingredient source declaration. The issue of the significance of source labeling to those persons who may have allergic or hypersensitive reactions to specific ingredients is being reviewed at the request of the Commissioner by Life Sciences Research Office, Federation of American Societies for Experimental Biology, Bethesda, MD. If data in support of a requirement to declare the source of ingredients become available after the establishment of this regulation, the Commissioner will propose to amend the standard.

20. One comment proposed that a daily limit be established for each food chemical and that the maximum amount permitted in each sirup be a certain percentage of the total daily limit.

The Commissioner considers that the requirement of 21 CFR Part 121 that substances generally recognized as safe (GRAS) be used in accordance with good manufacturing practice and that other

substances which are food additives be used in accordance with good additive regulations precludes use of excessive amounts of food chemicals and is sufficient to protect the public health. Any limitations on the use of food ingredients for safety reasons will be imposed under the food additive provisions of the law, not under food standards.

21. One comment recommended that table sirups be fortified with minerals and vitamins.

No evidence was received which would demonstrate that the addition of minerals and vitamins to table sirups is a nutritionally sound practice or otherwise in the interest of consumers. The Commissioner has no data indicating that the addition of minerals, vitamins, and protein to this food would make a significant contribution to the diet of the population in need. On that basis, he does not consider table sirup to be a reasonable carrier for added nutrients. The principles governing the addition of nutrients to foods are presented more fully in a notice of proposed rule making to establish general principles governing the addition of nutrients to foods, published elsewhere in this issue of the FEDERAL REGISTER.

22. The Commissioner concludes that the recipe requirements of food standards should be relaxed so as to permit the use of any safe and suitable ingredients that do not adversely affect the identity of the food. Instead of listing the permitted optional ingredients by name in the standards, the final order lists them, wherever practicable, by class. Such a listing will give the manufacturer a wider selection of ingredients. Hence, it will not be necessary, in many cases, to amend the standards to permit the use of additional safe and suitable optional ingredients when such ingredients are found to serve a useful purpose.

23. Two respondents suggested that, if label changes are required, ample time be granted for producers to exhaust present inventories of labels.

A number of current changes in regulations involves significant changes in label requirements. The Commissioner is aware of the cost attending a series of changes in labeling requirements appearing over a short period of time and that in all likelihood such costs would be passed on to consumers in the form of higher food prices. Accordingly, in the interest of the consumer and the food industry, he has set January 1, 1975, as the effective date for this order.

On the basis of the proposed standards, the comments received, and other relevant information available to him, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed standards with certain modifications as indicated.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Chapter I of Title 21, Code of Federal Regulations be amended by adding a new Part 30 as follows:

Sec.

30.1 Table sirup; identity; label statement of optional ingredients.

30.2 Maple sirup; identity; label statement of optional ingredients.

30.3 Cane sirup; identity; label statement of optional ingredients.

30.4 Sorghum sirup; identity; label statement of optional ingredients.

AUTHORITY: Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371).

§ 30.1 Table sirup; identity; label statement of optional ingredients.

(a) Table sirup is the liquid food consisting of one or more of the optional sweetening ingredients provided for in paragraph (b)(1) of this section. The food contains not less than 65 percent soluble sweetener solids by weight and is prepared with or without added water. It may contain one or more of the optional ingredients prescribed in paragraphs (b) (2) through (12) of this section. All ingredients from which the food is fabricated shall be safe and suitable. (Vitamins, minerals, and protein added for nutritional purposes and artificial sweeteners are not considered to be suitable ingredients for this food.)

(b) The optional ingredients that may be used in table sirup are:

(1) One or more of the nutritive carbohydrate sweeteners provided for in this paragraph (b)(1). When a sweetener provided for in paragraph (b)(1) (i) or (ii) of this section is used it shall constitute not less than 2 percent by weight of the finished food.

(i) The sirups identified by §§ 30.2, 30.3, and 30.4 except that the use of any such ingredient is so limited that the finished food does not meet the requirement prescribed for any sirup by §§ 30.2, 30.3, or 30.4.

(ii) Honey.

(iii) Other nutritive carbohydrate sweeteners.

(2) Butter, in an quantity not less than 2 percent by weight of the finished food.

(3) Edible fats and oils, except that, in products designated as "buttered sirups", butter as provided for in paragraph (b)(2) of this section is the only fat that may be used.

(4) Emulsifiers or stabilizers or both.

(5) Natural and artificial flavorings, either fruit or nonfruit, alone or in carriers.

(6) Color additives.

(7) Salt.

(8) Chemical preservatives.

(9) Viscosity adjusting agents.

(10) Acidifying, alkalizing, or buffering agents.

(11) Defoaming agents.

(12) Any other ingredient (e.g., shredded coconut, ground orange peel) that is not incompatible with other ingredients in the food.

(c) Except as provided for in this paragraph and in paragraph (d) (2) and (3) of this section, the name of the food is "table sirup", "sirup", "pancake sirup", "waffle sirup", "pancake and waffle sirup", or "_____ sirup", the blank being filled in with the word or words that designate the sweetening ingredient that characterizes the food, except "maple", "cane", or "sorghum" alone, such sirups being required to comply in all respects with §§ 30.2, 30.3, and 30.4, respectively, and in the case of more than one sweetening ingredient, in descending order of predominance by weight in the food. The type shall be of uniform style and size.

(1) When one of the sweeteners constitutes at least 80 percent of the total sweetener solids, the name of the food may be designated as the corresponding sirup, for example, "corn sirup", provided that the name is immediately and conspicuously followed, without intervening written, printed, or graphic matter, by the statement "with _____" as part of the name, the blank being filled in with the name or names of each additional sweetening ingredient present, stated in a clear legible manner in letters of uniform style and size not less than one-half the height of, nor larger than, the letters used in the name of the principal sweetener.

(2) When butter is used, as provided for in paragraph (b)(2) of this section, the name of the food may be "buttered _____", the blank being filled in with the name otherwise prescribed in this paragraph. The percentage by weight of butter present shall be declared as part of the name of the food as prescribed by Part 102 of this chapter.

(3) Alternatively, the word "sirup" may be spelled "syrup".

(d) (1) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

(2) A statement (other than in the ingredient listing) or a vignette identifying a flavor may be included on the label only if such flavor contributes the primary recognizable flavor that characterizes the sirup. When maple, honey, or both maple and honey are represented as the characterizing flavors, the total quantity of maple sirup or honey, singly, or of maple sirup and honey in combination, shall be not less than 10 percent by weight of the finished food. The presence of any natural or artificial flavor in the food shall be declared on the label as prescribed by the applicable sections of Part 1 of this chapter.

(3) The percentage of any optional ingredient used shall be declared as part of the name of the food as prescribed by Part 102 of this chapter when all of the following conditions apply to the use of the ingredient:

(i) It is one of the characterizing ingredients permitted by paragraph (b)(1) (i) and (ii) of this section.

(ii) The ingredient is either named on the label other than in the list of ingredients or is suggested by vignette or other labeling.

§ 30.2 Maple sirup; identity; label statement of optional ingredients.

(a) Maple sirup is the liquid food derived by concentration and heat treatment of the sap of the maple tree (Acer) or by solution in water of maple sugar (maple concrete) made from such sap. It contains not less than 66 percent by weight of soluble solids derived solely from such sap. The concentration may be adjusted with or without added water. It may contain one or more of the optional ingredients provided for in paragraph (b) of this section. All ingredients from which the food is fabricated shall be safe and suitable.

(b) The optional ingredients that may be used in maple sirup are:

(1) Salt.
(2) Chemical preservatives.
(3) Defoaming agents.

(c) The name of the food is "maple sirup". Alternatively, the word "sirup" may be spelled "syrup".

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 30.3 Cane sirup; identity; label statement of optional ingredients.

(a) Cane sirup is the liquid food derived by concentration and heat treatment of the juice of sugarcane (Saccharum officinarum L.) or by solution in water of sugarcane concrete made from such juice. It contains not less than 74 percent by weight of soluble solids derived solely from such juice. The concentration may be adjusted with or without added water. It may contain one or more of the optional ingredients provided for in paragraph (b) of this section. All ingredients from which the food is fabricated shall be safe and suitable.

(b) The optional ingredients that may be used in cane sirup are:

(1) Salt.
(2) Preservatives.
(3) Defoaming agents.

(c) The name of the food is "cane sirup". Alternatively, the word "sirup" may be spelled "syrup".

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 30.4 Sorghum sirup; identity; label statement of optional ingredients.

(a) Sorghum sirup is the liquid food derived by concentration and heat treatment of the juice of sorghum cane (sorgos) (Sorghum vulgare). It contains not less than 74 percent by weight of soluble solids derived solely from such juice. The concentration may be adjusted with or without added water. It may contain one or more of the optional ingredients provided for in paragraph (b) of this section. All ingredients from which the food is fabricated shall be safe and suitable.

(b) The optional ingredients that may be used in sorghum sirup are:

(1) Salt.
(2) Chemical preservatives.
(3) Defoaming agents.
(4) Enzymes.
(5) Anticrystallizing agents.
(6) Antisolidifying agents.

(c) The name of the food is "sorghum sirup" or "sorghum". Alternatively, the word "sirup" may be spelled "syrup".

(d) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before July 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order shall begin on January 1, 1975, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371))

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13481 Filed 6–13–74;8:45 am]

PART 53—TOMATO PRODUCTS

Tomato Juice; Amendment of Identity Standard

In the FEDERAL REGISTER of March 25, 1974 (39 FR 11095), the Commissioner of Food and Drugs issued a proposal submitted by Del Monte Corp., 215 Fremont St., P.O. Box 3575, San Francisco, CA 94119, to amend the tomato juice identity standard (21 CFR 53.1) to provide for the optional use of ascorbic acid (vitamin C) in such quantity that the total vitamin C in each 6 fluid ounces of finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C.

A total of 21 comments was received in response to the proposal. Eight consumers, a tomato juice manufacturer, an ingredient manufacturer, and a State official favored the proposal while five consumers, a tomato juice manufacturer, a citrus growers' association, a supermarket chain, and a professor of nutritional physiology opposed the proposal. One fruit juice beverage manufacturer favored the addition of vitamin C to tomato juice with qualifications. The points raised by the comments and the Commissioner's conclusions are as follows:

1. The five consumers who opposed the addition of vitamin C to tomato juice commented that (a) such a change would deprive the public of an opportunity to purchase and consume tomato juice which does not contain added vitamin C, (b) they prefer to have their tomato juice in its natural state, and (c) the addition of vitamin C would add to the cost of the tomato juice.

The Commissioner points out that the proposal does not require a manufacturer of tomato juice to add vitamin C but provides him with the choice of either adding it or not adding it. Consumers would therefore have freedom of choice between a vitamin C fortified or nonfortified product in the marketplace. It is estimated that the cost of the additive alone when purchased in bulk quantities is less than $\frac{1}{10}$ cent per 60 milligrams, the amount which would be used to fortify a 6 fluid-ounce serving. Consequently, the amount of ascorbic acid that would be added to tomato juice should not materially affect the cost of the product.

2. The Citrus Growers Association opposed the proposal on the grounds that (a) the petitioner wishes to fortify tomato juice for strictly competitive reasons and to gain a bigger share of the juice market and (b) this share is partially gained by the use of an added substance which is naturally present in the same amount in orange juice.

The Commissioner concludes that, while the market availability of a tomato juice product containing an amount of vitamin C equivalent to orange juice presents competition to the producers of orange juice, this is not a proper factor to consider in determining whether the product should be enriched with vitamin C. The Commissioner's decision on this matter is based solely upon determinations relating to public health and nutrition. Tomatc juice is used primarily as a breakfast beverage. Breakfast beverages constitute the major source of vitamin C in the daily diet of most people. The "USDA Household Food Consumption Survey 1965–1966" indicates that only about 30 to 58 percent of the recommended dietary allowance of vitamin C is obtainec from all other food sources combined. It is therefore important from the standpoint of public health and nutrition that all foods of this class be interchangeable in terms of this important nutrient.

The Commissioner had earlier contracted with the National Academy of Sciences/National Research Council for assistance in identifying and defining the important classes of foods for which nutritional quality guidelines should be established and in providing proposed

nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for ascorbic acid fortified vegetable juices, fruit juices, fruit drinks, and imitation fruit-flavored drinks reflect the fact that some conventional vegetable and fruit juices are major sources of vitamin C in the diet, and that other such products which are not naturally good sources of the vitamin, and many flavored beverages, have been fortified with vitamin C at various levels. The recommendations are intended to assure the consumer that when vitamin C is added to such a product, it will provide a nutritionally adequate level of the vitamin but will not be in excess of nutritional requirements. The NAS/NRC Committee recommended a minimum supplement level of 50 mg per 6 fluid-ounce serving (or equivalent) and a maximum supplement level of 65 mg per 6 fluid-ounce serving (or equivalent). These values represent the mean Recommended Daily Allowance and an average ascorbic acid content of citrus juices, respectively. However, in a proposal to establish nutritional quality guidelines for breakfast beverage products published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is of the opinion that one level, consistent with the newly established U.S. RDA (60 mg), should be proposed. The Commissioner is also of the opinion that there is no justification for establishing an upper limit beyond 60 mg per average serving (6 fl. oz.) since this level of fortification is essentially the same as occurs naturally in various citrus juices, which are among the richest sources of the vitamin, and since there is no known nutritional significance to supplemental intakes beyond this level. A copy of the NAS/NRC Committee report is on public display in the office of the Hearing Clerk.

3. The Citrus Growers Association commented that the citrus industry is supporting medical research on the physiological value of naturally occurring vitamin C, and that it expects the data to show an increased benefit over ascorbic acid, the form of the vitamin proposed for addition. On the basis of this expectation, the Association believes that "vitamin C," when added as ascorbic acid, should be described in labeling as "synthetic" or should be exclusively termed "ascorbic acid."

The Association's contention that there may be a difference in biological value activity between naturally occurring vitamin C and ascorbic acid is not supported by scientific evidence at this time. It is noted that finding of fact number 26, relating to the public hearings on foods for special dietary use, published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20708) states "there is no nutritional difference between a vitamin provided by a synthetic source and the same vitamin provided by a natural source, but the natural source may contain other ingredients which may limit the absorbability of the vitamin provided by the natural source." Consequently, until it can be demonstrated by reliable scientific data that there is a nutritional difference between added ascorbic acid and ascorbic acid occurring naturally in orange juice, the Commissioner has no reason to require that products containing the former be labeled differently from those containing the naturally occurring form of the vitamin.

4. The supermarket food chain opposed the proposal on the ground that the indiscriminate fortification of natural foods will inevitably lead to a numbers race with products being fortified to meet the nutrient level of another product for no good reason.

Although the Food and Drug Administration has not proposed nutritional quality guidelines for all foods, it has established general principles for setting such guidelines for classes of foods (21 CFR 100.1). Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is proposing amendments to the nutrition guideline regulations which set forth in detail the circumstanees under which nutrients may be added to foods. This final order meets the principles contained in that proposal.

The Commissioner concludes that, in view of the NAS/NRC Committee recommendation for addition of ascorbic acid to vegetable juices, fruit juices, fruit drinks and imitation fruit-flavored drinks, it would not be reasonable to prohibit a food which is a natural source of vitamin C from further enrichment to provide a nutritionally adequate amount of the vitamin per serving. The Commissioner also notes that the present nutrition labeling regulations (21 CFR 1.17 and 80.1) include provisions that set maximum limits which may be claimed for added nutrients as well as permit only the use of nutrients which have been shown to be essential to human nutrition.

5. The comment from the nutritional physiologist stated that, whereas he is in favor of tomato juice assuring a given quantity of vitamin C, it is difficult to justify on the basis of citrus products or breakfast use the addition of vitamin C at 100 percent of the U.S. RDA. He commented that tomato juice is as important a source of vitamin A as it is vitamin C, and suggested that the vitamin A level as well as other nutrients normally found in tomato juice at levels greater than 2 percent U.S. RDA should be restored.

The Commissioner concludes that the high level of vitamin C is justified for the reasons set forth above. The question of restoring all nutrients in tomato juice to their natural levels is a concept that would entail considerable study and goes beyond the scope of the published proposal. Vitamin A is available naturally and as an added nutrient in a much greater variety of foods than is vitamin C. Consequently, consumers may satisfy their required daily intake of vitamin A more readily than such intake of vitamin C.

6. The fruit juice beverage manufacturer that endorsed the proposal with a qualification expressed concern that the proposed amendment in question, if promulgated, would result in further discrimination against processors of other standardized and nonstandardized beverages which are now prohibited from adding a similar quantity of vitamin C by reason of the provisions of 21 CFR 80.1.

The Commissioner points out that paragraph (b) of the final order sets forth the requirement that tomato juice shall be labeled in accordance with the applicable sections of 21 CFR Part 1. Consequently, if vitamin C is added to the tomato juice, the food is subject to the same labeling requirements of 21 CFR 1.17 that a nonstandardized food would be if it contained vitamin C in the same quantity as proposed in this amendment. The proposal to establish a nutritional quality guideline for breakfast beverages, published elsewhere in this issue of the FEDERAL REGISTER, proposes an exemption for breakfast beverage products from the restriction in 21 CFR 1.17 limiting the addition of vitamin C to less than 50 percent of the U.S. RDA per serving. Therefore, the Commissioner cannot agree that this proposal will discriminate against processors of other standardized and nonstandardized foods.

7. The proposal stated that the ascorbic acid may be added in such a quantity that the total vitamin C in each 6 fluid-ounce serving of the finished food amounts to 10 percent of the U.S. RDA for vitamin C (60 mg). In order to use language consistent with that set forth in the proposal to establish a nutritional quality guideline for breakfast beverage products, the Commissioner has revised the vitamin C statement above to read: "* * * the total vitamin C in each fluid ounce of the finished food is 10 milligrams * * *." This is an editorial revision and does not change the proposal in regard to the amount of ascorbic acid that may be added to tomato juice.

8. It was brought to the Commissioner's attention that the proposal failed to provide for a method of analysis for determining the amount of ascorbic acid present in tomato juice.

This was an oversight and such a method has been included in this document.

9. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortified" and "enriched" are defined. That proposal specifics that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). For tomato juice which conforms to the standard and is "enriched" according to the definition contained in that proposal; use of

the statement "enriched with vitamin C" is proper when vitamin C is added at levels prescribed by the standard.

Accordingly, after careful consideration of the comments received, the information submitted by the petitioner, and other relevant information, including the recommendations submitted under contract to the Food and Drug Administration by the Committee on Food Standards and Fortification Policy, Food and Nutrition Board of the National Academy of Sciences/National Research Council, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for tomato juice (21 CFR 53.1) to provide for the optional addition of ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each fluid ounce of the finished food is 10 milligrams.

Therfore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 53 be amended by revising § 53.1 to read as follows:

§ 53.1 Tomato juice; identity; label statement of optional ingredients.

(a) Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. Such liquid may contain added ascorbic acid in a quantity such that the total vitamin C in each fluid once of the finished food is 10 milligrams as determined by the method prescribed in sections 39.051–39.055 of the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th ed., 1970, pp. 777–778, under "Vitamin C (Ascorbic Acid) Official Final Action".[1]

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter. Tomato juice to which vitamin C has been added may bear on its label the statement "Enriched with Vitamin C" in accordance with § 100.1 of this chapter or "with added vitamin C" or a similar statement.

Any person who will be adversely affected by the foregoing order may at any time on or before July 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

[1] Copies may be obtained from: The Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC 20004.

Effective date. This order shall become effective August 13, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13483 Filed 6–13–74;8:45 am]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Use of International Units for Vitamins A and D; Confirmation of Effective Date of Order

In the FEDERAL REGISTER of February 12, 1974 (39 FR 5313), a final order was published which amended § 125.5(c)(5) (21 CFR 125.5(c)(5)) of Part 125 by inserting "International Units" in place of "U.S.P. Units" as the units of measurement for vitamins A and D. The order provided for the filing of objections on or before March 14, 1974.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701, 52 Stat., 1047–1048, 1055–1056, as amended; 21 U.S.C. 343, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections to the order were filed. Therefore, the amendment promulgated by the subject order became effective on March 14, 1974.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13482 Filed 6–13–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 3]

MULTIUNIT AND MULTICOMPONENT FOOD PACKAGES

Proposed Exemptions From Required Label Statements

The Commissioner has received a petition from The National Association of Margarine Manufcturers requesting that the labeling of ingredients on the wrapper of a subdivision of oleomargarine or margarine be optional when such subdivision does not constitute a separate unit for retail sale.

The petition is available for inspection in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has considered the petition and agrees that an exemption from label requirements for a statement of ingredients should be granted for the wrapper on a subdivision of oleomargarine or margarine where the subdivision does not constitute a separate unit of retail sale. However, the Commissioner recognizes that such an exemption should also apply to other foods packaged in a like manner, including foods in multicomponent retail packages and other multiunit retail packages.

Accordingly, by amending § 1.1c (21 CFR 1.1c), the Commissioner proposes to exempt unit containers in a multiunit or multicomponent retail food package from the requirement for label declaration of ingredients, provided that the outside of the retail package is properly labeled and the unit containers do not constitute separate units for retail sale. Similarly, it is proposed that § 3.17(i) (21 CFR 3.17(i)) be amended to conform with § 1.1c and to exempt the wrappers on the subdivisions of oleomargarine or margarine contained within the packages sold at retail from the requirement for label declaration of ingredients, provided the packages sold at retail are properly labeled and the subdivisions do not constitute separate units for retail sale. Since reference to special dietary use was deleted from § 45.1(b)(2)(v) in an order published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6968), the same reference is being deleted from the proposed revision of § 3.17(d) and (i).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 407, 701(a), 52 Stat. 1047–1048, 1055, 64 Stat. 20; 21 U.S.C. 343, 347, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Chapter I of Title 21, Code of Federal Regulations be amended as follows:

1. In Part 1 by adding new paragraph (a)(14) to § 1.1c as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) * * *

(14) The unit containers in a multiunit or multicomponent retail food package shall be exempt from compliance with the requirements of section 403 (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of ingredients when the multiunit or multicomponent retail food package labeling meets all the requirements of this part and the unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale.

* * * * *

2. In Part 3 by revising paragraphs (d) and (i) of § 3.17 to read as follows:

§ 3.17 Labeling of oleomargarine or margarine.

* * * * *

(d) All oleomargarine or margarine containing the optional ingredients vitamin A, vitamin D, or both is subject to the provisions of § 1.17 of this chapter.

* * * * *

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the package sold at retail are labels within the meaning of section 201 (k) and shall contain all of the label information required by sections 403 and 407 of the Federal Food, Drug and Cosmetic Act, just as in the case of 1-pound cartons, except that wrappers on the subdivisions contained within the retail package shall be exempt from the requirement for label declaration of ingredients when the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the petition and the Commissioner's proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13477 Filed 6–13–74;8:45 am]

[21 CFR Parts 1, 10, 102]

UNIFORM METHOD OF DECLARING THE PERCENTAGE OF AN INGREDIENT IN FOODS

Proposed Percentage Labeling Requirements

The Commissioner of Food and Drugs has received a petition submitted on behalf of Giant Foods, Inc., proposing to amend 21 CFR 102.1 to provide a uniform system of percentage ingredient labeling of a product whenever percentage ingredient labeling is used. The statement of grounds and the requested revision of § 102.1 are as follows:

Giant Foods, a Washington-based grocery chain, is concerned with the right and ability of the consumer to be informed about the food products that are purchased. In 1971, a committee of consumer and industry representatives was organized to consider a percentage ingredient labeling program and as a result of the committee's efforts, Giant Food has voluntarily begun to label eight of its own brand products with percentage information.

Giant Foods would like to proceed with this program and to give the consumer percentage information on a greater variety of its own products. However, Giant is concerned that the Food and Drug Administration regulations on percentage labeling are being promulgated on a product-by-product basis. Waiting for common or usual names to be promulgated by the Food and Drug Administration, Giant has not been able to move ahead with their program in fear that the FDA might later propose regulations that would make their new labels obsolete.

Giant Foods proposes that in the interest of consumers, percentage labeling requirements should be on a voluntary/mandatory system analogous to the present nutrition labeling program. Consequently, Giant Foods respectfully proposes, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403 and 701(a)), that regulations establishing requirements for the promulgation of common or usual names and mandatory/voluntary percentage of ingredient labeling be adopted by the Food and Drug Administration in the following format:

§ 102.1a Common or usual names for nonstandardized foods.

(a) The common or usual name of a food, which may be a coined term shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name. Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods.

(b) The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) or component(s) when the proportion of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in an amount greater than is actually the case, the requirements of § 102.1(b) shall apply.

(c) A common or usual name of a food may be established by common usage or by establishment of a regulation in Subpart B of this part, in Part 100, in a standard of identity, or in other regulations in this chapter.

§ 102.1b Percentage ingredient labeling.

(a) Percentage ingredient labeling relating to any food may be included on the label and in the labeling of a product: *Provided*, That it conforms to the requirements of this section. Except, whenever the Secretary promulgates a common or usual name for a product, such product will be required to contain percentage ingredient labeling in accordance with the requirements of this section.

(b) The percentage of a characterizing ingredient of component shall be declared on

the basis of its quantity in the finished product (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids.)

(c) A characterizing ingredient is any component of a food product (1) in which the proportion in the food has a material bearing on the price or consumer acceptance, (2) which a consumer might otherwise believe to be present in an amount greater than is actually the case, or (3) which is stated or implied in the name of the food. A characterizing ingredient does not include flavorings which must be declared in accordance with the provisions of § 1.12 of this chapter.

The declaration of the percentage of a characterizing ingredient must accurately express the amount of the ingredient contained in the food. Reasonable excesses over labeled amounts are acceptable within the limits of good manufacturing practice.

(d) The percentage of each characterizing ingredient or component shall be declared by the words "containing (or contains) ____ percent (or %) ____" or "____ percent (or %) ____" with the first blank filled in with the percentage expressed as a whole number not greater than the actual percentage of the ingredient or component named and the second blank filled in with the common or usual name of the ingredient or component. The word "containing" (or "contains"), when used, shall appear on a line immediately below the name of the food in easily legible boldface print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the following alternatives:

(1) Not less than one-sixteenth inch in height on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch in height if the area of the principal display panel is greater than 5 square inches; or

(2) Not less than one-half the height of the largest type appearing in the part of the common or usual name of the food required by paragraph (a) of this section.

(e) Percentage ingredient labeling shall include a statement of the presence or absence of any characterizing ingredient(s) or component(s) and/or the need for the user to add any characterizing ingredient(s) or component(s) when the presence or absence of such ingredient(s) or component(s) in the food has a material bearing on price or consumer acceptance or when the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present when it is not, and consumers may otherwise be misled about the presence or absence of the ingredient(s) or component(s) in the food. The following requirements shall apply:

(1) The presence or absence of a characterizing ingredient or component shall be declared by the words "containing (or contains) ____", "containing (or contains) no ____" or "no ____", or "does not contain ____", with the blank being filled in with the common or usual name of the ingredient or component.

(2) The need for the user of a food to add any characterizing ingredient(s) or component(s) shall be declared by an appropriate informative statement.

(3) The statement(s) required under paragraph (e) (1) and/or (2) of this section shall appear following or directly below the part of the name of the food in easily legible boldface print or type in distinct contrast to other printed or graphic matter, and in a height not less than the larger of the alternatives established under paragraph (d) (1) and (2) of this section.

(f) A label which contains percentage of ingredient listings in accordance with this regulation shall list on the label in descending order of their predominance all of the ingredients contained in the product.

(1) Whenever a percentage of ingredient listing appears on the main display panel, that percentage shall also be listed in parentheses following the ingredient name on the full ingredient list.

(2) The percentages of any of the ingredients other than the characterizing ingredient(s) may be listed in parentheses following the name of the ingredients on the full ingredient list.

(g) If the principal display panel of a food is too small to accommodate all mandatory requirements of this section, the Commissioner may establish by regulation an acceptable alternative for placement of the required information, (e.g., a smaller type size). A petition requesting such a regulation, which would amend the applicable regulation, shall be submitted to the office of the Hearing Clerk in the form set forth in § 2.65 of this chapter.

The Commissioner is in basic agreement with the suggestion that a uniform method of declaring the percentage of characterizing ingredients and other ingredients in a food would be helpful to consumers by preventing confusion and deception that could be engendered by the use of various different methods of declaration on different food labels. A uniform label placement of percentage declaration would also be helpful to the food industry by assuring that such declaration will be regarded as proper. This does not, however, preclude the possibility of establishing a regulation under Part 102 at some time in the future which would set forth other requirements for a specific food.

The Commissioner proposes to accomplish the objectives of the petition by modification of existing regulations but not as proposed by the petitioner. These modifications would establish the manner in which the percentage declaration of an ingredient will be placed in the ingredient statement when such declaration is used, and would require percentage declaration as part of the common or usual name of the food if such percentage declaration is used other than in the ingredient statement. These regulations will also be applicable to standardized foods if a percentage declaration is given that is not required by an applicable standard or is used in advertising or promoting a standardized food.

The proposed regulation provides only for the voluntary placement of percentage declaration on the label and is intended to pertain only to the percentage of the ingredient contained in the food as purchased by the consumer or, in the case of foods that must be reconstituted before use, on the basis of the percentage in the reconstituted food (i.e., weight/weight in the case of solids, or volume/volume in the case of liquids). It is apparent that if any other basis is used it would be necessary to qualify the percentage declaration explaining the basis used in its determination in order for the percentage declaration to be meaningful, fully informative, and useful for value comparison of products.

Since the proposed regulation does not specify requirements for the basis of expressing percentage declaration on the label, it is entirely possible that such declaration without qualification would be misleading or deceptive to the consumer. For example, the percentage of a dried ingredient used in a product that is sold to the consumer for use as a soup or other food that is not dried when consumed could be included in the ingredient statement on the basis of the formula weight of the dried ingredient, or on the rehydrated formula weight of the ingredient. Further, the weight of the food used in the percentage declaration could be expressed in terms of the formula, the finished food, or some food that the consumer prepares from the product purchased. The proposed regulation does not prohibit any of the possibilities for expressing the percentage declaration providing it is truthful and not misleading.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 403, 701, 52 Stat. 1041 as amended, 1046–1048, 1055 as amended; 21 U.S.C. 321, 341, 343, 371) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

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

1. By adding the following sentences to the end of § 1.10(e):

§ 1.10 Food; labeling; designation of ingredients.

* * * * *

(e) * * * If the percentage of any ingredient is included in the statement of ingredients, it shall be shown in parentheses following the name of the ingredient. When a percentage declaration is included in the ingredient statement, it shall not be misleading and shall be truthful in all respects.

PART 10—DEFINITIONS AND STANDARDS FOR FOOD

2. By adding the following new section to Part 10:

§ 10.8 Voluntary listing of percentage of ingredients of standardized foods.

(a) When the label of a standardized food is not required by the applicable standard to bear a percentage declaration of one or more ingredients in a statement of ingredients but does bear such a declaration, the percentage declaration shall be stated in accordance with the requirements of § 1.10(e) of this chapter.

(b) When the label or labeling or advertising of a standardized food bears a declaration of the percentage of a characterizing ingredient, other than in the ingredient statement as provided for in paragraph (a) of this section, and such declaration is not required by the applicable standard, such percentage declaration shall be declared in the manner set forth in § 102.1(b) of this chapter.

PART 102—COMMON OR USUAL NAMES FOR NONSTANDARDIZED FOODS

3. By adding the following new paragraph (b)(3) to § 102.1:

§ 102.1 General principles.

* * * * *

(b) * * *

(3) When the percentage of a characterizing ingredient is stated on the label or in labeling or advertising, other than as a percentage of a particular ingredient in a complete statement of ingredients as provided in § 1.10(e) and § 10.8(a) of this chapter, it shall be declared on the label as part of the common or usual name of the food in accordance with the provisions of this paragraph.

* * * * *

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,

Commissioner of Food and Drugs.

[FR Doc.74–13468 Filed 6–3–74;8:45 am]

[21 CFR Parts 1, 101]

NUTRITION LABELING

Proposed Serving and Portion Sizes and Daily Consumption Amounts

Section 1.17(b) of this chapter (21 CFR 1.17(b)) requires that nutrition information in the labeling of a food be declared in relation to the average or usual serving or, where the food is customarily not consumed directly, in relation to the average or usual portion. Nutrition information may also be declared on the basis of the amount of the food consumed on a daily basis.

In the preamble to the nutrition labeling regulation published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125, 2130), the Commissioner of Food and Drugs stated, "Where there are no established reasonable standard serving sizes, the Commissioner intends establishing such reasonable standard serving sizes." Subsequently, he advised in paragraph 17 of the preamble to the revision of that regulation, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6953), that " * * * it is incumbent upon industry and consumers to work together to devise uniform serving and portion sizes." The Commissioner stated, "If this does not materialize, the Commissioner will establish a procedure for adopting uniform serving and portion sizes that will be applicable to all foods."

Uniform and reasonable serving sizes are essential since nutrition labeling statements based on unreasonably large quantities per serving give an inflated idea of nutrient content and confuse consumers, and lack of uniform serving sizes among products in the same class of food makes comparison impossible. A recent survey of current product labels providing nutrition information conducted by the Food and Drug Administration demonstrates, however, that the serving and portion sizes used are in many cases not reasonable or not uniform within a product class.

In some cases the reasonableness of the serving size being used is dubious because it is larger than the serving size recommended prior to use of nutrition labeling. Since a larger serving size permits declaration of more nutrients, there is an obvious temptation to increase it. While a diversity of serving sizes exists in the marketplace, the Commissioner is aware that there is an effort to establish the serving size for canned vegetables, such as green beans, peas, and tomatoes, at 1 cup (8 ounces). For many years prior to nutrition labeling, the standard serving size usually used in labeling was ½ cup. Comments are now being received from consumers and dietitians that this is larger than the amount that would normally be consumed by an individual. Prior to nutrition labeling, the recommendation was 4 servings per pound or 3–4 servings for a pound or 1.1-pound package. Thus, the recommended serving has approximately doubled in size since the advent of nutrition labeling.

The same serving enlargement is seen in the labeling of canned fruit. Prior to nutrition labeling, canned fruit, such as pears and peaches, was labeled as containing 3–4 servings per 1- or 1.1-pound can, or in at least one instance, 5–7 servings in a can containing 1 pound, 14 ounces. Now the serving seems generally to be 1 cup (8 ounces), again an approximate doubling of the serving size. Here again, comments are being received that this is an unrealistically large amount for individual consumption.

Fruit juice has experienced a similar increase in suggested serving size. Prior to nutrition labeling, the recommended serving was customarily 6 ounces. Labels of fruit drink using nutrition labeling now generally use an 8-ounce serving. In contrast, the serving size of some brands of orange drink is presently 4 ounces.

The survey disclosed that labels on other products are suggesting serving sizes that seem to be unreasonably large. One brand of frozen peas establishes a serving of 6⅔ ounces for the purposes of nutrition information, providing 1½ servings per package, and, as if to concede the excessive size of the stated serving, also indicates that there are four 2½-ounce servings in the package. A different brand of frozen peas and carrot points in cream sauce establishes an 8-ounce serving for nutrition labeling but adds that the package also provides four 2½-ounce servings. Comparable frozen vegetables not labeled with nutrition information have been found, in one case, to recommend a ½-cup serving and, in another case, to recommend a 3.3-ounce serving. Servings for canned tuna also appear to be unreasonably large since they are set at 6½ or 7 ounces.

Canned tuna labeling, which establishes a serving sometimes at 6½ and sometimes at 7 ounces, also points up the problem of nonuniform labeling within a product class, making comparison difficult. Another example of the lack of uniformity is in the labeling of vegetable juice. One brand of tomato juice currently states its serving size to be 8 ounces, while a different brand of vegetable juice sets its serving at 6 ounces.

Samples of representative labeling illustrating these problems are on display in the office of the Hearing Clerk.

Because of the industry's failure in many cases to establish reasonable and uniform serving sizes, the Commissioner is publishing a proposal to establish a procedure for prescribing appropriate servings and portions for use with nutrition labeling. The proposal also contains a procedure whereby interested persons may petition the Commissioner to establish an appropriate serving or portion.

The Commissioner notes that some of the present labeling confusion may be the result of an erroneous interpretation of the term "portion." Although portion size is intended to be used as a basis for nutrition labeling only for foods not eaten directly but eaten only as an ingredient of other foods, the term is being used improperly for such foods as canned peaches, canned green beans, canned peas, canned pears, canned tuna, and wieners. These foods are obviously eaten alone frequently, and a statement of the serving size rather than a portion size is therefore required. Although a portion is numerically the same as would be a serving of the food, since a portion expresses the amount of the ingredient present in a serving of the food of which it is an ingredient, the use of the term should be restricted as the regulation requires in order to avoid consumer confusion.

The Commissioner therefore proposes to amend § 1.17 to clarify this distinction.

The proposal also establishes serving sizes for several foods. Serving sizes for noncarbonated breakfast beverage products, hot and cold cereal, and formulated meal replacements are established at the same amounts as in the nutritional quality guidelines for those foods published elsewhere in this issue of the FEDERAL REGISTER. A serving size is established for fluid milk beverages at 8 ounces, the amount in a normal beverage glass, and a daily consumption amount at 1 quart, both of which have been standardized by the industry.

The Commissioner has not yet determined the appropriate serving sizes for the other foods discussed in this preamble, i.e., canned and frozen fruits and vegetables, and canned tuna. Trade associations may wish to consider petitions to establish reasonable serving sizes for such foods pursuant to the provisions of this proposal. If divergent serving sizes continue to be used in the marketplace and such petitions are not filed, the Commissioner will propose serving sizes for these foods on his own initiative.

Pertinent data and information in support of this proposal are on public display in the office of the Hearing Clerk.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

1. In Part 1 by revising the introductory text of paragraph (b) and paragraph (b)(1) of § 1.17 to read as follows:

§ 1.17 Food; nutrition labeling.

* * * * *

(b) All nutrient quantities (including vitamins, minerals, calories, protein, carbohydrate, and fat) shall be declared in relation to the average or usual serving or, where food is customarily not consumed directly, in relation to the average or usual portion. The serving or portion size used shall be that established in Part 101 of this chapter or, if one is not so established in that part for the food, shall be determined in accordance with the provisions of this paragraph. Another column of figures may be used to declare the nutrient quantities in relation to the average or usual amount consumed on a daily basis, in the same format required in paragraph (c) of this section for the serving (portion), where reliable data have established that the food is customarily consumed more than once during the day and the average or usual amount so consumed.

(1) The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, or by an infant or child under 4 years of age when the article purports or is represented to be for consumption by an infant or child under 4 years of age. The term "portion" means the amount of a food customarily used in a serving of a meal component of which it is an ingredient. A label statement regarding a serving (portion) shall be in terms of a convenient unit of measure that can be easily identified as an average or usual serving (portion) and can be readily understood by purchasers of such food, e.g., a serving (portion) may be expressed in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls.

* * * * *

2. In Subchapter B by adding a new Part 101 to consist initially of the following:

PART 101—SERVING AND PORTION SIZES AND DAILY CONSUMPTION AMOUNTS

Subpart A—General

Sec.
101.1 General principles.
101.2 Petitions.

Subpart B—Serving and Portion Sizes and Daily Consumption Amounts

101.20 Noncarbonated breakfast beverage products.
101.21 Formulated meal replacements.
101.22 Ready-to-eat breakfast cereal.
101.23 Hot breakfast cereal.
101.24 Fluid milk beverages.

AUTHORITY: Secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)).

Subpart A—General

§ 101.1 General principles.

General principles governing the establishment of a serving or portion size or an amount consumed on a daily basis for a food under Subpart B of this part are as follows:

(a) A serving size shall identify that reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity, except as provided in paragraph (c) of this section.

(b) A portion size shall be established only for a food customarily used only as an ingredient in other foods. A portion size shall identify that amount of the food customarily used in a serving, as defined in this section, of the meal component of which it is an ingredient.

(c) A serving size or portion size for an infant or child under 4 years of age shall be based on that reasonable quantity of food suited for or practicable of consumption as part of a meal by an infant or child under 4 years of age. Such a serving size or portion size shall be used only when the article of food purports or is represented to be for consumption by an infant or child under 4 years of age.

(d) Any serving size or portion size established shall be in terms of a convenient unit of the food or a convenient unit of measure that can be easily identified as an average or usual serving or portion and can be readily understood by purchasers of such food, e.g., a serving (portion) may be established in slices, cookies, or wafers; or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls.

(e) An amount of a food consumed on a daily basis shall be based upon reliable data which establish that the food is customarily consumed more than once during the day and the average or usual amount so consumed.

§ 101.2 Petitions.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish or amend, under Subpart B of this part, a regulation prescribing a serving size or portion size for a food. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds for the proposed regulation.

Subpart B—Serving and Portion Sizes and Daily Consumption Amounts

§ 101.20 Noncarbonated breakfast beverage products.

The serving size of a noncarbonated breakfast beverage product shall be 6 fluid ounces, except that the serving size for infants and children under 4 years of age shall be 4 fluid ounces.

§ 101.21 Formulated meal replacements.

The serving size of a formulated meal replacement shall be the amount that, when finally constituted for consumption, is intended to replace a single meal.

§ 101.22 Ready-to-eat breakfast cereal.

The serving size of ready-to-eat breakfast cereal shall be 1 ounce, except that a serving for a single service container shall be the amount in the container. A serving of milk with ready-to-eat breakfast cereal shall be 4 fluid ounces.

§ 101.23 Hot breakfast cereal.

The serving size of hot breakfast cereal shall be 1 ounce, dry, uncooked form (15 percent moisture).

§ 101.24 Fluid milk beverages.

The serving size of a fluid milk beverage shall be 8 fluid ounces. The amount of a fluid milk beverage consumed on a daily basis shall be 1 quart.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the petition and the Commissioner's proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13473 Filed 6–13–74;8:45 am]

[21 CFR Parts 1, 102]

FOOD LABELING; LABEL DECLARATION OF INGREDIENTS; MISLEADING VIGNETTES; COMMON OR USUAL NAME FOR FOOD

Proposed Requirements

The Commissioner of Food and Drugs has recently amended several food labeling regulations and has published proposals for additional amendments. Some of the new regulations contain provisions relating to specific designated foods that should properly be made applicable to all food. In order to clarify food labeling requirements and minimize the potential for conflicting food labeling regulations, the Commissioner is proposing revision of and addition to existing food labeling regulations as specified in this notice.

LABEL DECLARATION OF INGREDIENTS

In some cases it has been established that differences in various forms of an ingredient (e.g., liquid, concentrated, dried, or frozen) do not result in any change in the allergenic potential of, or any detectable difference in, the finished food. On this basis, recent amendments to standards of identity have provided for label declaration of various forms of certain ingredients by use of a single

class name. For example, certain standards of identity for cheese products were amended in the FEDERAL REGISTER of April 23, 1973 (38 FR 9996), to allow milk, concentrated milk, and dried milk to be designated on the label as "milk".

The Commissioner is therefore proposing revision of § 1.10 (21 CFR 1.10) to provide for the same manner of label declaration of such ingredients for nonstandardized as well as standardized food. This is consistent with Food and Drug Administration policy that all food, whether standardized or nonstandardized, should be subject to the same labeling requirements.

The listing of groups of ingredients in the regulation that may be declared by single class names is not intended to be a complete listing of all such groups. Comments on this proposal should be limited to the proposed designations since the list will not be expanded at the final order stage. Any additions to the list will be accomplished by separate proposals to amend the regulation and therefore are more appropriately the subject of petitions rather than comments on this proposal.

The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may propose amendments to the provisions of § 1.10 specifying the manner or alternatives by which an ingredient shall be declared (i.e., specific or class name). Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of the regulations (21 CFR 2.65) and will be published for comment if it contains reasonable grounds for the proposed amendment.

PERCENTAGE OF CHARACTERIZING INGREDIENTS

The present § 1.10(d), as amended in the FEDERAL REGISTER of March 14, 1973 (38 FR 6966), provides that: "A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Subpart B of Part 102 of this chapter."

The Commissioner proposes that, since this provision is applicable to the requirements for a statement of identity, it should be transferred to § 1.8 of the regulations.

LABEL DECLARATION OF STANDARDIZED FOOD INGREDIENTS

The existing requirements concerning label declaration of ingredients in § 1.10 (a) provide that: "If an ingredient (which itself contains two or more ingredients) conforms to a definition and standard of identity prescribed by regulations under section 401 of the act, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient." Since the Food and Drug Administration is now moving toward full label declaration of all optional ingredients in standardized foods, this regulation needs revision.

The Commissioner therefore proposes to amend § 1.10 to provide that this label information may be presented on the label by either of the following alternatives: (1) By declaring the optional ingredients of the standardized food parenthetically after the name of the standardized food, or (2) by declaring the ingredients of the standardized food in their own order of predominance in the finished food, in which case the mandatory ingredients of the standardized food must also be declared. For example, macaroni used as an ingredient in another food may be declared in its order of predominance as "macaroni (seasoned with onions and celery, disodium phosphate added for quick cooking)", or all ingredients used to make the macaroni may be declared in their order of predominance in the finished food. Where future modifications of standards are promulgated to require label declaration of additional optional ingredients, or mandatory ingredients, the proposed revision of § 1.10 would, without further modification, also require label declaration of these ingredients regardless of which alternative manner of label declaration of ingredient is used.

In addition to the provisions concerning the label declaration of ingredients in standardized food, it is proposed that ingredients of foods for which there are USDA meat and poultry standards or for which common or usual names are established in 21 CFR Part 102 may be declared in the same manner, except that the provision with respect to nondeclaration of mandatory ingredients in the case of standardized foods is not applicable for USDA standards and common or usual names established under Part 102.

BREAKFAST SIRUPS

A proposal was published in the FEDERAL REGISTER of October 2, 1970 (35 FR 15403), to establish a standard of identity for table sirups. A final regulation, which will govern the labeling of these foods, is published elsewhere in this issue of the FEDERAL REGISTER. Consequently, the proposed revision of § 1.10 omits the requirement concerning such sirups presently found in paragraph (d).

FATS AND OILS

In the FEDERAL REGISTER of June 15, 1971 (35 FR 11521), the Commissioner published a proposed statement of policy on ingredient statements regarding fats and oils. Based in part on comments received in response to that proposal, provisions prescribing the manner of label declaration for fat and oil ingredients in foods have been included in the proposed revision of § 1.10. The Commissioner is publishing elsewhere in this issue of the FEDERAL REGISTER a notice terminating the rule making proceedings begun by the June 15, 1971 proposal.

The new proposal has the effect of requiring labeling that informs the consumer of the identity and, in many cases, the order of predominance of fat and oil ingredients in foods. Consumers' responses to the 1971 proposal showed a unanimity of opinion in favor of the mandatory declaration of the source of fat on all foods for health and medical reasons, in addition to their basic right to know such ingredients.

This proposal would require the specific name of fats and/or oils to appear in the ingredient listing of shortenings, blends of fats and oils, and in foods in which fats and oils are used, except that a strict order of predominance is not required for each fat or oil in foods that are not solely fats and/or oils and where fats and/or oils are not the predominant ingredient in the food.

The proposed requirements regarding fats and oils are not an unreasonable burden on manufacturers. The exceptions for specifying the order of predominance will permit manufacturers reasonably and freely to shift the proportion of fat sources in the fabrication of multi-ingredient foods, based on wholesale market price fluctuations, without having to make costly changes in labels. Consumers who wish to avoid a particular fat in a food would rarely, if ever, be benefited by being informed that there is a greater quantity present of one kind of fat than another.

Since this proposal requires labeling that informs the consumer of the identity of the fat and oil ingredients in food, the Commissioner proposes to rescind, at the time the final order is published, the opinions expressed in trade correspondences, TC–62, TC–94 and TC–209 (issued February 15 and 21, and March 21, 1940 respectively). TC–62 has allowed the hardened fat or oil to be declared in the ingredients statement as such without naming the individual oil beyond its vegetable, animal or marine origin. TC–94 has allowed various shortenings in fabricated foods to be declared in the ingredients statement solely as "shortening" without naming each specific fat or oil when the particular shortening cannot always be predicted in advance. TC–209 has allowed vegetable oil used for frying potato chips to be declared in the ingredients statement as "cooked or fried in vegetable oil".

MISLEADING VIGNETTES

Section 1.15(a) (21 CFR 1.15(a)) states that "Among representations in the labeling of a food which render such food misbranded is a false or misleading representation with respect to another food or a drug, device or cosmetic." In the FEDERAL REGISTER of August 2, 1973 (38 FR 30740), the Commissioner promulgated a regulation establishing common or usual names for foods packaged for use in the preparation of "main dishes" or "dinners" (21 CFR 102.12). The regulation provides that any vignette which shows any food or charac-

terizing ingredient(s) or component(s) not included in the package shall be accompanied either (1) by an appropriate informative statement that additional characterizing ingredient(s) or component(s) must be added and which names the additional characterizing ingredient(s) or component(s), or (2) by a separate statement specifying the food or characterizing ingredient(s) or component(s) shown in the vignette but not included in the package.

The Commissioner proposes to extend this requirement to cover all foods since it is recognized that to require this labeling only for the "dishes" or "dinners" specified in § 102.12 would be confusing and misleading.

The Commissioner also proposes to revoke paragraph (c) of § 102.12 if the order ruling on this proposal incorporates like requirements for all foods.

OLIVE OIL MIXTURES

The proposed revision of § 1.10 would omit the example given in present paragraph (d) regarding mixtures of cottonseed oil and olive oil containing 80 percent or more of the cottonseed oil. Instead, the Commissioner proposes to establish a common or usual name under Part 102 (21 CFR Part 102) for mixtures of edible fat or oil and olive oil, which would require the declaration of the percent of olive oil in any such mixture. Since olive oil in such mixtures is a characterizing ingredient which has a material bearing on price and consumer acceptance of such mixtures, as set forth in 21 CFR 102.1(b), the Commissioner believes it appropriate to establish a common or usual name for such mixtures which includes the percent of olive oil.

Therefore, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

1. Part 1 is amended:

a. By adding a new paragraph (f) to § 1.8 to read as follows:

§ 1.8 Food in package form, labeling; identity.

* * * * *

(f) A label may be required to bear the percentage(s) of a characterizing ingredient(s) or information concerning the presence or absence of an ingredient(s) or the need to add an ingredient(s) as part of the common or usual name of the food pursuant to Subpart B of Part 102 of this chapter.

b. By revising § 1.10 to read as follows:

§ 1.10 Food; labeling; designation of ingredients.

(a) Ingredients required by section 403(i)(2) of the act to be declared on the label of a food, except those exempted by § 1.10a, shall be listed by common or usual name in descending order of predominance by weight on either the principal display panel or the information panel in accordance with the provisions of § 1.8d.

(b) The name of an ingredient shall be a specific name and not a collective (generic) name, except that:

(1) Spices, flavorings, colorings and chemical preservatives shall be declared according to the provisions of § 1.12.

(2) An ingredient which itself contains two or more ingredients and which has an established common or usual name, conforms to a standard established pursuant to the Meat Inspection or Poultry Products Inspection Acts by the U.S. Department of Agriculture, or conforms to a definition and standard of identity established pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, shall be designated in the statement of ingredients on the label of such food by either of the following alternatives:

(i) By declaring the established common or usual name of the ingredient followed by a parenthetical listing of all ingredients contained therein in descending order of predominance except that, if the ingredient is a food subject to a definition and standard of identity established in Subchapter B of this chapter, only the ingredients required to be declared by the definition and standard of identity need be listed; or

(ii) By incorporating into the statement of ingredients in descending order of predominance in the finished food, the common or usual name of every component of the ingredient without listing the ingredient itself.

(3) Skim milk, concentrated skim milk, and nonfat dry milk may be declared as "skim milk".

(4) Milk, concentrated milk, and dried milk may be declared as "milk".

(5) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk or cultured buttermilk".

(6) Sweetcream buttermilk, concentrated sweetcream buttermilk, and dried sweetcream buttermilk may be declared as "buttermilk".

(7) Cheese whey, concentrated cheese whey, and dried cheese whey may be declared as "whey".

(8) Cream, dried cream, and plastic cream (sometimes known as concentrated milk fat) may be declared as "cream".

(9) Butteroil and anhydrous butterfat may be declared as "butter".

(10) Dried whole eggs, frozen whole eggs, and liquid whole eggs may be declared as "eggs".

(11) Dried egg whites, frozen egg whites and liquid egg whites may be declared as "egg whites".

(12) Dried egg yolks, frozen egg yolks, and liquid egg yolks may be declared as "egg yolks".

(13) An animal feed may be declared by a collective name listed in § 1.16 if it is a livestock or poultry feed within the meaning of sec. 201(x) of the act and meets the requirements for the use of a collective name as prescribed in § 1.16 for certain feed ingredients.

(14) Sugar (sucrose) shall be declared as "sugar", and invert sugar may be declared as "sugar".

(15) Sweeteners derived from corn may be declared as "corn sweeteners".

(16) Each individual fat and/or oil ingredient shall be declared by its specific common or usual name (e.g., "beef fat", "cottonseed oil") in its order of predominance in the food except that blends of fats and/or oils may be designated in their order of predominance in the food as "_____ shortening" or "blend of _____ oils", the blank to be filled in with the word "vegetable", "animal", "marine", with or without the terms "fat" or "oils", or combination of these, whichever is applicable if, immediately following the term, the common or usual names of the individual vegetable, animal, or marine fat or oil is given in parentheses, e.g., "vegetable oil shortening (soybean and cottonseed oil)". For products which are blends of fats and/or oils and for foods in which fats and/or oils are the predominant ingredient, the listing of the common or usual names of such fats and/or oils in parentheses shall be in descending order of predominance. In all other foods in which a blend of fats and/or oils is used as an ingredient, the listing of the common or usual names in parentheses need not be in descending order of predominance if the manufacturer, because of the use of varying mixtures, is unable to adhere to a constant pattern of fats and/or oils in the product. If the fat or oil is partially or completely hydrogenated, the name shall include the term "hydrogenated".

(17) Vinegar (cider vinegar, apple vinegar), wine vinegar (grape vinegar), malt vinegar, sugar vinegar, glucose vinegar, and spirit vinegar (distilled vinegar, grain vinegar) may be declared as "vinegar".

(18) When the ingredients of a cereal flour product are declared, the principal ingredient shall be declared by the name(s) specified in §§ 15.1, 15.40, 15.80 and 15.100 of this chapter, i.e., the first ingredient designated in the ingredient list of flour, or bromated flour, or enriched flour, or self-rising flour is "flour", "white flour", "wheat flour", or "plain flour"; the first ingredient designated in the ingredient list of "durum flour" is "durum flour"; the first ingredient designated in the ingredient list of whole wheat flour, or bromated whole wheat flour is "whole wheat flour", "graham flour", of "entire wheat flour"; and the first ingredient designated in the ingredient list of whole durum wheat flour is "whole durum wheat flour".

c. By adding the following new section:

§ 1.10b Petitions requesting exemptions from or special requirements for label declaration of ingredients.

The Commissioner of Food and Drugs, either on his own initiative or on behalf

of any interested person who has submitted a petition, may publish a proposal to amend § 1.10 to specify the manner in which an ingredient(s) shall be declared, i.e., by specific or class name, or § 1.10a to exempt an ingredient(s) from the requirements for label declaration. Any such petition shall include an adequate factual basis to support the petition, shall be in the form set forth in § 2.65 of this chapter and will be published for comment if it contains reasonable grounds in support of the proposed amendment.

d. By adding a new paragraph (d) to § 1.15 as follows:

§ 1.15 Food; labeling; misbranding.

* * * * *

(d) A vignette in the labeling of a food that depicts any food(s), characterizing ingredient(s), or component(s) not included in the food package shall be accompanied either:

(1) By an appropriate informative statement declaring that an additional food(s), characterizing ingredient(s), or component(s) must be added by the user, and specifying the additional food(s), characterizing ingredient(s), or component(s) which must be added, e.g., "you must add ____ to complete this meal", the blank to be filled in with the name(s) of the additional food(s), characterizing ingredient(s), or component(s) depicted but not present in the package; or

(2) By a statement specifying the food(s), characterizing ingredient(s), or component(s) shown in the vignette but not included in the package, e.g., "package does not contain ____", the blank to be filled in with the name(s) of the food(s), characterizing ingredient(s), or component(s) depicted but not present in the package.

(3) The statements required by this paragraph shall appear in an easily legible boldface print or type and in a height not less than one-sixteenth inch on packages having a principal display panel with an area of 5 square inches or less and not less than one-eighth inch if the area of the principal display panel is greater than 5 square inches.

2. Part 102 is amended:

§ 102.12 [Amended]

a. By revoking and reserving paragraph (c) of § 102.12.

b. By adding the following new section:

§ 102.19 Mixtures of edible fat or oil and olive oil.

The common or usual name of a mixture of edible fats and oils containing less than 100 percent and more than 0 percent olive oil shall be as follows:

(a) A descriptive name for the product meeting the requirements of § 102.1(a), e.g., "cottonseed oil and olive oil" or another descriptive phrase, and which lists all the fats and oils contained in the product in descending order of predominance, and

(b) When the label bears any representation, other than in the ingredient listing, of the presence of olive oil in the mixture, the descriptive name shall be followed by a statement of the percent of olive oil contained in the product in the manner set forth in § 102.1(b)(2).

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13467 Filed 6-13-74;8:45 am]

[21 CFR Part 3]

INGREDIENT STATEMENTS REGARDING FATS AND OILS IN FOOD FOR HUMAN CONSUMPTION

Withdrawal of Proposal and Termination of Rule Making Proceeding

In the FEDERAL REGISTER of June 15, 1971 (36 FR 11521), the Commissioner of Food and Drugs proposed to establish a statement of policy on ingredient statements regarding fats and oils.

Published elsewhere in this issue of the FEDERAL REGISTER is a proposed regulation regarding label declaration of ingredients in foods (including fats and oils). This proposal includes essentially all of the provisions of the statement of policy regarding fats and oils proposed on June 15, 1971.

Accordingly, the Commissioner hereby withdraws the proposal published on June 15, 1971 and terminates the rule making proceeding begun by that proposal.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1048, 1055 (21 U.S.C. 343(i), 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 7, 1974.

Commissioner of Food and Drugs.
A. M. SCHMIDT,

[FR Doc.74-13479 Filed 6-13-74;8:45 am]

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS

Proposed Improvement of Nutrient Levels of Enriched Farina

A notice of proposed rule making was published in the FEDERAL REGISTER of December 3, 1971 (36 FR 23074), in which the Commissioner of Food and Drugs, on his own initiative, proposed that the identity standards for enriched flour (21 CFR 15.10), enriched self-rising flour (21 CFR 15.60), enriched farina (21 CFR 15.140), and enriched bread, rolls, or buns (21 CFR 17.2) be amended to improve the nutrient levels, with particular reference to increasing the amount of iron. A final order ruling on that portion of the proposal which pertains to §§ 15.10, 15.60, and 17.2 appeared in the FEDERAL REGISTER of October 15, 1973 (38 FR 28558). As discussed below, the Commissioner concludes that a revised proposal should be issued concerning nutrient levels in enriched farina.

In comments filed in response to the proposal published in the FEDERAL REGISTER on December 3, 1971 (36 FR 23074), the Committee on Nutrition of the American Academy of Pediatrics, one company, and several professionals expressed the view that farina is consumed almost entirely as a breakfast cereal and that its use is not comparable to that of flour and bread. The Commissioner finds the suggestion that enriched farina should be considered a breakfast cereal reasonable, and has developed a new proposal for enriched farina so that fortification of this product will be consistent with similar breakfast cereals.

The Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) has submitted a recommendation on fortified breakfast cereals to the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852. The NAS/NRC Committee recommendation has been used to develop the revised proposal on enriched farina. Separate proposed nutritional quality guidelines for fortified hot breakfast cereals and fortified ready-to-eat breakfast cereals are published elsewhere in this issue of the FEDERAL REGISTER.

Since a serving of breakfast cereal such as farina is commonly considered to be one ounce, the proposal states the amounts of vitamins and minerals that must be present on a per-ounce basis, rather than listing the nutrient content requirements in milligrams per pound as in enriched flour.

The NAS/NRC Committee recommended 25 percent of a mean Recommended Daily Dietary Allowance for thiamine, niacin, and iron and 15 percent for riboflavin and calcium in one ounce of breakfast cereals. The Commissioner concurs with the principle of this recommendation except as to iron. It appears that enriched farina is consumed by children up to 12 years of age and by people over the age of 65 years to a greater extent than by other segments of the population, and that members of both of these age groups may be particularly vulnerable to dietary inadequacies of iron. Accordingly, the Commissioner concludes that the proposal should provide for a level of iron moderately higher than the NAS/NRC Committee's recommendation, and thus the proposal specifies an iron level of 8.1 milligrams per ounce (45 percent of the U.S. RDA).

The present open-ended requirement for iron in enriched farina raises problems of possible over-enrichment. Previous observations have suggested that, with regard to foods where a range is permitted for enrichment ingredients,

some producers tend to aim for the minimum while others add the maximum amount and make unwarranted representations that their product is more nutritious. Accordingly, the Commissioner considers the establishment of single level requirement for iron, as well as for all other added nutrients, to be the most desirable approach.

Calcium is listed as an optional nutrient in the existing enriched farina standard, § 15.140 (21 CFR 15.140). The NAS/NRC Committee concluded that there is sufficient evidence of possible deficiencies of dietary calcium that this nutrient should be listed as a mandatory ingredient, and the Commissioner knows of no reason why enriched farina will not serve as efficiently as a calcium carrier as do other cereals. The NAS/NRC Committee pointed out that there probably is an excess of phosphorus in the American diet. Cereal grains commonly contain appreciable amounts of phosphorus; therefore, phosphorus was not included in the list of nutrients. The proposal to make calcium mandatory is an attempt to establish a desirable calcium-to-phosphorus ratio in light of the naturally occurring phosphorus in farina and the possibility of phosphate being added as a "quick cooking" agent.

If the proposal is adopted, vitamin D will no longer be a permissible nutrient for enriched farina. The NAS/NRC Committee did not recommend vitamin D enrichment in a cereal product and the Commissioner agrees that cereals generally are not suitable vehicles for vitamin D, especially since the milk with which enriched farina and other cereals are often eaten is a common and useful carrier of vitamin D.

The proposal does not permit niacin equivalents derived from tryptophan to be included in the total niacin content. The discussion of this subject in the preamble to the order amending the standards for enriched flour and bread, published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28558), applies also to enriched farina.

The Commissioner also proposes that the standard be amended to permit the use of any safe and suitable ingredients that are functionally effective for reducing the cooking time of enriched farina with appropriate label declaration when such substances are used. It is also proposed that any safe and suitable substances may be used to supply the prescribed quantity of vitamins and minerals required by the standard for enriched farina.

Pursuant to 21 CFR 3.88, standards of identity are being amended to require label declaration of optional ingredients. An order amending the standards to require mandatory label declaration of optional ingredients in wheat flour and related products including enriched farina was published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32787). The requirement appears in the revision proposed below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 15 be amended by revising § 15.140 to read as follows:

§ 15.140 Enriched farina; identity; label statement of optional ingredients.

(a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that:

(1) It contains in each ounce, calculated to a 15 percent moisture basis, 0.38 milligram of thiamine, 0.26 milligram of riboflavin, 5.0 milligrams of niacin, 8.1 milligrams of iron, and 150 milligrams of calcium.

(2) The prescribed quantity of the vitamins and minerals referred to in paragraph (1) of this section may be supplied by any safe and suitable substances. Niacin equivalents as derived from tryptophan shall not be used in determining total niacin content.

(b) It may contain not more than 8 percent by weight of wheat germ or partly defatted wheat germ.

(c) It may contain or be treated with safe and suitable substances for reducing the cooking time, provided that the moisture limit prescribed by paragraph (a) of § 15.130 is adhered to.

(d) In determining whether the ash content complies with the requirement of this section, ash resulting from iron, iron salts, and calcium salts and from any added substance provided for in paragraphs (c) and (d) of this section shall not be included in computing ash content.

(e) All ingredients from which the food is fabricated shall be safe and suitable.

(f) (1) When cooking aids are added, the name of the food shall be immediately preceded or followed by the statement "_____ added for quick cooking", the blank being filled in with the name of the ingredient used, or "enzyme-treated for quicker cooking" as appropriate.

(2) All optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13471 Filed 6–13–74;8:45 am]

[21 CFR Parts 15, 102]

COMMON OR USUAL NAME FOR PLANT PROTEIN PRODUCTS; WITHDRAWAL OF TEXTURED PROTEIN PRODUCTS PROPOSAL

Notice of Proposed Rule Making

In the FEDERAL REGISTER of December 5, 1970 (35 FR 18530), the Commissioner of Food and Drugs in response to a petition filed jointly by Archer Daniels Midland Co., Post Office Box 1470, Decatur, IL 62525, and General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, MN 55440, proposed that a definition and standard of identity be established for a class of foods to be known as "Textured Protein Products" prepared from vegetable protein and other ingredients. This standard of identity was to be added to Part 15—Cereal Flours and Related Products under a new Subpart D—Textured Protein Products.

Thirty-six individuals and organizations commented on the proposed standard of identity for textured protein products. Thirty letters came from manufacturers and distributors of foods. Two were received from individuals. Four government agencies (Federal, State, local) responded to the proposed standard. The Commissioner has evaluated all of the comments.

Ten of the respondents supported the proposal in its entirety. The reasons given for support of the proposal were: (a) The standard would benefit both food processors and consumers; (b) it would create assurances that desired nutritional values are maintained; (c) it would assist in standardizing labeling of foods containing textured protein; and (d) it would enable the development of new protein-containing foods at a time of worldwide concern about an adequate protein supply.

Several comments suggested that no standard of identity for textured protein products be adopted at this time. Reasons given in support of this view included: (a) The manufacture and use of cereal and vegetable protein products is rapidly expanding, and establishing a rigid standard of identity would restrict the development of new technology; (b) guidelines should be published with respect to the nutritional quality of the products instead of establishing a standard of identity; and (c) the proposal is so loosely drawn that it would give manufacturers free rein on product labeling.

The Commissioner recognizes that in the time since the proposal was published there has been a tremendous increase in the use of vegetable flours and of protein products derived from them in new food substances, and that the technology of these foods is still in a very active stage of development. In view of this and the fact that consumer recognition and understanding of these foods is only just beginning, the Commissioner now believes that, in lieu of the proposed standard of identity, common or usual names should be established for plant protein

products used as extenders and replacements for major protein foods.

Therefore, the Commissioner is terminating action on the proposed definition and standard of identity published December 5, 1970 (35 FR 18530), and as set forth below, is publishing a proposal to establish common or usual names for the class of protein foods prepared predominantly from cereal and vegetable products and used as extenders or replacements for meat, seafood, poultry, eggs, or cheese.

The Commissioner concludes that there are three subclasses of plant protein products used as extenders or replacements for major animal protein sources that should be distinguished by common or usual names. Each of these subclasses is distinguished by the ratio of protein to other material present in the product, and because this ratio affects the product's taste and other physical characteristics, the Commissioner believes that consumers are misled if they are not informed of those differences. The proposed divisions between the subclasses take into account the manufacturing processes employed, and the common or usual names proposed are similar to the names presently employed in the industry to identify the three subclasses. The three types of plant protein products used as extenders or replacements are as follows:

a. A product that is principally the unmodified or only slightly modified cereal grain or vegetable product. Such slightly modified products have protein contents less than 65 percent by weight on a moisture-free basis. They include cereal or vegetable flours and granular products which have been defatted, dehydrated, and physically changed, e.g., ground or extruded, but which retain most of the chemical properties of the source plant. The common or usual name of plant protein products used as extenders or replacements that contain less than 65 percent protein on a moisture-free basis is proposed to be the name(s) of the source(s) and a term which accurately describes the physical form of such product, e.g., "soy flour" or "soy granules".

The Commissioner concludes that the source of the protein must be identified because of the chemical differences between vegetable sources.

b. A product in which some of the nonprotein components of the basic plant source have been eliminated. Such a product has a protein content between 65 and 90 percent by weight and is frequently referred to in the trade as a "concentrate." This term is appropriate since the processing (extraction, washing, etc.) has concentrated the protein component by eliminating part of the fiber, carbohydrate, and mineral content of the source. The common or usual name of plant protein products used as extenders or replacements that contain at least 65 percent but less than 90 percent on a moisture-free basis is proposed to be "____ protein concentrate", the blank to be filled in with the name(s) of the source(s). The general terms "cereal", "vegetable", or "plant" may be used if the protein concentrate is derived from more than two sources.

c. A product having a protein content of at least 90 percent. These plant protein products, which are frequently almost pure protein, are prepared by dissolving protein from source material and recovering the protein in essentially pure form from solution, hence the industry term "isolate." Identification of source plants in the common or usual name is optional since isolates have fewer of the chemical properties of the source. The common or usual name of a plant protein product used as an extender or replacement that contains at least 90 percent protein on a moisture-free basis is proposed to be "____ protein isolate", the blank to be filled in with the specific name of the source or with the term "vegetable", "cereal", or "plant".

The Commissioner recognizes that many plant protein product extenders and replacements consist of a mixture of plant protein product components. The common or usual names for such mixtures would ordinarily consist of the common or usual name of each component. To avoid names which are so long and complex as to be cumbersome and confusing, in the proposed rules the name of a mixture may include the term "plant protein product" when the mixture consists of three or more plant protein product components, as follows:

a. When the mixture consists of protein concentrate(s) and protein isolate(s), the term "plant protein product" may be used alone or with terms which accurately describe the physical form of the mixture, e.g., "granules" or "bits".

b. When the mixture consists of a product with a protein content less than 65 percent as well as protein concentrate(s) and protein isolate(s), the designation may be "plant protein product and ____" or "____ and plant protein product", whichever reflects the descending order of predominance. The blank is to be filled in with the common or usual name of the other component(s) except that the term "vegetable", "cereal", or "plant" may be used in place of the name of the source plant in that name when there is more than one source involved, e.g., "vegetable flours and plant protein product". The designation may be used alone or with terms which accurately describe the physical form of the mixture.

The Commissioner recognizes that most of the plant protein products used to extend or replace meat, seafood, poultry, eggs, or cheese are processed to produce acceptable physical characteristics and that terms such as "texturized" and "textured" have been used as part of the names for these foods. The proposal permits the use of such qualifying words with any of these products as long as they accurately describe the product and do not mislead the consumer.

In a change from the 1970 proposal, this proposal is not limited to certain vegetable protein sources. Comments to the 1970 proposal were concerned that protein sources such as corn, mustard seed, barley, rice, and rapeseed were not permitted. The vegetable protein sources originally proposed were those either in use or for which sufficient developmental work had demonstrated that they were suitable for the manufacture of plant protein products.

The Commissioner recognizes that due to the rapid changes in food technology more protein sources will become available and that, therefore, it would be in the best interest of the consumer, from both nutritional and functional standpoints, to allow the use of other plant protein sources as long as it can be demonstrated that the materials are safe and suitable protein sources. In addition, animal proteins such as milk protein, fish protein concentrate, and egg protein can be used in the fabrication of a protein product and should be permitted.

The Commissioner concludes that a plant protein product that is represented or used as an extender or replacement for meat, seafood, poultry, eggs, or cheese is a substitute for and resembles that food when used. It is, therefore, an imitation of that food under 21 CFR 1.8(e) if it is nutritionally inferior to the food it simulates. Consequently, the proposal identifies the nutritional qualities of plant protein product extenders and replacements that will avoid the necessity of their being labeled as imitations. These nutritional qualities include the quantity of protein present in the finished food, the quality of that protein, and the amount of vitamins and minerals present.

The amount of protein proposed to be required in plant protein products, when ready for consumption, has been based upon the protein content of primary animal protein sources. As proposed below, the protein content of a plant protein product offered as a replacement or extender for meat, seafood, poultry, eggs, or cheese must be at least 18 percent when hydrated according to the manufacturer's directions. The 18-percent level is similar to the protein levels in meat and seafood.

The Commissioner has considered those comments to the 1970 proposal which suggested that it might be necessary to require a different protein quantity for each type of food simulated (meat, fish, cheese, etc.). These comments are consistent with the statement of the Council on Foods and Nutrition of the American Medical Association and the Food and Nutrition Board of the National Academy of Sciences/National Research Council in the publication "General Policies in Regard to Improvement of Nutritive Quality of Foods," September 1968, National Academy of Sciences, Washington, DC, that the "protein content and PER should be based on the protein of the food simulated."

The Commissioner concludes, however, that it would be in the best interest of the consumer to establish a uniform minimum amount of protein for all plant protein products rather than to establish a different minimum quantity for each type of food simulated. The quan-

tity of protein in traditional foods varies not only from one type of food to another, but also within each food type. Requiring a plant protein product to have a different level of protein for each different food it extends or replaces is not practical nor is it necessary to protect the consumer against nutritionally inferior imitations.

To maintain nutritional equivalence with the food simulated, the protein quality of the plant protein product must also be considered. When a cereal or vegetable source of protein is combined in a large proportion with meat, seafood, poultry, eggs, or cheese, or when it is used by itself to simulate an animal protein source, the protein quality of the plant protein product must be equal to that of the animal protein source.

When the proportion of plant protein added is smaller, however, the protein quality of the final product will be dependent primarily on the quality of the animal protein, and the Commissioner concludes it is appropriate to establish a lower minimum protein quality for these products. Since definitive data are lacking on the ratio of plant protein to animal protein necessary to provide a mixed protein of a quality similar to the animal protein, the Commissioner proposes, as a conservative approach, that lower quality protein will be permitted only if the hydrated plant protein product is 30 percent or less of the finished food. If the hydrated plant protein product is 30 percent or less of the finished food, the product is considered an extender, and a minimum protein efficiency ration (PER) of 80 percent of casein is proposed. If the hydrated plant protein product constitutes more than 30 percent of the finished food, the product is a replacement for the animal protein, and the proposal establishes a minimum PER of 108 percent of casein. These PER requirements are compatible with proposed USDA requirements for meat products that contain nonmeat ingredients (38 FR 11093). Different PER's for each food simulated are impractical because protein quality varies from one type of food to another and also within each food type.

Some comments to the 1970 proposal objected to the use of casein as a reference standard for determining protein quality. Casein has an acceptable essential amino acid pattern and is recognized as a good quality protein. The use of casein as a reference standard in determining the PER of protein is in accordance with the method described in §§ 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970.[1] A uniform supply of casein can be obtained, whereas a uniform supply of other purified proteins such as lactalbumen and whole egg is not readily available. The Commissioner recognizes the limitations of the casein PER test. At this time, however, it is the only official method available for regulatory purposes.

The levels of vitamins and minerals must also be equivalent to the food simulated, but, again, because of the impracticalities of adjusting the required levels to each type of food, uniform requirements (except for cheese) are proposed. The vitamin and mineral content of cheeses and of certain raw forms of meats and seafood have been used as guides in setting the proposed requirements. The average values of the nutrients per 100 grams of the edible portion of these animal protein sources have been converted to the amount of nutrient per gram of protein.

Relating nutritional requirements to protein is a change from the 1970 proposal which related them to caloric levels. The Commissioner recognizes that caloric intake is one of the controlling factors of food consumption and has, for example, expressed minimum nutrient levels on a caloric basis in the nutritional quality guideline for frozen "heat and serve" dinners (21 CFR 100.5).

The Commissioner concludes, however, that setting vitamin and mineral levels based on the amount of protein can also provide the necessary control and is more appropriate here. Moreover, since the proposal establishes a minimum level of protein for extenders or replacements as used, relating levels of other nutrients to the protein content would assure a minimum nutrient level in the finished food.

If a plant protein product simulates cheese, the proposal establishes levels for vitamin A, calcium, and phosphorous consistent with those in cheese. Values based on average values for various kinds of cheese have been used to establish the guideline levels for these nutrients in products extending or replacing cheese.

Since plant protein products are often used as ingredients in finished foods rather than as finished foods themselves, it is approriate to establish names for such finished foods too. When a finished food contains a plant protein product extender or replacement but as a whole resembles the meat, seafood, poultry, eggs, or cheese with which the plant protein product is mixed, the proposal requires both the traditional component and the plant protein product to be named in the same type size. An example of this type of food is a mixture of cheese and plant protein product which resembles cheese when sold. If a plant protein product is used to extend or replace meat, seafood, poultry, eggs, or cheese as one of the characterizing components in a multicomponent food, the proposal provides that the name of the finished food is to be followed immediately by or appear directly above the name of the component containing the plant protein product in type size at least half the size of the name of the finished food. An example of this type of food is pizza which contains "cheese" made in whole or in part of plant protein product.

Finally, the proposal provides for a label declaration of sodium under certain circumstances. Some of the flavors, colors, binders, and other ingredients used in plant protein products may be added in the form of sodium salts, so that the sodium content of a finished food containing a plant protein product may be significantly greater than that of the food made with the traditional protein source which has been extended or replaced. This increase is a material fact required to be disclosed, since significant numbers of consumers are interested in controlling their sodium intake. A declaration of increased sodium is therefore required when there is a nutritionally significant increase.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403, 701, 52 Stat. 1041, 1047–1048 as amended, 1055–1056 as amended (21 U.S.C. 321(n), 341, 343, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120):

1. Notice is given that further action on the proposal to establish a definition and standard of identity for textured protein products published in the FEDERAL REGISTER of December 5, 1970 (35 FR 18530), is withdrawn without prejudice as to the filing of a new proposal at a later date.

2. It is proposed that a new § 102.22 be added to Subpart B of Part 102 to read as follows:

§ 102.22 Plant protein products.

(a) Among plant protein products, the common or usual names of extenders and replacements for meat, seafood, poultry, eggs, or cheese, which are produced from safe and suitable edible plant protein sources, including, but not limited to, soybeans, peanuts, wheat, and corn, are as follows:

(1) When the product contains less than 65 percent protein by weight on a moisture-free basis, the name shall consist of the name(s) of the source(s) of the protein and a term which accurately describes the physical form of the product, e.g., "soy flour" or "soy granules." The word "protein" shall not be included in this name.

(2) When the product contains 65 percent or more but less than 90 percent protein by weight on a moisture-free basis, the name shall be "_____ protein concentrate", the blank to be filled in with the name(s) of the source(s) of the protein, e.g., "soy" or "peanut". The term "vegetable", "cereal", or "plant" may be used if the plant protein is derived from more than two sources. The name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(3) When the product contains 90 percent or more protein by weight on a moisture-free basis, the name of the product shall be "_____ protein isolate", the blank to be filled in with the name(s) of the source(s) of the protein, e.g., "soy", or with the term "vegetable", "cereal", or "plant". The name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(4) When the product is a mixture of the products described in paragraph (a) (2) and (3) of this section, the name of the mixture shall consist of the common or usual names of the components in de-

[1] See footnote on next page.

scending order of predominance. Alternatively, a mixture of three or more such products may be designated "plant ("vegetable" or "cereal") protein product". In either case, the name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(5) When the product is a mixture of the products described in paragraph (a) (1), (2), and (3) of this section, the name shall consist of the common or usual names of the components in descending order of predominance. Alternatively, a mixture of three or more such products may be designated "plant protein product and _____" or "_____ and plant protein product", whichever reflects the descending order of predominance. The blank in such designation shall be filled in with the common or usual name of the component(s), described in paragraph (a) (1) of this section, except that the term "vegetable", "cereal", or "plant" may be used in place of the name of the source plant when there is more than one source involved. The name may be accompanied by a term that describes the physical form of the product, e.g., "bits" or "granules".

(b) The common or usual name of a product described in paragraph (a) of this section shall include an appropriate flavor declaration if the product is flavored to resemble meat, seafood, poultry, eggs, or cheese. Such flavor declaration shall be in compliance with § 1.12 of this chapter, e.g., "soy flour, ham flavored" or "artificially ham-flavored soy protein concentrate".

(c) The common or usual name of a product described in paragraph (a) of this section may include the term "textured" or "texturized" when such term is appropriate.

(d) When a product described in paragraph (a) of this section contains added animal protein, such as milk protein, fish protein concentrate, or egg protein, the common or usual name shall include that source in descending order of predominance, e.g., "plant and fish protein concentrate" or "animal and plant protein concentrate".

(e) A plant protein product which acts as an extender or replacement for meat, seafood, poultry, eggs, or cheese, but which is nutritionally inferior to that animal protein source, shall be labeled as an imitation of the animal protein source for which it substitutes and which it resembles, pursuant to § 1.8(e) of this chapter. For purposes of § 1.8(e) of this chapter, a plant protein product shall be considered nutritionally equivalent to the meat, seafood, poultry, eggs, or cheese it extends or replaces if it meets all of the following conditions:

(1) When the plant protein product is hydrated according to the manufacturer's directions, its protein is at least 18 percent by weight of the hydrated product.

(2) If the hydrated plant protein product is not more than 30 percent by weight of the mixture when mixed with meat, seafood, poultry, eggs, or cheese, the biological quality of the protein (including amino acids added thereto) is at least 80 percent that of casein.

(3) If the hydrated protein product is more than 30 percent by weight of the mixture when mixed with meat, seafood, poultry, eggs, or cheese, or if the hydrated protein product is used unmixed in a way that it substitutes for and resembles meat, seafood, poultry, eggs, or cheese, the biological quality of the protein (including amino acids added thereto) is at least 108 percent that of casein.

(4) The plant protein product contains the following levels of nutrients per gram of protein:

Nutrient	*Amount*
Vitamin A (IU)	15.00
Thiamine (milligrams)	.014
Riboflavin (milligrams)	.01
Niacin (milligrams)	.30
Pantothenic acid (milligrams)	.040
Vitamin B_6 (milligrams)	.02
Vitamin B_{12} (μg)	.09
Iron (milligrams)	.13
Calcium (milligrams)	10.0
Phosphorus (milligrams)	10.0
Folic acid (μg)	.40
Magnesium (milligrams)	1.14
Zinc (milligrams)	.23

(5) If a plant protein product extends or replaces cheese in a cheese-like food, the plant protein product contains, per gram of protein, 54 international units of vitamin A, 26 milligrams of phosphorus, and 26 milligrams of calcium, instead of the amounts of those nutrients specified in paragraph (b) (4) of this section.

(f) Compliance with the moisture and protein requirements of paragraph (a) of this section shall be determined by the methods described in sections 14.076 and 14.078, respectively, of "Official Methods of Analysis of the Association of Official Analytical Chemists", 11th edition, 1970,[1] and the biological quality of protein requirements of paragraph (e) of this section by the methods in sections 39.166–39.170 of that book.

(g) When the substitution of a plant protein product for meat, seafood, poultry, eggs, or cheese results in an increase in the sodium content of a food by 25 milligrams or more per 100 grams, sodium content shall be declared on the label in accordance with §§ 1.17 and 125.9 of this chapter.

(h) A food which is, or which contains any plant protein product subject to this section shall be labeled as follows.

(1) The name of a finished food that as a whole resembles meat, seafood, poultry, eggs or cheese, and that contains a plant protein product for which a common or usual name is established in this section, but contains no meat, seafood, poultry, eggs, or cheese, shall be the name established in paragraphs (a) through (d) of this section.

(2) The name of a finished food that as a whole resembles meat, seafood, poultry, eggs or cheese, and that contains both (i) a plant protein product for which a common or usual name is established in this section and (ii) meat, seafood, poultry, eggs, or cheese, shall include the names of such ingredients in descending order of predominance and in the same type size.

(3) The name of a multi-component finished food that contains as part or all of a characterizing component a plant protein product for which a common or usual name is established in this section shall be immediately followed by or shall be directly above the word "containing" (or "contains") and the name of the component containing the plant protein product in type size not less than one-half the height of the type of the name of the finished food.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13470 Filed 6–13–74;8:45 am]

[1] Copies may be obtained from:
Association of Official Analytical Chemists,
P.O. Box 540,
Ben Franklin Station,
Washington, DC 20044.

[21 CFR Part 100]

BREAKFAST BEVERAGE PRODUCTS

Proposed Nutritional Quality Guidelines

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods.

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be etstablished and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for ascorbic acid fortified vegetable juices, fruit juices, fruit drinks, and imitation fruit-flavored drinks have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The recommendations reflect the fact that some conventional vegetable and fruit juices are major sources of vitamin C in the diet, and that other such products which are not naturally good sources of the vitamin, and many flavored bever-

ages, have been fortified with vitamin C at various levels. The recommendations are intended to assure the consumer that when vitamin C is added to such a product it will provide a nutritionally adequate level of the vitamin but will not be in excess of nutritional requirements. Products subject to this proposed guideline include 100-percent (full strength) juices; products with less than 100 percent of natural juice; or juices, mixtures of juices, nectars, and products in dry or liquid form flavored to resemble a fruit or vegetable drink, which are in any way represented or suggested for use as breakfast beverages.

The NAS/NRC Committee recommended a minimum supplement level of 50 mg per 6 fl. oz. serving (or equivalent) and a maximum supplement level of 65 mg per 6 fl. oz. serving (or equivalent). These values represent the mean Recommended Daily Allowance (RDA) and an average ascorbic acid content of citrus juices, respectively.

The Commissioner concludes that one level, consistent with the newly established U.S. RDA (60 mg), should be proposed. Since this level of fortification is essentially the same as that occurring naturally in the various citrus juices, which are among the richest common sources of the vitamin, and since there is no known nutritional significance to supplemental intakes beyond this level, there is no justification for establishing an upper limit beyond 60 mg per average serving (6 fl. oz.). Moderate excesses, in accordance with good manufacturing practice, necessary to assure the consumer of label accuracy would, of course, be acceptable. Since the level of fortification exceeds the 50 percent of the U.S. RDA allowed in § 1.17 (21 CFR 1.17) for general food fortification as contrasted to dietary supplements, this proposal represents an exception from that general rule for this product class. Such an exception is justified since this class of foods constitutes the major source of vitamin C in the daily diet of most people. The "USDA Household Food Consumption Survey 1965–1966", a copy of which is on file with the Hearing Clerk, indicates that only about 30–58 percent of the recommended allowance is obtained from all other food sources combined. These USDA values have a wide variability depending upon individual food consumption patterns, but there is general agreement that the citrus fruits and juices, along with tomato juice, commonly consumed with breakfast, supply the major proportion of the daily dietary vitamin C.

The products included in this proposed guideline include all noncarbonated beverages which are represented or suggested for use as breakfast juice beverages. The proposal does not include products packaged and promoted to the consumer solely as refreshment drinks.

A serving size is proposed under this guideline. The 6 fl. oz. adult serving size proposed is the recommendation of the NAS/NRC Committee and as described above represents the amount of citrus juices necessary (on the average) to supply the recommended level of vitamin C. Since the quantitative volume or equivalent for dry products is essential for the guideline specification, there is little reason why this same amount could not constitute an appropriate serving size and be accepted as standard. For those products intended specifically for infants or children under 4 years of age, a serving size of 4 fluid ounces is reasonable.

The NAS/NRC Committee report stated that only vitamin C has been considered. The proposed guideline therefore does not cover the possible addition of other essential nutrients, since the variability of both kind and quantity of nutrients in the variety of juice products that can be prepared renders it impractical and inappropriate to establish specific guideline values for all nutrients in the entire class of foods. They are subject, on an individual basis, to the requirements of the imitation food regulation (21 CFR 1.8(e)).

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortified" and "enriched" are defined. That proposal specifies that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). For breakfast beverage products which meet the proposed guideline and are "fortified" or "enriched" according to the definitions contained in that proposal, use of such statements as "fortified with vitamin C" or "enriched with vitamin C" is proper when vitamin C is added at a level equal to or greater than 10 percent of the U.S. RDA in a serving of the product.

The Commissioner recognizes that some standards of identity for canned fruit juices and juice drinks contain vitamin C fortification requirements which do not conform to this guideline. These standards will be reviewed and amended as necessary to bring them into agreement with the guideline. When a breakfast beverage product which conforms to a standard of identity which designates the nutrient additions permitted for the food, such product may bear the statement provided for in § 100.1 (b) (21 CFR 100.1(b)). Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing to amend § 100.1 to this effect.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 100 be amended by adding a new § 100.6 to Subpart B to read as follows:

§ 100.6 Noncarbonated breakfast beverage products.

(a) In order to bear the statement provided in § 100.1(b), a beverage product described in paragraph (b)(1) of this section shall contain 10 milligrams of vitamin C per fluid ounce when prepared for consumption according to the directions for use.

(b)(1) The beverage products subject to this regulation include any liquid or dry noncarbonated beverage product which contains any amount of fruit or vegetable juice or, if it contains no fruit or vegetable juice, is subject to the requirements of § 102.10 of this chapter, which is represented or suggested by the label or in labeling or advertising, directly or indirectly, for use as a breakfast beverage product.

(2) This section is not applicable to a refreshment beverage which is not represented or suggested for use as a breakfast beverage.

(c) A serving shall be 6 fluid ounces or, when the proudct is intended specifically for infants or children under 4 years of age, 4 fluid ounces.

(d) When the statement provided in § 100.1(b) is used, the words "provides vitamin C in the amount appropriate" shall replace the words "provides nutrients in amounts appropriate".

(e) A beverage product which meets the guideline and to which vitamin C has been added at a level equal to or greater than 10 percent of the U.S. RDA in a serving of the product may bear on its label the following: "____ with vitamin C", where the blank is filled in with the term "enriched" or "fortified", in accordance with § 100.1(j); or "with added vitamin C"; or a similar statement.

Interested persons may, on or before August 13, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13476 Filed 6–13–74;8:45 am]

[21 CFR Part 100]

FORTIFIED HOT BREAKFAST CEREALS

Proposed Nutritional Quality Guideline

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods.

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the Na-

tional Academy of Sciences/National Research Council (the NAS/NRC Committee) for fortified breakfast cereals have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The concepts of this report were used to develop a proposed nutritional quality guideline for fortified ready-to-eat breakfast cereals, published elsewhere in this issue of the FEDERAL REGISTER. Although the NAS/NRC Committee did not differentiate between ready-to-eat cereals and hot cereals, the Commissioner concludes that there are sufficient differences in their consumption patterns to justify separate guidelines.

This nutritional quality guideline for fortified hot breakfast cereals provides for specified levels for iron and calcium in addition to the three B vitamins with which cereal products commonly are enriched. Although this course of action deviates from the NAS/NRC Committee's recommendation, it is in full accord with its intent in specifying nutrients for breakfast cereals. There is definite evidence (Ten-State Nutrition Survey and the 1965 USDA Food Consumption Survey, copies of which are on public display in the office of the Hearing Clerk) of the likelihood of shortage of iron, and possibly calcium, in the diets of those who commonly consume hot breakfast cereals.

Since cereals often form the basis of a breakfast, the NAS/NRC Committee decided that, in breakfast cereals to which nutrients are added, the nutrients (per serving) should be expressed as a percentage of a standard. The Food and Drug Administration has established the U.S. Recommended Daily Allowance (U.S. RDA) values for purposes of labeling. With a few exceptions, the U.S. RDA value is the highest value listed for each nutrient in the NAS/NRC tables of Recommended Daily Dietary Allowances. The derivation and use of the U.S. RDA values are discussed in detail in the preambles to special dietary foods (21 CFR Part 125) published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2143), and August 2, 1973 (38 FR 20708); and nutrition labeling (21 CFR Part 1) and dietary supplements of vitamins and minerals (21 CFR Part 80) published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125 and 2152).

The proposed nutritional quality guideline for fortified hot breakfast cereals set forth below specifies an iron level of 8.1 milligrams per ounce on a dry uncooked basis. The Commissioner concludes that this level, which provides 45 percent of the U.S. RDA of iron per serving, will achieve the goal of maintaining fortified hot breakfast cereals as a good source of iron while exercising desirable restraint in fortification. The proposed levels for the remaining nutrients are those recommended by the NAS/NRC Committee.

Calcium is presently an optional nutrient in many cereal products. The NAS/NRC Committee concluded that there is sufficient evidence of possible deficiencies of dietary calcium and that this nutrient should be listed as mandatory. Generally, hot breakfast cereal products appear to be capable of serving as calcium manda- The proposal to make calcium mandatory is an attempt to preserve a desirable calcium-to-phosphorus ratio in the diet. Cereal grains commonly contain appreciable amounts of phosphorus.

The NAS/NRC Committee pointed out that there probably is an excess of phosphorus in the American diet. Accordingly, phosphorus was not included in the list of nutrients. It should be emphasized that phosphorus and other nutrients naturally present in amounts sufficient to meet labeling requirements may be listed on the label since these cereal products are covered by § 1.17 (21 CFR 1.17).

The NAS/NRC Committee did not recommend adding vitamin D to a cereal product because it does not meet the criteria for inclusion, which are discussed in the preamble to the proposed nutritional quality guideline for fortified ready-to-eat breakfast cereals published elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner concurs that cereals generally are not suitable vehicles for vitamin D. This is especially true since its toxicity at higher levels has been established.

The NAS/NRC Committee did not recommend requiring a specific level of protein in this class of food product. It pointed out that different cereal grains contain varying amounts and qualities of protein. Further, it stressed the adverse effect of milling on the nutritional quality of the protein. The NAS/NRC Committee also pointed out that the surveys listed previously do not implicate protein deficiency as a public health problem in the United States. Breakfast cereals are not commonly viewed as major sources of protein.

For these reasons, the Commissioner concludes that protein should be included in the guideline only on an optional basis. Protein quality will be handled in this guideline as it is in § 1.17. The adult U.S. RDA is 65 grams if the protein efficiency ratio (PER) of the protein in the product is less than that of casein. This is expected to be the case for most cereal proteins that are not so badly damaged that their PER is below 20 percent of that of casein, in which case the protein cannot be listed as contributing to the percentage of the U.S. RDA for protein.

This guideline should not be construed as limiting the listing (in accordance with § 1.17) of nutrients naturally present in cereals. However, the three B Vitamins and two minerals, calcium and iron, listed in the guideline are the nutrients the Commissioner deems important in hot breakfast cereals. Claims that hot breakfast cereals have added nutritional value because of addition of nutrients at levels greater than those specified or with nutrients not listed in the guideline for fortified hot breakfast cereals are deemed inappropriate and the products they represent would have to bear the statement required by § 100.1(f), indicating that the addition of nutrients different from those listed in the guideline is regarded by the government as unnecessary and inappropriate.

The NAS/NRC Committee recommended establishment of 1 ounce (dry, uncooked form) as a serving size for breakfast cereals.

This recommendation is accepted, with the specification that the weight of the serving shall be calculated on a 15 percent moisture basis. This proposal does not apply to cereal products represented as "infant cereals". The Commissioner is considering a nutritional quality guideline for such products, and for the present he considers it reasonable to permit addition of iron and other nutrients to infant cereals at percentages of the U.S. RDA for infants similar to those in this guideline, as is currently common practice among manufacturers.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortification" and "fortified" are defined. That proposal specifies that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). Since hot breakfast cereals which meet the proposed guideline are "fortified" according to the definition in that proposal and since the nutrients are added at levels greater than 10 percent of the U.S. RDA, use of the term "fortified" for such products is proper.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 100 be amended by adding a new § 100.9 to Subpart B, as follows:

§ 100.9 Fortified hot breakfast cereals.

(a) In order to be eligible to bear the guideline statement set forth in § 100.1 (b), a fortified hot breakfast cereal described in paragraph (e) of this section shall contain the following vitamins and minerals in the amounts prescribed:

Nutrient	Per serving	
	Amount	Percent U.S. RDA
Protein (grams)	6.5	10
Thiamine (milligrams)	.38	25
Riboflavin (milligrams)	.26	15
Niacin (milligrams)	5.0	25
Calcium (milligrams)	150	15
Iron (milligrams)	8.1	45

(b) A serving shall be 1 ounce, dry, uncooked form (15 percent moisture).

(c) Protein is an optional nutrient for fortification. If it is added, the total quantity of protein present in the food

shall be at least at the level specified in paragraph (a) of this section.

(d) Protein content shall not be listed when the protein efficiency ratio (PER) is less than 20 percent of the PER of casein.

(e) The cereal products subject to this regulation are those manufactured for use as hot breakfast cereals. For the purposes of this section the term "cereal" includes food products made from the seeds of grains and similar plants and from oilseeds.

(f) A hot breakfast cereal which meets this guideline may bear the term "fortified" as part of its name.

(g) A hot breakfast cereal that contains 50 percent or more of the U.S. RDA value of one or more added vitamins or minerals per serving is a dietary supplement subject to the requirements of § 80.1 of this chapter. Any such product shall conform to the labeling requirements of § 1.17(c) of this chapter and shall comply in all other respects with the requirements of § 80.1 of this chapter.

(h) The provisions of this section are not applicable to a hot breakfast cereal product represented as an infant cereal.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13474 Filed 6–13–74;8:45 am]

[21 CFR Part 100]

FORTIFIED READY-TO-EAT BREAKFAST CEREALS

Proposed Nutritional Quality Guideline

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods.

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for fortified breakfast cereals have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The NAS/NRC Committee recognized that breakfast cereals now on the market vary from those containing no added nutrients to those to which are added as many as nine vitamins plus iron, calcium, and phosphorus, at levels ranging from token amounts to the entire day's requirements of the nutrients in a single serving. This proposal is designed to foster breakfast cereals having appropriate amounts of the proper nutrients as determined by the NAS/NRC Committee. Those ready-to-eat breakfast cereals which meet the proposed nutritional quality guideline may bear a statement that the product "provides nutrients in amounts appropriate for this class of food as determined by the U.S. Government", as provided in § 100.1(b) (21 CFR 100.1(b)).

No differentiation between ready-to-eat breakfast cereals and hot breakfast cereals, or among such products prepared from various cereal grains, was made in the NAS/NRC Committee's recommendation. However, consumer usage of enriched farina (as discussed in the preamble to the Commissioner's proposal to amend the identity standard for enriched farina (21 CFR 15.140) published elsewhere in this issue of the FEDERAL REGISTER) and other hot breakfast cereal products as a source of iron for infants, young children, and aged persons is sufficient cause to amend the standard of identity for enriched farina and to develop a separate nutritional quality guideline for fortified hot breakfast cereals, also published elsewhere in this issue of the FEDERAL REGISTER.

Three different principles considered by the NAS/NRC Committee for selecting nutrients to be included in fortified breakfast cereals were (1) nutrients present in whole cereal grains in significant amounts, (2) nutrients included in the enrichment standards for cereal grains, and (3) nutrients for which there is evidence of deficiency in the U.S. diet.

The NAS/NRC Committee decided that, in general, whole cereal grains contribute to the diet significant amounts of protein, thiamine, niacin, vitamin B_6, iron, magnesium, zinc, and copper. Nutrients included in standards for enriched flour include thiamine, riboflavin, niacin, iron, and calcium. Vitamin D has been excluded from the list of nutrients in this guideline because of its established toxicity at higher levels and because it would be expected to be contributed by the milk with which the cereal normally is eaten. Copper has been excluded from the list, since it is very difficult to obtain a diet of common food that is deficient in copper.

Information on nutrients for which there are established deficiencies is limited. Based on the data from the Ten-State Nutrition Survey and the 1965 USDA Food Consumption Survey (copies of these documents are on public display in the office of the Hearing Clerk), the NAS/NRC Committee concluded there was a risk of deficiencies of vitamin A, vitamin B_6, folic acid, calcium, and iron in the U.S. diet.

The NAS/NRC Committee recommended that zinc and magnesium be listed as optional until the technical feasibility of adding the amounts specified has been established. The Commissioner accepts this recommendation.

Manganese was included in the guideline recommendation of the NAS/NRC Committee as an optional nutrient. A U.S. Recommended Daily Allowance (U.S. RDA) value has not been set for manganese because of the lack of knowledge on intake levels mentioned by the NAS/NRC Committee, and, on that basis, the Commissioner concludes that listing manganese as a required nutrient is premature at this time.

Calcium is presently an optional nutrient in many cereal products. The NAS/NRC Committee concluded that there is sufficient evidence of possible deficiencies of dietary calcium that this nutrient should be listed as mandatory. Generally, ready-to-eat breakfast cereal products appear to be capable of serving as calcium carriers. The proposal to make calcium mandatory is an attempt to preserve a desirable calcium-to-phosphorus ratio in the diet.

The NAS/NRC Committee concluded that phosphorus should not be included in the list of required nutrients since there already is too large an amount of phosphorus in the U.S. diet. Further, it appears desirable to minimize the addition of phosphates within technological limits. The NAS/NRC Committee also excluded biotin from the list of added nutrients (although it is an essential nutrient) because problems of deficiency can be observed only under unusual circumstances. It should be noted that phosphorus, biotin, and other nutrients naturally present in amounts sufficient to meet labeling requirements may be listed on the label, subject to nutrition labeling (21 CFR 1.17).

The NAS/NRC Committee suggested that iodine should be present at the level equivalent to that achieved by using iodized salt. However, although this nutrient does meet one of the three criteria for inclusion in a breakfast cereal, the Commissioner concludes that the use of various chemical forms of iodine in cereals needs further study since there may be serious organoleptic and stability problems. For this reason, the Commissioner concludes that iodine should not be listed as a guideline nutrient for cereals at this time.

The NAS/NRC Committee used a mean Recommended Daily Dietary Allowance in the development of its guidelines. The Food and Drug Administration has established the U.S. RDA values for purposes of labeling, and these will be used in developing nutritional quality guidelines. With a few exceptions, the U.S. RDA values are the highest values listed for each nutrient in the NAS/NRC tables of Recommended Daily Dietary Allowances. Derivation and use of the U.S. RDA values are discussed in detail in the FEDERAL REGISTER of January 19, 1973, in the preambles to § 1.17 Nutrition Labeling (38 FR 2125); §§ 125.1, 125.2, 125.3, Special Dietary Foods (38 FR 2152); and § 80.1, Dietary

Supplements of Vitamins and Minerals (38 FR 2152), and in the FEDERAL REGISTER of August 2, 1973, §§ 125.1, 125.2, 125.3, Special Dietary Foods (38 FR 20708). A standard reference value is required to avoid consumer confusion and undue labeling costs. Therefore, this nutritional quality guideline is based on the U.S. RDA table listed in § 1.17 (21 CFR 1.17). The amounts of nutrients present in a fortified ready-to-eat breakfast cereal shall be described in its labeling as required by § 1.17.

The NAS/NRC Committee did not recommend requiring a specific level of protein in this class of food product. The NAS/NRC Committee pointed out that different cereal grains contain varying amounts and qualities of protein. Further, it stressed the adverse effect of milling on protein quality. The NAS/NRC Committee also pointed out that the surveys listed previously do not implicate protein deficiency as a public health problem in the United States. Breakfast cereals are not commonly viewed as major sources of protein. For these reasons, the Commissioner concludes that protein should be included in the guideline only on an optional basis.

The NAS/NRC Committee recommended a weighting factor for the protein present related to the protein efficiency ratio (PER). The difficulties and costs of such determinations, together with the questions concerning their application in human nutrition, are discussed in detail in the two preambles to the nutrition labeling regulation (21 CFR 1.17) published in the FEDERAL REGISTER of January 19 and March 14, 1973 (38 FR 2125 and 6951). Protein quality will be handled in this guideline as it is in § 1.17. The adult U.S. RDA is 65 grams if the PER of the protein in the product is less than that of casein. This is expected to be the case for most cereal proteins that are not so badly damaged that their PER is below 20 percent of that of casein. In accordance with § 1.17(c)(7)(ii)(b), the protein content of products with PER values below 20 percent of that of casein cannot be considered as providing any part of the U.S. RDA.

The NAS/NRC Committee advised that most cereals are eaten with milk by a wide variety of people and that 1 ounce of cereal could logically be considered a serving. The Commissioner has encouraged industry to establish uniform, reasonable serving sizes for the purposes of nutrition labeling, because diversity in such sizes will make nutrient comparisons among competing products impossible. The Commissioner concludes that a reasonable serving size is 1 ounce, except that a serving size for a single service container shall be the amount in the container.

The NAS/NRC Committee commented further that a reasonable amount of milk served with a 1 ounce serving of cereal would be about 4 fluid ounces. The Commissioner agrees. As provided in § 1.17, nutrition labeling may contain a column describing the nutrient content of a serving of cereal plus a specified amount of milk (and sugar). If such a second column is listed, the amount and type of milk (and the amount of sugar) must be specified. The Commissioner proposes to specify 4 fluid ounces of milk for the purposes of such labeling.

The protein supplied by the whole milk is obviously capable of meeting or exceeding the PER of casein. Hence, the U.S. RDA for the protein in the milk is 45 grams. The NAS/NRC Committee suggested that, due to normal consumption patterns, the PER value of major interest is that of the mixture of cereal and milk. Although this is certainly true, it is difficult to specify or enforce from a compliance viewpoint.

For the purposes of nutrition labeling, a method to obviate extensive PER determination is specified. The percentage of the U.S. RDA for protein supplied by a specified mixture of cereal and milk will be determined by adding together the percentages of the U.S. RDA for protein provided by the cereal and milk alone. The U.S. RDA of the cereal protein will normally be 65 grams and the U.S. RDA of the milk protein will be 45 grams. It is realized that PER values commonly are not additive. However, to compute the percent of the U.S. RDA of the total amount of protein present in cereal plus milk using only the PER of the milk protein is not reasonable, since to do so would permit claims of a greater PER value for the cereal protein than is actually present.

The NAS/NRC Committee expressed the belief that "presweetened cereals" result in undue dilution of cereal nutrition with sugar. The consumption of sugar in the United States has increased over an extended period of time. However, considerable data show that presweetened cereals contribute only a small amount to this overall consumption and in some cases only replace sugar that would be added by the consumer. ("Food Consumption, Prices, and Expenditures," Supplement for 1972 to Agricultural Economic Report No. 138, USDA, Economic Research Service. "A Study of Breakfast and Cereal Nutrition" presented by General Mills, Inc. to the Food and Drug Administration, September 7, 1973. Copies of these documents are on public display in the office of the Hearing Clerk). It appears unreasonable, therefore, to restrain fortification of such products by excluding them from this guideline when they are used in a fashion very similar to other breakfast cereals. Accordingly, this section is applicable to presweetened cereals.

A major purpose of nutritional quality guidelines is to prevent nutrient "horsepower" races—the essentially useless addition of nutrients to a food to give a false appearance of nutritional superiority. Accordingly, while the regulation does not restrict the nutrients that may be listed if naturally present, 21 CFR 100.1(f) requires a label statement explaining that the addition of nutrients different from those listed in the guideline is regarded by the government as unnecessary and inappropriate. Consumers who are interested in such differences because of specific needs or beliefs can readily make their choice of product by reading the information panel on the label. For example, if a fortified breakfast cereal naturally contains 6 percent of the U.S. RDA of vitamin E per serving, this nutrient content may be listed on the information panel.

A ready-to-eat breakfast cereal to which is added any nutrient at a level which falls within the dietary supplement range established in § 80.1 (21 CFR 80.1) is subject to the provisions of that section, and thus is not subject to the proposed nutritional quality guideline for this class of food.

Dietary supplements that are prepared in the form of breakfast cereals shall conform to the labeling established in § 1.17(c) including the order for listing vitamins and minerals and the location of the information panel established in §§ 1.17(c)(7)(iv) and 1.8d. They shall comply in all other respects with the requirements of 21 CFR 80.1.

The NAS/NRC Committee pointed out that there are several cereals with little or no vitamin or mineral fortification but which are good sources of some vitamins and trace minerals. This proposal is not designed to restrict production of breakfast cereals with naturally occurring amounts of vitamins and minerals lower or higher than those contained in this proposed guideline, provided they are labeled in accordance with applicable sections of the Federal Food, Drug, and Cosmetic Act. Cereals containing added nutrients or for which nutrition claims are made shall conform with the full requirements of § 1.17.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is proposing general principles for the addition of nutrients to foods wherein the terms "fortification" and "fortified" are defined. That proposal specifies that no label claims regarding added nutrients will be permitted unless such addition(s) constitutes at least 10 percent of the U.S. RDA for the nutrient(s). Since ready-to-eat breakfast cereals which meet the proposed guideline are "fortified" according to the definition contained in that proposal, and since the nutrients are added at levels greater than 10 percent of the U.S. RDA, use of the term "fortified" for such products is proper.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) it is proposed that Part 100 be amended by adding a new section to Subpart B, as follows:

§ 100.10 Fortified ready-to-eat breakfast cereals.

(a) In order to be eligible to bear the guideline statement set forth in § 100.1 (b), a ready-to-eat breakfast cereal described in paragraph (d) of this section shall contain the following vitamins and minerals in the amounts prescribed:

Nutrient	Per serving	
	Amount	Percent U.S. RDA
Protein (grams)	6.5	10
Vitamin A (IU)	1,250	25
Thiamine (milligrams)	.38	25
Riboflavin (milligrams)	.26	15
Niacin (milligrams)	5.0	25
Calcium (milligrams)	150	15
Iron (milligrams)	4.5	25
Vitamin B_6 (milligrams)	.5	25
Folic acid (μg)	.1	25
Magnesium (milligrams)	100	25
Zinc (milligrams)	3.8	25

(b) A serving shall be 1 ounce, except that a serving for a single service container shall be the amount in the container. A serving of milk with ready-to-eat breakfast cereal shall be 4 fluid ounces.

(c) Protein, magnesium, and zinc are optional nutrients for fortification. If they are added, the total quantities present in the food shall be at least at the levels specified in paragraph (a) of this section.

(d) Protein content shall not be listed when the protein efficiency ratio (PER) is less than 20 percent of the PER of casein.

(e) The cereal products subject to this regulation are those manufactured for use as ready-to-eat breakfast cereals. For the purposes of this section the term "cereal" includes food products made from the seeds of grains and similar plants and from oilseeds.

(f) A ready-to-eat breakfast cereal which meets this guideline may bear the term "fortified" as part of its name.

(g) A ready-to-eat breakfast cereal that contains any nutrient at a level which falls within the dietary supplement range established in § 80.1 of this chapter is subject to the requirements of § 80.1 and is not subject to this section. Any such product shall conform to the labeling requirements of § 1.17(c) and shall comply in all other respects with the requirements of § 80.1.

(h) When the dual declaration of nutrient content of cereal plus milk, provided in § 1.17(d)(2) of this chapter, is used in the nutrition labeling of a product which meets this guideline, the percentage of the U.S. RDA for protein provided by the cereal plus milk mixture shall be the sum of the percentage of the U.S. RDA for protein provided by the cereal alone and the percentage provided by the milk alone.

(i) The provisions of this section are not applicable to a ready-to-eat breakfast cereal product represented as an infant cereal.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13472 Filed 6–13–74;8:45 am]

[21 CFR Part 100]

GENERAL PRINCIPLES GOVERNING THE ADDITION OF NUTRIENTS TO FOODS

Notice of Proposed Rule Making

The Commissioner of Food and Drugs has promulgated a series of regulations related to the nutritional quality of foods in recent months. The regulations have included nutrition labeling under § 1.17 (21 CFR 1.17), fat, fatty acid, and cholesterol labeling under § 1.18 (21 CFR 1.18), imitation foods under § 1.8(e) (21 CFR 1.8 (e)), special dietary foods under Part 125 (21 CFR Part 125), nutritional quality guidelines under Part 100 (21 CFR Part 100), dietary supplements of vitamins and minerals under § 80.1 (21 CFR 80.1), and amino acid addition to foods under § 121.101 (21 CFR 121.101). Other existing standards of identity permit or require addition of vitamins, minerals, and protein to foods in order to improve the nutritional quality of the product, e.g., enriched flour under § 15.10 (21 CFR 15.10).

During the development of regulations related to nutrition, it became apparent that there is a need to define and publish the principles governing the addition of vitamins, minerals, and protein to food.

The Commissioner concludes that a separate standard of identity for each food to which a vitamin, mineral, and/or protein may properly be added is neither practicable nor appropriate. The Commissioner has also determined that a single standard of identity listing all foods to which a vitamin, mineral, and protein may properly be added, is unnecessarily inflexible in light of developing knowledge about nutrition. Accordingly, in the FEDERAL REGISTER of January 19, 1973 (38 FR 2153) the Commissioner announced his intention to hold in abeyance the portion of the 1968–1970 special dietary food regulation hearings relating to vitamin- and mineral-fortified foods, identity, and label statements, under § 80.2, pending experience under nutritional quality guidelines.

The general principles for the establishment of such nutritional quality guidelines were proposed in the FEDERAL REGISTER of December 23, 1971 (36 FR 24822) and promulgated in the FEDERAL REGISTER of March 14, 1973, (38 FR 6969). The Commissioner has concluded that it is now appropriate to establish general principles governing the addition of vitamins, minerals, and protein to food, which will serve as the basis on which the Food and Drug Administration will permit such nutrient addition in the future.

The addition of vitamins and minerals to foods was first undertaken as a public health measure to prevent the development of deficiency diseases that afflicted large segments of the public. As the causes of such diseases as goiter and rickets were identified, the addition of specific nutrients to food was recommended. The success of this program has been widely recognized and acclaimed. The addition of iodine compounds to salt over fifty years ago, which has ended a widespread goiter problem, is a good example of consumer benefits from this type of program.

The addition of nutrients to foods has been evaluated by many public health and nutrition authorities. It is generally concluded that such programs have provided a safeguard in national diets and have been effective in reducing the prevalence of deficiency diseases in many countries. Such programs remain valuable today, provided sufficient information is available to identify the nutrition problem, to define affected population groups, and to designate suitable foods to act as vehicles for the added nutrients.

The basic principle that dietary deficiency disease can be prevented by appropriate addition of nutrients to foods has been best described in "Improvement of Nutritive Quality of Foods," a joint policy statement by the Food and Nutrition Board of the National Academy of Sciences–National Research Council (NAS/NRC) and the Council on Foods and Nutrition of the American Medical Association (AMA) published in the *Journal of the American Medical Association,* 205:868–869, Sept. 16, 1968. This statement has been retained in the more recent report, "Improvement of the Nutritive Quality of Foods, General Policies" of the Council on Foods and Nutrition, published in the *Journal of the American Medical Association,* 225:1116–1118, August 27, 1973, and in the statement, "General Policies in Regard to Improvement of Nutritive Quality of Foods," prepared by the Food and Nutrition Board of the NAS/NRC, released on August 23, 1973. Copies of these statements are on file with the Hearing Clerk. The practical application of the principles stated by these two groups is given in the following quotation from the 1968 statement:

> The availability and low cost of nutrients produced industrially and the advances in food technology have enhanced the potential for the improvement of existing foods and for the formulation of new foods. Enrichment, fortification, and restoration of nutritional value of certain foods have been endorsed by the Council on Foods and Nutrition and the Food and Nutrition Board. Specifically, the following practices in the United States continue to be endorsed: The enrichment of flour, bread, degerminated corn meal, corn grits, whole grain corn meal, and white rice (with thiamine, riboflavin, niacin, and iron); the retention or restoration of thiamine, riboflavin, niacin, and iron in

processed food cereals; the addition of vitamin D to milk, fluid skim milk, and nonfat dry milk; the addition of vitamin A to margarine, fluid skim milk, and nonfat dry milk; and the addition of iodine to table salt. The protective action of fluoride against dental caries is recognized and the standardized addition of fluoride to water is endorsed in areas in which the water supply has a low fluoride content.

The Commissioner is aware that permitting the addition of nutrients to foods solely on the basis of an identified deficiency disease, or of the probability that it will develop because of a basic nutrient deficiency in the food supply, would be unduly restrictive. With the increased use of convenience foods, fabrication of foods from new ingredients, and substitute foods, there is a need to maintain the nutritional quality of diets when there are changes in food patterns. When evidence of a substantial change in food consumption patterns has occurred which results in a less satisfactory nutrient intake in the population, consideration must be given to application of the principles of fortification to improve the diet.

A new § 80.2, to establish a standard of identity for all vitamin- and mineral-fortified foods, was published in the FEDERAL REGISTER on June 18, 1966 (31 FR 8521). The order was subsequently stayed because of objections and requests for public hearings in an order published December 14, 1966 (31 FR 15730). A further order was subsequently published in the FEDERAL REGISTER of April 8, 1967 (32 FR 5736), amending § 80.2 to add additional classes of food. A hearing was convened in May 1968 and continued for two years, closing in May 1970. Extensive oral and documentary evidence was presented with respect to the food fortification policy enunciated in § 80.2.

In December 1969, a White House Conference on Food, Nutrition and Health was convened. The Report of the Conference reflected a consensus that nutrition information and food consumption patterns are too dynamic to be written down in, or governed by, inflexible rules, but that the Food and Drug Administration should establish standards of nutritional quality for all foods used as a significant part of the diet to assure a minimal nutrient content in the diet.

After reviewing the portion of the special dietary food hearings concerning fortified foods and the recommendations of the White House Conference on Food, Nutrition and Health, the Commissioner concluded that it would be in the public interest to develop regulations for fortified foods utilizing the approach of establishing nutritional quality guidelines for certain classes of foods, including those to which vitamins, minerals, and protein may be added, in lieu of establishing standards of identity as originally adopted in § 80.2. The Commissioner therefore added a new Part 100 for nutritional quality guidelines for foods, and established the first nutritional quality guidelines for precooked frozen convenience "heat and serve" dinners.

The Commissioner has also considered the relation of "imitation" foods to nutritional quality. In the FEDERAL REGISTER of January 19, 1973 (38 FR 2138), a proposal was published to define "imitation" food in terms of nutritional content. The proposal stated that nutrients could be added to substitute foods in order to achieve nutritional equivalence. The Commissioner published an order in the FEDERAL REGISTER of August 2, 1973 (38 FR 20702), establishing § 1.8(e) which defined "imitation" and established the criteria for determining nutritional equivalence. The preamble to the order stated that vitamin and mineral additions to substitute foods would be permitted in order to achieve nutritional equivalence but cautioned against excessive fortification.

The Food and Nutrition Board of the NAS/NRC and the Council on Foods and Nutrition of the AMA have also discussed the need for restoring vitamins and minerals to replace those lost in the processing of foods. The August 23, 1973, statement from the NAS/NRC states in part:

> The appropriate selection of a wide variety of conventional foods is important in assuring adequate intake of all essential nutrients. It is, of course, desirable that foods having undergone some form of post-harvest processing contain the variety and amounts of essential nutrients that were present at significant levels in the raw, preprocessed food. A significant level of a nutrient is considered to be 5 percent or more of the RDA of that nutrient in an average serving. Restoration of nutrients lost in the processing of foods has been recognized for many years as an appropriate method for improving their nutritional value. Under circumstances where restoration is undertaken through the addition of nutrients as specific chemical entities, it is important that all essential nutrients present at significant levels in the original preprocessed food be restored to the extent that is technically feasible. The nutrient level achieved through restoration should be 1.0–1.5 times preprocessed levels. The principle of extensive restoration is of special importance when a label claim for the content of an added nutrient is made.

The basic concept adopted by both organizations is to restore significant nutrient levels of processed foods to the levels present in the fresh unprocessed food. An uncontrolled restoration could result in the addition of trivial amounts of nutrients, giving rise to misleading promotional claims but providing no significant benefit to consumers.

The Canadian Food and Drug Directorate, in its "Trade Information Letter" No. 351, April 28, 1971, proposed a procedure to allow controlled restoration of nutrients lost in the course of manufacturing, similar to the approach proposed by the AMA and the NAS/NRC. It states that vitamins, minerals and protein added to traditional foods should be present in amounts related to the purpose of the addition, e.g., to replace those nutrients lost in the course of good manufacturing practice, if the amount originally present provided at least 10 percent of the daily requirement of these nutrients in a reasonable daily intake of the food, the amount added should compensate for that lost in processing. The Canadian government has been applying this guideline since 1971.

The concept of adding nutrients to foods when such nutrients are lost in processing, only when the foods are recognized as significant sources of the nutrients, appears to be one acceptable approach.

However, the Commissioner concludes that restoration of measurable nutrient loss for any processed food is more reasonable and has adopted this approach in the proposal. The use of nutrition labeling under § 1.17 requires that vitamin and mineral levels be listed at 2-percent intervals between 2 and 10 percent of the United States Recommended Daily Allowance (U.S. RDA) for each nutrient. The level of 5 percent of the U.S. RDA proposed by the AMA Council on Foods and Nutrition and the NAS/NRC Food and Nutrition Board to determine if a food is a significant source of a nutrient falls outside the labeling increments. Because 2 percent of the U.S. RDA is sufficiently important to justify labeling increments at this level, the Commissioner proposes 2 percent of the U.S. RDA as the minimum loss of a nutrient during processing if restoration is to be permitted. Thus, restoration of trivial amounts of nutrients will not be permitted, since such a practice would be misleading and deceptive.

The Commissioner also proposes to permit the addition of nutrients to certain classes of foods if addition of the nutrient is necessary to raise the nutritional quality of the food up to the nutritional level appropriate for that class of food based upon the best available scientific data on food consumption, nutrition needs, and dietary habits.

The White House Conference on Food, Nutrition and Health recommended vitamin and mineral fortification based on caloric content. The NAS/NRC Committee which developed the initial nutritional quality guideline reports also suggested that nutrient levels in some foods should be related to the caloric contribution of the food. Following such a pattern, nutrient additions would be controlled by restricting the level of any added nutrients to the percentage of the U.S. RDA equal to the caloric contribution of the food to a daily calorie standard. The Commissioner proposes to set the daily calorie standard at 2800 kilocalories. Thus, a food which contributes 280 kilocalories per serving (10 percent of the daily calorie standard) could have vitamins, minerals, and protein added per serving to a level equal to 10 percent of the U.S. RDA. This approach will prevent irrational fortification or fortification to unduly high levels or levels which would make the products dietary supplements. The AMA Council on Foods and Nutrition, in its statement of August 27, 1973, outlined its position as follows:

> Nutrient density is an expression of nutrient content in terms of caloric value of a serving of food as related to a standard such as the RDA * * * for nutrients and calories. For example, a serving containing 230 kilocalories might be referred to a calorie standard of 2,300 kilocalories/day. In this instance, the food represents 10 percent of the calorie

value of the standard and should be expected to contain this percentage of each of the nutrients in the standard. If a given nutrient is naturally present in an amount equal to three quarters or more of that percentage, no further adjustment is needed.

A similar concept has been proposed using protein content as the food component for establishing the role of the food in the diet. The mechanism for control of vitamin and mineral additions would be similar to that when calorie content is used as a basis for control. When protein is used, protein-free products are eliminated from consideration, even when they provide significant caloric contributions, and no basic standard is provided for the addition of protein to a food. However, when calories are used as the basis for comparison, protein can be considered as a nutrient and added when appropriate.

The Commissioner proposes that the concept of relating vitamin, mineral, and protein content to caloric contribution either for the addition of nutrients to foods, or for establishing nutritional quality, be included in the general regulation regarding the addition of nutrients to foods. A careful review of the procedure as proposed by the White House Conference and the NAS/NRC Committee developing the nutritional quality guidelines and in the AMA Council on Foods and Nutrition statement indicates that it can be used not only in controlling the addition of nutrients to foods, but also as a means for establishing a basic concept of nutritional quality for fabricated foods.

Thus, the Commissioner proposes to allow the addition of nutrients to foods using the "balanced" concept of adding nutrients in relation to calories. Such nutrient addition would not be appropriate, however, where the desirable nutrient addition or composition of the food has already been established by a nutritional quality guideline or a food standard, and the proposal therefore excludes these foods from this form of fortification. Thus, white bread would be required to be enriched pursuant to the existing food standard, if any nutrients are added, and could not be fortified under the balanced nutrient approach. Manufacturers wishing to use the balanced nutrient approach to fortification must carefully consider the criteria established in the regulation. Where appropriate, consumers or manufacturers may also petition the Commissioner to establish a nutritional guideline or a standard of identity.

For the purposes of nutrient addition to achieve "balanced" nutrition, the Commissioner proposes that a caloric level of 2800 kilocalories be set as a daily standard, and that the vitamin and mineral levels be those established under § 1.17(c) (7) (iv). The protein levels will be the same as those established under § 1.17(c) (7) (ii) (*a*). The protein levels to be used to calculate the protein per 100 kilocalories would be 65 grams for protein with a protein efficiency ratio (PER) less than casein but more than 20 percent that of casein and 45 grams for protein with a PER equal to or greater than that of casein. The PER shall be determined by the appropriate method in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, (1970).[1] A table giving the nutrient levels per 100 kilocalories included in the proposal is as follows:

Nutrient	Unit of measurement	Adults and children over 4 yr	
		U.S. RDA	Per 100 kcal
Protein	Grams	[2] 65.0	2.32
Do	do	45.0	1.61
Vitamin A	IU	5,000.0	178
Vitamin C	Milligrams	60.0	2.14
Thiamine	do	1.5	.054
Riboflavin	do	1.7	.061
Niacin	do	20.0	.72
Calcium	Grams	1.0	.036
Iron	Milligrams	18.0	.64
Vitamin D	IU	400.0	14.3
Vitamin E	do	30.0	1.07
Vitamin B_6	Milligrams	2.0	.071
Folic acid	do	.4	.014
Vitamin B_{12}	μg	6.0	.21
Phosphorus	Grams	1.0	.036
Iodine	μg	150.0	5.36
Magnesium	Milligrams	400.0	14.3
Zinc	do	15.0	.54
Copper	do	2.0	.071
Biotin	do	.3	.011
Pantothenic	do	10.0	.357

[2] If the protein efficiency ratio of protein is equal to or better than that of casein, U.S. RDA is 45 g.

In the past, the addition of a vitamin or mineral to a food has resulted in the food being defined as a "special dietary food." This approach was adopted to ensure that such foods would contain specific label information about the particular nutrient(s) involved, pursuant to regulations promulgated in 21 CFR Part 125. Virtually all of the foods previously categorized as special dietary foods for purposes of requiring nutrient labeling have been intended for consumption by the general population and not by any particular small segment of it. With the development of nutrition labeling under § 1.17, it is no longer necessary to regulate nutrient labeling of these general purpose foods under the provisions of the law relating to special dietary foods.

For some products, general nutrition labeling under § 1.17 is inappropriate and very specific special dietary food labeling under 21 CFR Part 125 has been retained. These foods were exempted from § 1.17 in the final regulation. Such exempted foods include certain infant foods for which separate labeling has been promulgated in § 125.5; dietary supplements of vitamins and minerals, subject to a standard of identity in § 80.1; any food intended for use as the sole item of the diet, for which specific special dietary food labeling, including in some cases amino acid composition, is appropriate under 21 CFR Part 125; and foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions, such as foods for the dietary management of inborn errors of metabolism, for which specific special dietary food labeling is also more appropriate under 21 CFR Part 125. In each of these instances, the broad approach adopted for nutrition labeling, which is clearly desirable for general consumer use, is inappropriate because of the need for more detailed and specific information and because the type of product involved is more readily susceptible to precise quality control of the nutrient levels.

Thus, the addition of a vitamin, mineral, or protein to food, unless included in one of the above exemptions, will not result in that food being considered a special dietary food for labeling purposes. Such addition of a nutrient will instead require full nutrition labeling under § 1.17.

Over the years, several terms have been used to describe the different purposes for addition of nutrients to foods, i.e., enrichment, restoration, and fortification.

The term "enrichment" usually is defined as the addition of one or more nutrients to a food in order to increase the consumption of those nutrients by the general population or a defined segment of the population. The nutrients added to the food are higher levels of those nutrients already present in the food. The best example of enrichment is bread and flour. The term enrichment has often been incorporated into the name of the food to which the nutrients have been added, e.g., "enriched bread," "enriched flour."

"Restoration" is the addition of nutrients to conventional foods in order to restore nutrients lost during processing. The level of the restored nutrient is approximately the same as is present naturally in the product.

"Fortification" has been used to denote the addition of one or more nutrients to a food whether or not they are naturally present. The terms "vitamin added" or "with added vitamins and minerals" as well as the term "fortified" have, at times, been used to identify fortified products. This definition overlaps that given to "enrichment," and would permit the same food to be labeled as "enriched" or "fortified." This could result in consumer confusion.

The Commissioner proposes to limit the use of the word "fortified" to those situations where nutrients are added to a food which does not naturally contain those nutrients. Since the addition of several nutrients to a food can occur, the addition of any one nutrient, not naturally present in the food, shall require that the term "fortified" be used even if other nutrients are added which are naturally present in the food.

While the terms stated above ("enriched," "restored," "fortified") can be defined so they have specific meanings, they have often been used interchangeably and thus the consumer probably accepts all as indicating simply that the nutritional quality has been improved by the addition of a nutrient.

The Commissioner proposes to define these terms as set forth above so that

[1] Copies may be obtained from: Association of Analytical Chemists, P.O. Box 540, Ben Franklin Station, Washington, DC 20044.

they will be used properly in labeling and interested persons will be able to distinguish between them.

The Commissioner emphasizes that the publication of this proposed regulation on the addition of nutrients to foods is not intended to encourage the industry to put vitamins, minerals, or protein into every food. The addition of a nutrient to a food must conform to the principles in the proposed regulation, and provide consumers with reasonable benefit without misleading them into believing that the food with added nutrients will ensure a complete diet. The proposed regulation, therefore, provides that, if the addition of a nutrient(s) to a food is contrary to the regulation, the food to which the nutrient(s) is added is required to bear a prominent statement that the nutrient(s) added has been determined by the U.S. Government to be unnecessary and inappropriate.

The Commissioner also proposes to amend § 100.1 to provide that any food which would otherwise be required to be labeled with the statement specified in § 100.1(f) will not be required to be so labeled if the nutrient(s) is added to the product in accordance with § 1.8(e) of this chapter to avoid being an imitation.

In order to prevent labeling claims for the addition of measurable amounts of nutrients to foods which do not reach the level of substantial nutritional "significance," the Commissioner proposes to prohibit claims concerning the addition of any nutrient for purposes of enrichment, fortification, or restoration, or the balanced nutrition concept unless such addition is equal to or in excess of 10 percent of the U.S. RDA per serving. Also, in order to prevent labeling claims which might result in a substitute food being represented as superior to the food which it resembles because of nutrients added to prevent nutritional inferiority, the proposed regulation prohibits labeling claims concerning the addition of nutrients to such foods.

These two prohibitions apply only to claims relating directly to the addition of nutrients, and in no way prohibit claims on the total nutrient content of the food itself. Thus, the label for a product to which less than 10 percent of the U.S. RDA of a nutrient is added could not declare the product to be "fortified" or "enriched" or "restored," or otherwise state or imply that nutrients have been added. On the other hand, there would be no prohibition for label statements on such products which accurately claim that the product contains a specified amount of the nutrient, e.g., "contains 6 percent of the U.S. RDA of _____".

In order to make it possible to make nutrient claims for foods which do contain at least 10 percent or more of the U.S. RDA of nutrients added for the purposes of enrichment, restoration, or fortification, the Commissioner proposes to amend paragraph (d) to allow claims to be made on the labels of foods which comply with the guidelines established in Subpart B.

The section on general principles of the regulations on nutritional quality guidelines, § 100.1 (21 CFR 100.1), does not state specifically whether nutritional quality guidelines apply only to nonstandardized foods or to standardized foods as well. In the preamble to the proposal to establish a nutritional quality guideline for breakfast beverage products, published elsewhere in this issue of the FEDERAL REGISTER, it is stated that a breakfast beverage product which meets the vitamin C requirements of an applicable standard of identity may bear the guideline statement provided in § 100.1 (b).

In order to prevent misinterpretation of the applicability of nutritional quality guidelines to standardized foods, the Commissioner proposes to amend § 100.1 (b) and (c) to provide that a food which contains a vitamin(s) or mineral(s) added for nutritional purposes, in accordance with the provisions of a standard of identity, may bear the statement provided in § 100.1(b). When the provisions for vitamin or mineral content of a standard of identity differ from the nutrient levels of an applicable nutritional quality guideline in Subpart B of Part 100, a proposal to amend the standard of identity to conform with the nutritional quality guideline will be published for comment.

Pertinent background information to which reference has been made as well as other information on which the Commissioner relies to support this proposal is on public display at the office of the Hearing Clerk.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Subpart A of Part 100 in § 100.1 by revising paragraphs (b), (c), (d), and (f) and by adding new paragraphs (g), (h), (i), and (j), to read as follows:

§ 100.1 General principles.

* * * * *

(b) Labeling for a product which complies with all of the requirements of the nutritional quality guideline established for its class of food or of a food standard promulgated under section 401 of the act that prescribes the nutrient additions to the food may state "This product provides nutrients in amounts appropriate for this class of food as determined by the U.S. Government", except that the words "this product" are optional. This statement, if used, shall be printed on the principal display panel and may also be printed on the information panel, in letters not larger than twice the size of the minimum type required for the declaration of net quantity of contents by § 1.8b of this chapter. Labeling of noncomplying products may not include any such statement or otherwise represent, suggest, or imply the product as being, in whole or in part, in compliance with a guideline.

(c) A product bearing the statement provided for in paragraph (b) of this section, in addition to meeting the requirements of the applicable nutritional quality guideline or food standard, shall comply with the following requirements:

(1) The label of the product shall bear the common or usual name of the food in accordance with the provisions of the guideline and §§ 1.8 and 102.1 of this chapter and of any applicable food standard promulgated under section 401 of the act.

(2) The label of the product shall bear nutrition labeling in accordance with §§ 1.8d and 1.17 of this chapter and all other labeling required by applicable sections of Part 1 of this chapter.

(d) No claim or statement may be made on the label or in labeling representing, suggesting, or implying any nutritional or other differences between a product to which nutrient addition has or has not been made in order to meet the guideline, except that a nutrient addition shall be declared in the ingredient statement, and except as provided for in guidelines established in Subpart B of this part or in any applicable food standard promulgated under section 401 of the act.

* * * * *

(f) A product within a class of food for which a nutritional quality guideline has been established and to which has been added a discrete nutrient either for which no minimum nutrient level or nutrient range or other allowance has been established as appropriate in the nutritional quality guideline, or at a level that exceeds any maximum established as appropriate in the guideline, shall be ineligible to bear the guideline statement provided for in paragraph (b) of this section, and such a product shall also be deemed to be misbranded under the act unless the label and all labeling bear the following prominent and conspicuous statement: "The addition of _____ to (or "The addition of _____ at the level contained in) this product has been determined by the U.S. Government to be unnecessary and inappropriate and does not increase the dietary value of the food", the blank to be filled in with the common or usual name of the nutrient(s) involved. If the nutrient(s) is added to the product in accordance with § 1.8(e) of this chapter to avoid being an imitation, this paragraph shall not apply.

(g) The following principles shall govern the addition of a vitamin(s), mineral(s), and/or protein to food:

(1) A vitamin, mineral, or protein, as listed in paragraph (g)(3)(v) of this section, may be added to a food which is not naturally a significant source of such nutrient, as defined in § 1.17(c)(7)(v) of this chapter, if all of the following conditions are met:

(i) The intake of the nutrient is below a desirable level in the diets of a significant number of people.

(ii) The food to which the nutrient is added is generally consumed by a significant segment of the population in need.

(iii) The amount of the nutrient added makes a significant contribution to the diet of the population in need.

(iv) The added nutrient is stable in the food under customary conditions of storage and use.

(v) The added nutrient is physiologically available from the food.

(vi) There is a reasonable assurance that an excessive intake which could reach a toxic level will not occur.

(2) A vitamin, mineral, or protein, as listed in paragraph (g)(3)(v) of this section, may be added to a food if addition of the nutrient is necessary to raise the nutritional quality of the food up to the nutritional level appropriate for that food, based upon the best available scientific data on food consumption, nutrition needs, and dietary habits.

(3) Vitamins, minerals, and protein may be added to a food to balance the calorie contribution of the food if all the following conditions are met:

(i) A normal serving of the food contributes at least 56 kilocalories to the diet, i.e., 2 percent of the daily kilocalorie standard of 2800 kilocalories.

(ii) Use of the food reduces the nutritional quality of the total diet when consumer without such added nutrients.

(iii) The added nutrients are physiologically available from the food.

(iv) The food is not the subject of a nutrition quality guideline established in Subpart B of this part or a food standard that prescribes the nutrient additions to the food promulgated under section 401 of the act.

(v) The food with added nutrients, as prepared and eaten by the consumer, contains all of the following nutrients per 100 kilocalories based on 2800 kilocalories per day:

Nutrient	Unit of measurement	Adults and children over 4 yr.	
		U.S. RDA	Per 100 kcal
Protein	Grams	[1] 65.0	2.32
Do	do	45.0	1.61
Vitamin A	IU	5,000.0	178
Vitamin C	Milligrams	60.0	2.14
Thiamine	do	1.5	.054
Riboflavin	do	1.7	.061
Niacin	do	20.0	.72
Calcium	Grams	1.0	.036
Iron	Milligrams	18.0	.64
Vitamin D	IU	400.0	14.3
Vitamin E	do	30.0	1.07
Vitamin B$_6$	Milligrams	2.0	.071
Folic acid	do	.4	.014
Vitamin B$_{12}$	μg	6.0	.21
Phosphorus	Grams	1.0	.036
Iodine	μg	150.0	5.36
Magnesium	Milligrams	400.0	14.3
Zinc	do	15.0	.54
Copper	do	2.0	.071
Biotin	do	.3	.011
Pantothenic acid	do	10.0	.357

[1] If the protein efficiency ratio of protein is equal to or better than that of casein, U.S. RDA is 45 g.

(4) A vitamin, mineral, or protein, as listed in paragraph (g)(3)(v) of this section, may be added to a food which is naturally a source of such nutrient if addition of the nutrient is necessary to restore a nutrient shown by adequate scientific documentation to be lost in processing a measurable amount, i.e., at least 2 percent of the U.S. RDA per serving, if the following conditions are met:

(i) The nutrient is shown by adequate scientific documentation to be present in the food prior to processing in a quantity equivalent to at least 2 percent of the U.S. RDA in a normal serving of food.

(ii) Good manufacturing practices cannot avoid a measurable loss in such nutrient during processing.

(iii) The food is not the subject of a nutrition quality guideline established in Subpart B of this part or a food standard that prescribes the addition of nutrients to the food promulgated under section 401 of the act.

(h) Any food to which any vitamin, mineral, or protein has been added shall be deemed to be misbranded under the act unless the label and all labeling bears the prominent and conspicuous statement, "The addition of _____ to (or "The addition of _____ at the level contained in) this product has been determined by the U.S. Government to be unnecessary and inappropriate and does not increase the dietary value of the food" (the blank to be filled in with the common or usual name of the nutrient(s) involved), except for the following:

(1) Any infant food which simulates human milk or is suitable as a complete or partial substitute for human milk and which complies with § 125.5 of this chapter.

(2) Any dietary supplement which complies with § 80.1 and Part 125 of this chapter.

(3) Any food represented for use as the sole item of the diet.

(4) Any food represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

(5) Iodized salt.

(6) Any food conforming to a standard of identity promulgated under section 401 of the act.

(7) Any food conforming to a nutritional quality guideline established in Subpart B of this part.

(8) Any food with a vitamin, mineral, or protein restored to preprocessing levels as defined in paragraph (g)(4) of this section.

(9) Any food with a vitamin, mineral, or protein added pursuant to § 1.8(e) of this chapter so that it is not nutritionally inferior to the food for which it substitutes and which it resembles.

(10) Any food fortified in compliance with paragraph (g)(3) of this section.

(11) Any food the composition of which is defined by other regulations or statutes.

(i) The following principles shall govern claims or statements on labels or in labeling:

(1) No claim or statement may be made on the label or in labeling that any vitamin, mineral, or protein has been added to a food, either in general terms, e.g., "fortified", or in specific terms, e.g., "_____ added", if it is added pursuant to § 1.8(e) of this chapter, except that a nutrient addition shall be declared in the ingredient statement.

(2) No claim or statement may be made on the label or in labeling that any vitamin, mineral, or protein has been added to a food, either in general terms, e.g., "fortified", or in specific terms, e.g., "_____ added", unless such vitamin, mineral, protein has been added at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (or portion) of the food, except that a nutrient addition shall be declared in the ingredient statement.

(3) A food with a vitamin(s), mineral(s), or protein restored to preprocessing levels as defined in paragraph (g)(4) of this section may be labeled as "_____ restored" with the blank filled in with the vitamin(s), mineral(s), or protein restored if such vitamin(s), mineral(s), or protein has been added at a level equal to or in excess of 10 percent of the U.S. RDA in a serving (or portion) of the food.

(4) The label of a food to which vitamins, minerals, and protein have been added in accordance with paragraph (g)(3) of this section may bear the statement "Contains vitamins, minerals, and protein in proportion to its caloric content".

(j) For the purposes of food labeling, the following definitions shall apply:

(1) "Enriched" or "enrichment" means the addition to a food or one or more vitamin(s), mineral(s), or protein(s) which are naturally present in lesser amounts in the food in order to increase the consumption of such nutrient(s) by the general population or a specific segment of the population.

(2) "Restoration" means the addition of one or more vitamin(s), mineral(s), or protein(s) to a processed food in order to restore such nutrient(s) lost during processing to the level naturally present in the unprocessed food.

(3) "Fortification" or "fortified" means the addition to a food of one or more vitamin(s), mineral(s), or protein(s) not naturally present in the food in order to increase the consumption of such nutrient(s) by the general population or by a specific segment of the population. When the added nutrients include at least one nutrient not naturally present and one or more nutrients naturally present, the term "fortification" or "fortified" applies.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13469 Filed 6-13-74;8:45 am]

[21 CFR Parts 100, 102]

FORMULATED MEAL REPLACEMENTS

Proposed Nutritional Quality Guideline and Common or Usual Name

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods; and he set forth general principles for establishing common or usual names for nonstandardized foods (21 CFR 102.1).

NUTRITION GUIDELINE

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for formulated meal replacements have been received by the Commissioner. A copy of this report is on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has reviewed this report and proposes a nutritional quality guideline for formulated meal replacements based upon the recommendations of the NAS/NRC Committee. Formulated meal replacements are those products which are represented for use as the sole source of nutrients for one or two meals per day but not as the sole item of the diet. Formulated meal bases to which other food components are added may be considered formulated meal replacements when finally constituted for consumption if the labeling of the product clearly indicates that other food components must be added. The two proposals do not include those food products represented for use as the sole item of the diet or for use solely under medical supervision to meet nutritional requirements in specific medical conditions. Such foods are special dietary foods subject to 21 CFR Part 125.

The NAS/NRC Committee concluded, and the Commissioner agrees, that, because of the consumer's reliance on the meal replacement as a major source of his total nutrient intake, it is necessary to assure a more complete spectrum of essential nutrients in meal replacements than in other classes of foods.

Althought the NAS/NRC Committee report stated that these meal replacements should not be intended for use as a sole dietary item for extended periods, the Commissioner is aware that, while not intended or represented for such use, these products may be used in this manner by some indivduals. The Commissioner has therefore included in the guideline nutrients not considered by the NAS/NRC Committee, and in some cases the levels of nutrients have been increased.

The NAS/NRC Committee recommended that nutrients be present in formulated meal replacements at levels corresponding to a minimum of 25 percent and a maximum of 50 percent of the "mean RDA for both sexes from age 3 to 75" per average serving. The Commissioner accepts the NAS/NRC Committee's recommendation, but proposes to use the U.S. RDA as the reference standard for the reasons outlined in the preamble to the nutrition labeling proposal published in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125). In most cases, the U.S. RDA values are somewhat higher than the "mean RDA". The upper limit of 50 percent is only applicable to those nutrients added as discrete entities. Requirements for manganese and potassium have also been included even though U.S. RDA's have not been established. The levels of these nutrients are based upon amounts of the nutrients obtained from diets of conventional foods.

The NAS/NRC Committee recommended using protein with a protein efficiency ratio (PER) of not less than 80 percent that of casein. It also suggested a formula for adjusting the protein quantity to compensate for a PER below 80 percent that of casein.

The Commissioner concludes that, since these products may be used as meal replacements for extended periods of time, the protein quality takes on added significance. The U.S. RDA for protein was established presuming consumption of a mixture of protein sources. When formulated meal replacements are used as the sole source of protein in the diet, such a mixture of proteins may not be provided. The adjustment formula presented by the NAS/NRC Committee is complex and not considered practicable for regulatory purposes. The Commissioner proposes to require the protein in formulated meal replacements to have a PER of at least 80 percent that of casein. The quantity of protein will be the same as that established in the U.S. RDA for protein, i.e., 65 grams for protein with a PER value less that that of casein and 45 grams for protein with a PER value equal to or greater than casein.

The NAS/NRC Committee recommended that, if fat is included in the formulation, the product provide at least 2 percent of the total calories as linoleic acid. The Commissioner agrees with the recommendation and, since he understands that all of these products are formulated to contain fat, he therefore proposes that formulated meal replacements provide 2 percent of the total calories of the product as linoleic acid to supply essential fatty acids.

A minimum calorie level was not given in the NAS/NRC Committee report but the different uses of formulated meal replacements were identified. The Commissioner proposes to establish a minimum calorie level of 700 kilocalories (kcal), unless the product is represented for use in a reduced calories diet. The Commissioner believes that this is an appropriate caloric value in that it represents ¼ of the daily calorie standard proposed in the "General Principles Governing the Addition of Nutrients to Foods" published elsewhere in this issue of the FEDERAL REGISTER.

The NAS/NRC Committee recommended that, to avoid undue dilution of nutrients when a meal replacement has a high caloric content, 100 kcal of a product shall contain not less than the mean RDA/100 kcal for all nutrients required to be present. The Commissioner has decided instead to establish minimum nutrient levels per serving which will insure sufficient nutrients in each meal replacement.

The NAS/NRC Committee excluded biotin because biotin deficiencies are so rarely encountered. Biotin has, however, been added to the proposed guideline since these meal replacement products may, in fact, be used as dietary items for rather extended periods, particularly in reduced calorie diets.

Sodium and chloride were excluded by the NAS/NRC Committee because of the remote likelihood of an inadequate intake. The guideline also excludes sodium and chloride from the required list of nutrients, but does require the labeling to list the sodium content in accordance with § 1.17(c)(6)(iv) (21 CFR 1.17(c)(6)(iv)). Sodium content, normally an optional declaration, is mandatory in this case because this class of foods often contains high levels of sodium as a result of processing, and it is important that this information be available to the consumer at the point of purchase.

COMMON OR USUAL NAME

There are numerous products in the marketplace and others in development which are functional meal replacements or substitutes for meals either as convenience foods, aids in weight control, meal adjuncts or snacks. This class of food is unique in that it has an essentially complete and balanced nutrient composition. Copies of representative labels of these products are on public display in the office of the Hearing Clerk.

To identify these products the Commissioner proposes the establishment of common or usual names for them under Part 102 (21 CFR Part 102).

It is essential that a common or usual name for such products be general enough to include all of the wide variety of products that may be offered as meal replacements (but not diet replacements) and yet sufficiently specific that such products can be readily identified. The Commissioner is therefore proposing that the common or usual name of these products be "formulated meal replacement". When it is necessary to add other foods to the product in order for it to be nutritionally equivalent to the meal it is replacing, it is proposed that the common or usual name consist of the term (1) "formulated meal base" and (2) an appropriate informative statement that additional ingredient(s) or component(s) must be added and which

names the additional ingredient(s) or component(s).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, 1047–1048 as amended, 1055; 21 U.S.C. 321(n), 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended:

1. In Part 100 by adding thereto the following new section:

§ 100.8 Formulated meal replacements.

(a) A product, for which a common or usual name is established in § 102.21 of this chapter, to be eligible to bear the guideline statement set forth in § 100.1 (b), shall be formulated so that a serving meets the following requirements:

(1) It contains all nutrients listed in paragraph (b) of this section in an amount not less than 25 percent of the U.S. RDA. When a discrete nutrient is added in order to meet the requirements of the guideline, the total amount of that nutrient per serving shall not exceed 50 percent of the U.S. RDA for that nutrient.

(2) It contains no less than 1 milligram and no more than 2 milligrams of manganese and no less than 1 gram and no more than 2 grams of potassium.

(3) It supplies a minimum of 700 kilocalories (kcal), except that if the product is represented for use in a reduced calorie diet this minimum shall not apply.

(4) It provides at least 2 percent of the total calories as linoleic acid.

(5) It provides protein with an overall protein efficiency ratio of not less than 80 percent of that of casein.

(b) The following nutrients are required to be present at the levels specified in paragraph (a)(1) of this section.

Nutrient	*U.S. RDA*
Protein (grams)	65 or 45 in accordance with § 1.17(c)(7)(ii)(*a*) of this chapter.
Vitamin A (IU)	5,000.
Vitamin C (milligrams)	60.
Thiamine (milligrams)	1.5.
Riboflavin (milligrams)	1.7.
Niacin (milligrams)	20.
Calcium (grams)	1.
Iron (milligrams)	18.
Vitamin B_6 (milligrams)	2.
Folic acid (milligrams)	0.4.
Vitamin B_{12} (μg)	6.
Phosphorus (grams)	1.
Iodine (μg)	150.
Magnesium (milligrams)	400.
Zinc (milligrams)	15.
Copper (milligrams)	2.
Vitamin D (IU)	400.
Vitamin E (IU)	30.
Biotin (milligrams)	0.3.
Pantothenic acid (milligrams)	10.

(c) All nutrients listed in paragraph (b) of this section shall be labeled in accordance with § 1.17(c)(7) of this chapter.

(d) The sodium content shall be labeled in accordance with § 1.17(c)(6)(iv) of this chapter.

(e) Manganese and potassium content shall be labeled following the sodium content and shall be declared in milligrams per 100 grams of the food.

(f) Any product which is represented for use in a reduced calorie diet shall be labeled in accordance with § 125.6 of this chapter.

(g) A serving shall be the amount that, when finally constituted for consumption, is intended to replace a single meal.

2. In Part 102 by adding thereto the following new section:

§ 102.21 Formulated meal replacements/or bases.

(a) The common or usual name of a packaged food, including the liquid, dry, or solid forms, which is in its final form for consumption or to which only water need be added and which is represented as being a nutritionally adequate replacement for one or two meals per day, shall be "formulated meal replacement".

(b) The common or usual name of a packaged food, to which one or more food components (other than water) must be added, e.g., milk, to make a food that, when finally constituted for consumption, is represented as a nutritionally adequate replacement for one or two meals per day, shall consist of the following:

(1) The name "formulated meal base".

(2) An appropriate informative statement that additional ingredient(s) or component(s) must be added and which names the additional ingredient(s) or component(s) in accordance with the requirements of § 102.1(c)(2) and (3), e.g., "you must add _____" the blank to be filled in with the name(s) of the ingredient(s) or component(s) that must be added.

(c) This section shall not apply to any food represented for use as the sole item of the diet or for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–13478 Filed 6–13–74;8:45 am]

[21 CFR Parts 100 and 102]

MAIN DISH PRODUCTS

Proposed Nutritional Quality Guideline and Common or Usual Name

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6964, 6969), the Commissioner of Food and Drugs promulgated a procedure and general principles for the establishment by regulation of nutritional quality guidelines for foods and general principles and procedure for establishing common or usual names for classes of foods.

NUTRITIONAL GUIDELINE

The Commissioner had earlier contracted with the National Academy of Sciences for assistance in identifying and defining the important classes of foods for which such nutritional quality guidelines should be established and in providing proposed nutrient compositions for them which would be in the best interest of the public health. The recommendations of the Committee on Food Standards and Fortification Policy of the National Academy of Sciences/National Research Council (the NAS/NRC Committee) for main dish products have been received by the Commissioner. A copy of this report is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has reviewed this report and proposes to establish a nutritional quality guideline for main dish products based upon the recommendations of the NAS/NRC Committee.

The NAS/NRC Committee has selected three subclasses of main dish products for establishment of nutritional guidelines. It was reasoned that, because of the large variety of main dish products possible, subclasses were appropriate in that certain main dishes provide different patterns of nutrients than others and that subclass guidelines would define more appropriately the minimum nutrient levels than a single set of values.

The Commissioner agrees and the proposed guideline incorporates this concept. The proposal establishes minimum nutrient levels for three subclasses of main dish products intended to be used as a principal part of a meal: macaroni or noodles and cheese, main dish pies and pizza, and combination recipes. The nutrient levels established for these subclasses differ slightly, consistent with the principal food components used.

The NAS/NRC Committee recommended that whenever flour or macaroni or noodle products are used they be enriched so that the addition of discrete nutrients will be minimized. The proposed guideline does not incorporate this as a requirement, but it is expected that manufacturers will use the enriched products when needed to meet a guideline nutrient(s) level.

The NAS/NRC Committee report divides main dishes into two general classes depending on what percent of the primary protein source is in the form of fabricated protein analogues. The pres-

ent proposal does not include a separate guideline for foods using plant protein products. The common or usual name of plant protein products in finished food is the subject of a proposal published elsewhere in this issue of the FEDERAL REGISTER. Any main dish product utilizing a plant protein product as an extender or replacement of a traditional source of protein therefore will also be subject to the labeling requirements of that regulation. Plant protein products added as a significant source of protein, but not in the form of a traditional source of protein, would also be labeled as a characterizing component in accordance with the provisions of the proposed common or usual name for main dish products.

The NAS/NRC Committee included beans as one of the sources of protein to be used in certain main dish products. The Commissioner realizes that beans and other legumes contain significant quantities of protein; however, their protein quality (i.e., protein efficiency ratio (PER)) is significantly lower than the other protein sources listed. The Commissioner concludes that it would be more appropriate to eliminate beans as a source of protein for products meeting the guideline rather than include a protein quality specification in the guideline.

The NAS/NRC Committee recommended that, if a nutrient is added as a discrete chemical entity in order to achieve guideline levels of nutrients, the level of the nutrient shall not exceed 200 percent of the level recommended by the guideline. It also recommended that the addition of no more than two discrete nutrients be allowed to products in this class. The proposed guideline does not include a maximum number of discrete nutrients that can be added to a product and has reduced the maximum level of nutrients permitted (when such nutrients are added) to 150 percent of the level recommended by the guideline. The reasons for this are the same as those expressed in the preamble to the nutritional quality guideline on frozen heat and serve dinners published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6969).

COMMON OR USUAL NAME

There is a large number of packaged, frozen, canned, or dry mix products on the market that are intended as the principal part of a meal. These main dish products, like frozen heat and serve dinners, through consumer usage have assumed a significant role in shaping nutrition patterns in the American diet. Representative labels of these products are on display in the office of the Hearing Clerk.

In order to distinguish between the various types of main dish products available, it is proposed that the name of the food include the major components of the product and that the main dish product contain at least one significant protein source and one or more vegetables, fruit, potatoes, rice, or other cereal-based product.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1041, as amended, 1047–1048, as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

1. In Part 100 by adding the following new section to Subpart B:

§ 100.7 Main dish products.

(a) A product, for which a common or usual name is established in § 102.20 of this chapter, in order to be eligible to bear the guideline statement set forth in § 100.1(b):

(1) Shall be prepared from (i) at least one source of protein derived from meat, poultry, fish (seafood), cheese, eggs, or an appropriate plant protein product meeting the requirements of § 102.22 of this chapter and (ii) one or more vegetables, fruit, potatoes, rice, or other cereal-based products; and

(2) Shall be constituted so as to conform with the requirements of the appropriate subclass of main dish products listed in paragraph (b) of this section.

(b) Three main dish product subclasses are established as follows:

(1) Macaroni or noodles and cheese. This subclass contains cheese as the major source of protein and a form of a macaroni or noodle product.

(2) Pies and pizzas. This subclass contains a major source(s) of protein derived from meat, plant protein product, poultry, fish (seafood), cheese, or eggs; vegetable(s), pastry, bread dough shell, or crust top.

(3) Combination recipes. This subclass contains a source of protein derived from meat, plant protein product, poultry, fish (seafood), cheese, or eggs; one or more vegetables, fruit, potatoes, rice, or other cereal-based products. This subclass does not include main dish pies or pizza identified in paragraph (b)(2) of this section.

(c) The subclasses of main dish products identified in paragraph (b) of this section, including their sauces, gravies, breadings, etc., but excluding any other food ingredient added at the time of preparation, shall contribute not less than the minimum levels of nutrients prescribed below:

Nutrient	Minimum levels for main dish products for each 100 kcal		
	Macaroni or noodles and cheese	Pies and pizza	Combination recipes
Protein (grams)	3.5	3.5	4.6
Vitamin A (IU)	150.0	200.0	300.0
Thiamine (milligrams)	.038	.05	.05
Riboflavin (milligrams)	.075	.06	.06
Niacin (milligrams)	.66	1.0	1.0
Iron (milligrams)	.47	.62	.62
Calcium (milligrams)	68.0	(1)	(1)

[1] See par. (c)(3) of this section.

(1) Main dish products prepared from conventional food ingredients listed in paragraph (a) of this section will be expected to contain vitamin B_6, vitamin B_{12}, folic acid, magnesium, pantothenic acid, and zinc. Minimum levels for these nutrients cannot be established at the present time but will be added as additional data are obtained.

(2) When technologically practicable, iodized salt shall be used or iodine shall be present at a level equivalent to that which would be present if iodized salt were used in the manufacture of the product.

(3) When technologically practicable, product components and ingredients shall be selected to obtain the desirable calcium to phosphorus ratio of 1:1. Technological addition of phosphates shall be minimized and shall not exceed the amount necessary for the intended effect.

(d) If it is necessary to add any nutrient(s) in order to meet the minimum nutrient levels prescribed in paragraph (c) of this section, the addition of each such nutrient shall not result in a total nutrient level exceeding 150 percent of the minimum level prescribed. Nutrients used for such addition shall be biologically available in the final product.

2. In Part 102 by adding the following new section to Subpart B:

§ 102.20 Main dish products.

(a) A main dish product shall contain (1) a significant source of protein and (2) one or more vegetables, fruit, potatoes, rice, or other cereal-based products, intended to be eaten together as a single food.

(b) The common or usual name of the food shall consist of all of the following:

(1) An appropriately descriptive term for the dish, e.g., macaroni and cheese, pizza, tuna casserole, etc.

(2) The phrase "containing (or contains) _____", the blank to be filled in with an accurate description of each of the characterizing component(s) of the product in their order of descending predominance by weight. This part of the name shall be placed immediately following the part specified in paragraph (b)(1) of this section in the manner set forth in § 102.1(c)(3). The word "contains" or "containing" is optional. This element of the common or usual name will not be required for those products that include the characterizing components of the product in order of predominance in that part of the name required by paragraph (b)(1) of this section, e.g., "macaroni and cheese mix" will not be required to state "contains macaroni and cheese".

(3) If the dish is frozen, the term "frozen" shall immediately precede the part of the name specified in paragraph (b)(1) of this section unless the words "Keep Frozen" or the equivalent are prominently and conspicuously placed on the principal display panel in type size not less than that specified in § 102.1(b)(2)(i).

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably

in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-13475 Filed 6-13-74;8:45 am]

[21 CFR Part 102]

DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES

Proposed Common or Usual Names for Nonstandardized Foods

In an order published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964), the Commissioner of Food and Drugs established a procedure and general principles for the establishment by regulation of common or usual names for foods. Elsewhere in the same issue of the FEDERAL REGISTER, pursuant to this procedure, the Commissioner established a common or usual name for diluted orange juice beverages (38 FR 6968).

The justification for establishing the common or usual name for diluted orange juice beverages also exists with respect to the diluted juices of other fruits and vegetables, including combinations of orange juice with other juices. The amount of juice present in the beverage is the major factor determining the price and consumer acceptance of the product. Observation of most labels on diluted juice products currently found on retail market shelves shows that consumers are not being informed in regard to the amount of juice present in diluted juice products (representative labels demonstrating this fact are on public display in the office of the Hearing Clerk).

The Commissioner concludes that consumer confusion can be significantly lessened by adoption of informative common or usual names which include a declaration of the percent of juice(s) present in all diluted fruit or vegetable juice beverages.

Orders were published in the FEDERAL REGISTER of April 11 and May 7, 1968 (33 FR 5617 and 6862), establishing standards of identity for certain diluted fruit juice beverages. Objections were filed to the orders, and subsequently orders were published in the FEDERAL REGISTER of July 13 and 27, 1968 (33 FR 10088 and 10713), staying the effective dates of the standards. In a notice published in the FEDERAL REGISTER of September 9, 1971 (36 FR 18098), the Commissioner proposed to amend the stayed standards. The stays are still in effect. However, the Commissioner concludes that a separate regulation should be proposed at this time, pursuant to 21 CFR Part 102, establishing the percent of juice present as part of the common or usual name for diluted juice beverages made from fruits and vegetables other than only oranges and is setting forth in proposed § 102.23(b) a general method for calculating the percentage of juice in a beverage.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a); 52 Stat. 1041, as amended, 1047–1048, as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 102 be amended by adding a new section as follows:

§ 102.23 Diluted fruit or vegetable juice beverages other than diluted orange juice beverages.

(a) The common or usual name of a noncarbonated beverage containing less than 100 percent and more than 0 percent fruit or vegetable juice(s), other than only orange juice, shall be as follows:

(1) A descriptive name meeting the requirements of § 102.1(a) (e.g., "diluted grape juice beverage" or another descriptive phrase) and

(2) A statement of the percent of each juice contained in the product in the manner set forth in § 102.1(b)(2). The percent of juice shall be declared in 5-percent increments, expressed as a multiple of five not greater than the actual percentage of juice in the product, except that the percent of any juice in products containing more than 0 percent but less than 5 percent of that juice shall be declared in the statement as "less than 5" percent.

(b) The percent of fruit or vegetable juice(s) in a diluted product is calculated on the basis of the soluble solids content of the single strength (undiluted) juice used to prepare the diluted juice(s). If the finished food is prepared from concentrated juice(s), the percent of fruit or vegetable juice(s) is calculated on the basis of the soluble solids content of the single strength (unconcentrated) juice(s) used to produce such concentrated juice(s).

Interested persons may, on or before August 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum of brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 7, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1. (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AQ–4125
Georgia	AQ–4124

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AQ–95	May 3, 1974
AQ–110	May 24, 1974
Georgia:	
AQ–4068	Feb. 15, 1974
Kentucky:	
AQ–4075	Feb. 15, 1974
AQ–4080	Feb. 22, 1974
AQ–4084	Mar. 1, 1974
AQ–4116	May 17, 1974
Louisiana:	
AQ–99	Apr. 19, 1974
Massachusetts:	
AQ–3171; AQ–3172; AQ–3173; AQ–3174; AQ–3175; AQ–3176; AQ–3177	May 10, 1974
AQ–3180; AQ–3181; AQ–3182	May 31, 1974
Nebraska:	
AQ–63	Dec. 7, 1973
AQ–80	Feb. 15, 1974
New Mexico:	
AQ–82	Mar. 8, 1974
New York:	
AQ–2120	May 17, 1974
Pennsylvania:	
AP–489	Mar. 9, 1973
AQ–2043	Feb. 22, 1974
AQ–2046; AQ–2071	Mar. 8, 1974
AQ–2081; AQ–2084	Mar. 29, 1974
AQ–2083	Apr. 5, 1974
AQ–2085	Apr. 19, 1974
AQ–2121	May 24, 1974
Texas:	
AQ–105; AQ–106	May 10, 1974
West Virginia:	
AQ–2088	Mar. 29, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Massachusetts:	
AQ–3179 (AQ–3183)	May 10, 1974
Oklahoma:	
AQ–109 (AQ–111)	June 7, 1974
Washington:	
AQ–1098 (AQ–1111)	Apr. 26, 1974

Signed at Washington, D.C., this 7th day of June 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama
DECISION NO.: AQ-4125
COUNTY: Tuscaloosa
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

63-Alabama-1 (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.41	.25	.15		.01	
BRICKLAYERS; Marble masons; Stonemasons	7.10		.20		.03	
CARPENTERS	5.70				.015	
CEMENT MASONS	5.175					
ELECTRICIANS	7.80	.30	1%		½ of 1%	
GLAZIERS	6.85	.20	.20			
IRONWORKERS	7.775	.42	.25		.04	
LABORERS:						
Laborers	3.00	.15				
Mason tenders	3.00	.15				
Mortar mixers	3.10	.15				
MILLWRIGHTS	6.20				.015	
PAINTERS, brush	6.10					
PLASTERERS	5.175					
PLUMBERS; Steamfitters	8.10	.25	.25		.05	
ROOFERS	5.45		.20		.05	
SHEET METAL WORKERS	8.00	.40	.35		.02	
SOFT FLOOR LAYERS	5.45					
TILE SETTERS	6.85		.20		.03	
TRUCK DRIVERS	2.50					
POWER EQUIPMENT OPERATORS:						
Tractors, farm	3.50					
Scrapers	4.00					
Bulldozer; Front end loader	5.00					
Pumps	5.64					
Oiler	6.25	.20	.20			
Cranes; Lift truck	7.60	.20	.20			

NEW DECISION

State: Georgia County: Laurens
Decision No.: AQ-4124 Date: Date of Publication
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$5.00				
Carpenters	4.50				
Cement Masons	3.00				
Electricians	5.00				
Ironworkers, Structural & Ornamental	3.00				
Laborers:					
Laborers	2.50				
Mason Tenders	2.50				
Mortar Mixers	2.50				
Painters	3.25				
Plumbers & Pipefitters	4.38				
Roofers	3.50				
Sheet Metal Workers	3.97				
Tile Setters	2.94				
Power Equipment Operators:					
Backhoes	2.62				
Bulldozers	3.25				
Cranes, Derricks, & Draglines	3.87				
Front End Loaders	2.75				
Motor Graders	3.25				
Pan Operators	3.00				
Pump Operators	3.00				
Roller Operators	2.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-95 - Mod. #2 (39 FR 15613 - May 3, 1974) Pulaski County, Arkansas					
Change:					
Ironworkers:					
Structural, Ornamental and Reinforcing	$7.53	.35	.25		.04
Roofers	6.05		.05		
Carpenters:					
Carpenters	6.80	.30	.20		.04
Millwrights & Piledrivermen	7.05	.30	.20		.04
DECISION #AQ-110 - Mod. #1 (39 FR 18410 - May 24, 1974) Union County, Arkansas					
Change:					
Roofers	$6.05		.05		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4068 - Mod. #4 (39 FR 5975 - February 15, 1974) Fulton, Clayton, Cobb, and DeKalb Counties, Georgia.					
Change:					
Heavy & Highway Construction:					
Electricians	$8.85	6%	7+1%		7/10%

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4075 - Mod. #2 (39 FR 5983 - February 15, 1974) Adair, Barren, Bell, Casey, Clay, Clinton, Cumberland, Estill, Garrard, Green, Harlan, Hart, Jackson, Knox, Laurel, Lee, Leslie, Lincoln, McCreary, Manifee, Metcalfe, Monroe, Owsley, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley, & Wolfe Counties, Kentucky						
Change:						
Heavy Construction						
Power Equipment Operators:						
Class A	$7.90	.25	.25			
Class B	6.26	.25	.25			
Class C	5.77	.25	.25			
DECISION #AQ-4080 - Mod. #2 (39 FR 7033 - February 22, 1974) Johnson & Lawrence Counties, Kentucky						
Change:						
Heavy Construction						
Power Equipment Operators:						
Class A	7.90	.25	.25			
Class B	6.26	.25	.25			
Class C	5.77	.25	.25			
DECISION #AQ-4084 - Mod. #2 (39 FR 8118 - March 1, 1974) Allen, Ballard, Butler, Caldwell, Galloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren, and Webster Counties, Kentucky						
Change:						
Heavy Construction						
Power Equipment Operators:						
Class A	7.90	.25	.25			
Class B	6.26	.25	.25			
Class C	5.77	.25	.25			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4116 - Mod. #1					
(39 FR 17661 - May 17, 1974)					
Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliott, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, and Woodford Counties, Kentucky					
Change:					
Heavy Construction					
Power Equipment Operators:					
GROUP I	$7.90	.25	.25		
GROUP II	6.26	.25	.25		
GROUP III	5.77	.25	.25		
DECISION #AO-99 - Mod. #4					
(39 FR 14131 - April 19, 1974)					
Statewide, Louisiana					
CHANGE:					
Soft floor layers:					
Zone 5	$6.40				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3171 - Mod #1					
(39 FR 17022- May 10, 1974)					
Barnstable County, Massachusetts					
Change:					
Boilermakers	$9.08	.60	10%		.01
Bricklayers; Cement masons; Cement finishers; Plasterers; Stonemasons	9.25	.80	.60		.05
Glaziers	8.48	.47	.40		.01
Marble setters' helpers	7.94	.40	.25		
Sprinkler fitters	9.48	.50	.70		.08
DECISION #AO-3172 - Mod #2					
(39 FR 17026- May 10, 1974)					
Bristol County, Massachusetts					
Change:					
Boilermakers	9.08	.60	10%		.01
Glaziers:					
Easton	8.85	.35	.46		.02
Remainder of County	8.48	.47	.40		.01
Marble setters' helpers	7.94	.40	.25		
DECISION #AO-3173 - Mod #2					
(39 FR 17030- May 10, 1974)					
Essex County, Massachusetts					
Change:					
Boilermakers	9.08	.60	10%		.01
Glaziers	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		.03

DECISION #AO-3174- Mod #2 (39 FR 17035- May 10, 1974) Hampden County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Laborer (Building):					
Laborers; Wreckers; Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers; Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser beam ops, Concrete pump ops, Wagon drill ops, Mason tenders, Mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers, & Curb setters	7.30	.40	.40		.05
Powdermen & Blasters	7.55	.40	.40		.05
Open air caisson; Cylindrical work, and boring crew:					
Bottom man	7.55	.40	.40		.05
Top man	6.80	.40	.40		.05
Test boring:					
Driller	7.67	.40	.40		.05
Helper	6.92	.40	.40		.05
Lathers	8.45	.45	.25		.01

DECISION #AO-3175 - Mod #2 (39 FR 17039- May 10, 1974) Middlesex County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Glaziers	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		

DECISION #AO-3176- Mod #2 (39 FR 17045- May 10, 1974) Norfolk County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.08	.60	10%		.01
Bricklayers; Cement masons; Plasters; & Stonemasons:					
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, & Wrentham	9.20	.80	.65		.05
Braintree, Cohasset, N.Weymouth, Quincy, S. Weymouth, & Weymouth	9.20	.75	.70		.05
Glaziers:					
S. Bellingham	8.48	.47	.40		.01
Remainder of County	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		

DECISION #AO-3177- Mod #2 (39 FR 17048- May 10, 1974) Plymouth County, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	9.08	.60	10%		.01
Glaziers:					
Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, & Wareham	8.48	.47	.40		.01
Remainder of County	8.85	.35	.46		.02
Marble setters' helpers	7.94	.40	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-3180 - Mod #1 (39 FR 19367- May 31, 1974) Berkshire County, Massachusetts					
Add:					
Marble setters' helpers	$8.00				
Change:					
Lathers	8.45	.45	.25		.01
DECISION #AO-3181 - Mod #1 (39 FR 19371- May 31, 1974) Franklin County, Massachusetts					
Add:					
Marble setters' helpers	8.00				
Change:					
Laborer (Building):					
Laborers; Wreckers; Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers; Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser beam ops, Concrete pump ops, Wagon drill ops, Mason tenders, Mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers, & Curb setters	7.30	.40	.40		.05
Powdermen & Blasters	7.55	.40	.40		.05
Open air caisson; Cylindrical work, and boring crew:					
Bottom man	7.55	.40	.40		.05
Top man	6.80	.40	.40		.05
Test boring:					
Driller	7.67	.40	.40		.05
Helper	6.92	.40	.40		.05
Lathers	8.45	.45	.25		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-3182 - Mod #1 (39 FR 19375- May 31, 1974) Hampshire County, Massachusetts					
Omit:					
Laborers, Building:					
Belchertown, Granby, Huntington, Ware:					
Laborers, wrecking laborers, pipelayers	$6.80	.40	.40		.05
Mason and plasterers tenders, mortar mixers, scaffold builders	7.05	.40	.40		.05
Pneumatic, electric or gas powered tools, vibrator, tamper, jackhammer op	7.05	.40	.40		.05
Blasters	7.55	.40	.40		.05
Open air caisson, underpinning work, boring crew:					
Top man	6.80	.40	.40		.05
Bottom man	7.55	.40	.40		.05
Change:					
Laborer (Building):					
Laborers; Wreckers; Carpenter & Cement finisher tenders	6.80	.40	.40		.05
Asphalt rakers; Carbide core driller ops, Chain saw ops, Pipelayers, Jackhammer & Paving breaker ops, Barco-type jumping tampers, Laser beam ops, Concrete pump ops, Wagon drill ops, Mason tenders, Mortar mixers & ride-on motorized buggy ops	7.05	.40	.40		.05
Air track ops, Block pavers, Rammers, & Curb setters	7.30	.40	.40		.05
Powdermen & Blasters	7.55	.40	.40		.05
Open air caisson; Cylindrical work, and boring crew:					
Bottom man	7.55	.40	.40		.05
Top man	6.80	.40	.40		.05
Test boring:					
Driller	7.67	.40	.40		.05
Helper	6.92	.40	.40		.05
Lathers	8.45	.45	.25		.01
Marble & tile setters' helpers and terrazzo workers' helpers	8.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-63 - Mod. #3					
(38 FR 33895 - December 7, 1973)					
Douglas & Sarpy Counties, Nebraska					
Change:					
Sheet metal workers	$8.86	.35	.20		.02
Drywall:					
Tapers and finishers	7.34	.35		.50	.01
Spray	7.59	.35		.50	.01
Marble setters	7.30	b	.25		
Truck Drivers:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Trailers & lowboys	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		
DECISION #AQ-80 - Mod. #1					
(39 FR 5990 - February 15, 1974)					
Statewide (Except Douglas and Sarpy Counties, Nebraska)					
Change:					
Cass, Washington, and that portion of Saunders County, East of Highway 109:					
LABORERS:					
Common laborers	$5.25	.25	.25	.10	.03
Towboat, Dredge, Deckhands	5.35	.25	.25	.10	.03
Form setter helpers	5.45	.25	.25	.10	.03
Rakers & Screedmen on Asphalt work; mortar mixers; chain saw operator	5.43	.25	.25	.10	.03
Pipelayers; concrete saw op.	5.50	.25	.25	.10	.03
Form setters & precast manhole setters; Inlet builders and manhole setters	5.88	.25	.25	.10	.03
TRUCK DRIVERS:					
Single axle trucks	5.96	.25	.25		
Tandem axle trucks; power lift form trucks; Euclid trucks & spreader truck	6.02	.25	.25		
Lowboys & Tractor-trailer	6.15	.25	.25		
Lumber carrier	6.32	.25	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
OMIT:					
GENERAL BUIDLING AND HEAVY ENGINEERING CONSTRUCTION:					
CARPENTERS (LOS ALAMOS COUNTY)	$7.19	.47	.45		.12
CARPENTERS (STATEWIDE EXCEPT LOS ALAMOS COUNTY):					
From nearest basing points of the following cities of towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Edpanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, & Tucumcari:					
ZONE (1) - 0 to 15 road miles from nearest basing point:					
ZONE (2) - 15 to 35 road miles from nearest basing point:					
ZONE (3) - Over 35 road miles from nearest basing point:					
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
ZONE (1)	6.44	.47	.45		.12
ZONE (2)	7.19	.47	.45		.12
ZONE (3)	7.44	.47	.45		.12
Dwelling houses and apartments over two stories in height:					
Zone (1)	6.94	.47	.45		.12
Zone (2)	7.69	.47	.45		.12
Zone (3)	7.94	.47	.45		.12
MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE) (EXCEPT LOS ALAMOS COUNTY):					
From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City limits; the Main Post Office at Las Cruces and Carlsbad:					
ZONE (1) - 0 to 15 road miles from nearest basing point	7.19	.47	.45		.12
ZONE (2) - 15 to 35 road miles from nearest basing point	7.94	.47	.45		.12
ZONE (3) - Over 35 road miles from nearest basing point	8.19	.47	.45		.12
MILLWRIGHTS & PILEDRIVERMEN (LAS ALAMOS COUNTY)	7.44	.47	.45		.12

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Decision #AQ-82

ADD: GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS (STATEWIDE):					
From nearest basing points of the following cities or towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbed, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Roso, Silver City, Socorro, Taos, & Tucumcari					
ZONE (1) - 0 to 15 road miles from nearest basing point:					
ZONE (2) - 15 to 35 road miles from nearest basing point					
ZONE (3) - Over 35 road miles from nearest basing point					
CARPENTERS:					
(Dwelling houses and apartments not to exceed two stories in height)					
Zone (1)	$7.03	.58	.55		.16
Zone (2)	7.78	.58	.55		.16
Zone (3)	8.28	.58	.55		.16
General Building and Heavy Engineering & Residential Construction (Dwelling Houses & Apartments over two stories in height):					
Zone (1)	7.53	.58	.55		.16
Zone (2)	8.28	.58	.55		.16
Zone (3)	8.78	.58	.55		.16
MILLWRIGHTS & PILEDRIVERMEN(STATEWIDE)					
From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City limits; the Main Post Office at Las Cruces and Carlsbad:					
ZONE (1) - 0 to 15 road miles from nearest basing point	8.03	.58	.55		.16
ZONE (2) - 15 to 35 road miles from nearest basing point	8.78	.58	.55		.16
ZONE (3) - Over 35 road miles from nearest basing point	9.28	.58	.55		.16

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DECISION NO. AQ-2,120 Mod. #1
(39 FR 17670 - May 17, 1974)
Bronx, Kings, Queens, New York and Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Residential Construction Cement Concrete Workers	$7.15	.60½	.80½	1.20	

DECISION #-AP-489 - Mod. #4
(38 FR 6622 - March 9, 1973)
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniate, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Omit:						
Under Laborers:						
Flagman	$5.76	.25	.20			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2043 - Mod. #2 (39 FR 7011 - February 22, 1974) Venango County, Pennsylvania						
Change:						
Lead Burners	$9.25	.35		c	.01	
Sprinkler Fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2046 - Mod. #2 (39 FR 9338 - March 8, 1974) Elk County, Pennsylvania						
Change:						
Lead Burners	9.25	.35		a	.01	
Sprinkler Fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2071 - Mod. #2 (39 FR 9416 - March 8, 1974) Franklin County, Pennsylvania						
Change:						
Sprinkler Fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2081 - Mod. #1 (39 FR 11805 - March 29, 1974) Cambria County, Pennsylvania						
Change:						
Asbestos workers	$9.37	.45	.70			
Cement masons	7.95	.20				
Lead burners	9.25	.35		a	.01	
Sprinkler fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2083 - Mod. #1 (39 FR 12578 - April 5, 1974) Blair County, Pennsylvania						
Change:						
Asbestos workers	9.37	.45	.70			
Cement masons	7.95	.20			.01	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2084 - Mod. #2 (39 FR 11808 - March 29, 1974) Bedford County, Pennsylvania						
Change:						
Asbestos workers	9.37	.45	.70			
Sprinkler fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2085 - Mod. #1 (39 FR 14115 - April 19, 1974) Warren County, Pennsylvania						
Change:						
Carpenters	$8.15	.25			.02	
Millwrights	8.90	.25			.02	
Soft floor layers	8.15	.25			.02	
Lead burners	9.25	.35		a	.01	
Sprinkler fitters	9.45	.50	.70		.08	
Power Equipment Operators Schedule (See Below)						
DECISION #AQ-2121 - Mod. #1 (39 FR 18398 - May 24, 1974) Forest & McKean Counties, Pennsylvania						
Change:						
Asbestos workers						
Forest County	9.69	.30	.30		.04	
Lead Burners	9.25	.35			.01	
Power Equipment Operators Schedule						
(See Below)						

DECISION NOS. AQ-2043 (Mod.#2, Cont'd); AQ-2046 (Mod.#2, Cont'd); AQ-2071 (Mod.#2, Cont'd). AQ-2081 (Mod.#1, Cont'd); AQ-2083 (Mod. #1, Cont'd); AQ-2084 (Mod. #2, Cont'd); AQ-2085 (Mod.#1, Cont'd); AQ-2121 (Mod.#1) Pa-42-PEO-1-F 1 of 3

MODIFICATIONS P. 16

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS: Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley	$ 9.475	.50	.50	.09
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.725	.50	.50	.09
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.975	.50	.50	.09
Cranes (boom or mast over 200 ft.)	10.225	.50	.50	.09

MODIFICATIONS P. 17

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and scrooning plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-well &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving musking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	$9.325	.50	.50		.09
Conveyors 4 units or more	8.85	.50	.50		.09
Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horzontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

MODIFICATIONS P. 18

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
stabilizer (pump type), stone crusher, stone spreader-self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.35	.50	.50		.09
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	8.10	.50	.50		.09
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.35	.50	.50		.09
Crane truck oiler and fireman	7.45	.50	.50		.09
Oiler - truck crane 50 ton or over	7.60	.50	.50		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AO-105 - Mod. #2 (39 FR 17082 - May 10, 1974 Jefferson & Orange Counties, Texas					
CHANGE: Abestos workers (Jefferson Co.)	$7.35	.60	.50		.04
DECISION #AO-106 - Mod. #1 (39 FR 17084 - May 10, 1974) Galveston & Harris Cos., Texas					
CHANGE: Abestos workers	7.35	.60	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AO-2088 - Mod. #1 (39 FR 11845 - March 29, 1974) Clay, Boone, Fayette, Kanawha, Putnam Counties, West Virginia						
Change:						
Bricklayers	8.50	.50	.75		e	
Carpenters	9.25	.25	.25		.02	
Cement Masons	8.30		.65			
Lathers	8.30		.10		.01	
Millwrights	9.53	.25	.25		.02	
Piledrivermen	9.50	.25	.25		.02	
Sprinkler Fitters	9.25	.50	.70		.08	
Stone masons	8.50	.50	.75		e	

STATE: Massachusetts
COUNTY: Worcester
DECISION NO.: AQ-3183
DATE: Date of Publication
Supersedes Decision No. AQ-3179 dated May 10 , 1974 in 39 FR 17056
DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-b (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.07	.57	.40		.01	
BOILERMAKERS	9.08	.60	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Warren	9.10	.45	.40		.02	
Hopedale, Milford, & Southboro	8.70	.60	.65		.04	
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	9.45	.60	.60		.05	
Remainder of County	9.00	.70	.60		.02	
CARPENTERS; Soft floor layers:						
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	8.85	.50	.50		.03	
Berlin, Bolton, Clinton, Northboro, Southboro, & Westboro	8.50	.50	.30		.07	
Blackstone, Millville	7.79	.50	.35			
Hopedale, Mendon, Milford, Upton, & W. Upton	8.48	.30	.30		.025	
Hardwick, Warren, & W. Brookfield	8.63	.35	.50		.02	
Remainder of County	8.95	.40	.50		.03	
ELECTRICIANS:						
Warren	8.47	.30	1%+.15	.43	a	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, & Winchendon	8.80	.45	1%+.35		.02	
Remainder of County	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
East Douglas	8.48	.47	.40		.01	
Remainder of County	8.85	.35	.46		.02	
IRONWORKERS:						
Blackstone	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS:						
Sturbridge, & Warren	7.60	.45	.25			
Clinton, Harvard, Lancaster, Leominster, Southboro, & Uxbridge	8.12	1.25	.25		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Lineman	8.08	.25	1%	e		
Equipment operator	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
MARBLE SETTERS' HELPERS	7.94	.40	.25			
MILLWRIGHTS	9.13	.50	.50		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Warren:						
Brush	$5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40 & steel	5.712	.30	.25			
Swing stage over 40 & steel	6.025	.30	.25			
Hopedale, Mendon, Milford, Southboro, Upton, & Westboro:						
Brush (New construction)	7.85	.35	.35		.06	
Brush (Repaint)	7.30	.35	.35		.06	
Steel (New construction)	8.10	.35	.35		.06	
Steel (Repaint)	7.55	.35	.35		.06	
Spray (New construction)	8.80	.35	.35		.06	
Spray (Repaint)	8.25	.35	.35		.06	
Remainder of County:						
Brush	8.33	.50	.25		.02	
Steel	8.955	.50	.25		.02	
Sandblasting; Spray	9.33	.50	.25		.02	
PILEDRIVERMEN	8.95	.50	.50			
PIPEFITTERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Remainder of County	9.725	.35	.25		.05	
PLASTERERS' TENDERS:						
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, New Braintree, Northboro, Northbridge, N. Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southboro, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			
ROOFERS	9.23	.27				
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TERRAZZO WORKERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	$8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:
Sturbridge, Brookfield, E. Brookfield, N.Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W.Brookfield, & Warren

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS

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Sturbridge, Brookfield, E. Brookfield, N.Brookfield, Oakham, Barre, Templeton, Winchendon, Royalston, Phillipston, Athol, Petersham, Hardwick, New Braintree, W.Brookfield, & Warren

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$ 8.80	.45	.70	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.60	.45	.70	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	8.40	.45	.70	a	.05	
Asphalt Roller-up to 10 ton.	8.10	.45	.70	a	.05	

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$ 7.49	.45	.70	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roiler or other type of compactors including machines for pulverizing and aerating soil.	7.08	.45	.70	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.42	.45	.70	a	.05	

Footnotes:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

AQ-3183 P. 9

BUILDING CONSTRUCTION

MASS-1-PEO-1-E

Power Equipment Operators: Remainder of County	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks	9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boilers, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump	7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

AQ-3183 P. 10

HEAVY & HIGHWAY CONSTRUCTION

MASS-1-PEO-2-3-E

Power Equipment Operators: Remainder of County	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist, pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, uke loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoes, gradalls, cable ways, fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks	9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour						
Boom over 185' including jib - additional $.70 per hour						
Boom over 210' including jib - additional $1.00 per hour						
Boom over 250' including jib - additional $1.50 per hour						
Boom over 295' including jib - additional $2.00 per hour						
Sonic or vibratory hammers, graders, scrapers, tandem scrapers, bulldozers, tractors, mechanics maintenance, york rakes, mulching machines, paving screed machines, stationary steam boilers, paving concrete finishing machines, group pumps, portable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers (self propelled or tractor drawn)	8.99	.55	.60	a	.02	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, lighting plants, heaters (power driven 1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint systems (operating and installing)	7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day and Patriots Day.

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen. forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

STATE: Oklahoma COUNTY: Statewide (except the city of Muskogee)

DECISION NO: AO-111 DATE: Date of Publication

Supersedes Decision No. AO-109, dated June 7, 1974, in 39 FR 17673.

DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, runways, erosion control structures, well drilling, and water and sewer utilities.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.75	2.50	2.50	3.00	2.50
Asphalt heaterman	3.00	3.25	3.25	3.25	3.25
Asphalt raker	2.75	2.50	2.50	2.50	2.50
Asphalt shoveler	2.75	2.50	2.50	2.50	2.50
Carpenter	3.75	3.50	3.50	3.50	3.50
Carpenter helper	2.75	3.00	2.75	2.75	2.75
Concrete finisher	3.75	3.50	3.50	3.50	3.50
Concrete finisher helper	2.75	2.85	2.75	2.75	3.00
Concrete rubber	3.75	3.50	3.50	3.50	3.50
Electrician	6.80	6.80	6.80	7.10	7.10
Electrician helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.25	3.25	3.25	3.00	3.25
Form builder	3.75	3.50	3.50	3.50	3.50
Form builder helper	2.75	2.75	2.75	2.75	2.75
Form setter	3.75	3.50	3.50	3.50	3.50
Form setter helper	2.75	2.75	2.75	2.75	2.75
Laborer, common	2.75	2.30	2.50	2.50	2.50
Manhole builder	3.75	3.50	3.50	3.50	3.50
Mechanic	3.75	3.50	3.50	3.75	4.00
Mechanic helper	2.75	3.00	2.75	3.25	3.25
Oiler	3.25	3.00	3.50	3.25	3.25
Painter	3.00	3.00	3.00	3.25	3.25
Painter helper	2.75	2.75	2.75	2.75	2.75
Piledriverman	3.25	3.50	3.50	3.80	3.50
Powderman	3.00	2.75	3.25	3.00	3.00
Powderman helper	2.75	2.50	2.75	2.75	2.75
Reinforcing steel setter(paving)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter (structures)	3.00	3.00	3.25	3.25	3.50
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.75	3.50	3.50	3.50	3.50
Structural steel worker helper	3.00	3.00	3.00	3.00	3.00
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator(hand type)	2.75	2.50	2.50	3.00	2.50
Weighman (truckscales)	2.75	2.50	2.50	2.50	2.50
Welder	3.75	3.25	3.25	3.75	3.25
Welder helper	2.75	2.75	2.75	3.00	2.75
Pipelayers	2.75	2.30	2.50	2.75	2.75

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONF 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air tool man	2.50	2.50	3.00	3.00	3.00
Asphalt heaterman	2.35	3.25	3.25	3.25	3.50
Asphalt raker	2.50	2.75	2.50	2.50	3.00
Asphalt shoveler	2.50	2.75	2.50	2.50	2.75
Carpenter	3.50	3.50	3.75	3.75	3.75
Carpenter helper	2.75	2.75	2.75	3.00	3.00
Concrete finisher	3.50	3.50	3.50	3.50	3.75
Concrete finisher helper	2.75	2.75	2.75	2.75	2.75
Concrete rubber	3.50	3.50	3.50	3.50	3.75
Electricians	6.80	6.80	7.10	7.10	7.10
Electricians helper	5.00	5.00	5.00	5.00	5.00
Fireman	3.00	3.00	3.00	3.00	3.50
Form Builder	3.50	3.50	3.75	3.75	3.75
Form Builder helper	2.75	2.75	2.75	2.75	3.00
Form Setter	3.50	3.50	3.75	3.75	3.75
Form setter helper	2.75	2.75	2.75	2.75	3.00
Laborer, common	2.50	2.50	2.50	2.50	2.50
Manhole builder	3.50	3.50	3.75	3.75	3.75
Mechanic	3.75	3.75	3.80	3.80	3.75
Mechanic helper	3.00	3.00	3.25	3.25	3.25
Oiler	3.50	3.25	3.60	3.60	3.40
Painter	3.25	3.25	3.50	3.50	3.50
Painter helper	2.75	2.75	3.00	3.00	3.00
Piledrivermen	3.50	3.75	3.75	3.75	3.75
Powderman	3.00	3.00	3.00	3.00	3.25
Powderman helper	2.75	2.75	2.75	2.75	2.75
Reinforcing steel setter (paving)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter (structures)	3.50	3.50	3.50	3.50	3.25
Reinforcing steel setter helper	2.75	2.75	2.75	2.75	2.75
Structural steel worker	3.50	3.50	3.50	3.50	3.50
Structural steel worker helper	2.75	2.75	2.75	2.75	2.75
Spreader box man	3.00	3.00	3.00	3.00	3.00
Vibrator (hand type)	2.50	2.50	2.75	3.00	3.00
Weighman (truckscales)	2.50	2.50	2.50	2.50	3.00
Welder	3.50	3.50	3.50	3.50	3.50
Welder helper	2.75	2.75	2.75	2.75	2.75
Pipelayers	2.75	2.75	2.75	2.75	2.75

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.75	2.60	2.60	3.00	2.75
2 tons and under	2.75	2.50	2.50	2.80	2.50
Tandem Axle & semitrailer	3.00	3.00	2.75	3.25	3.00
Lowboy	3.00	3.00	2.75	3.25	3.00
Transit mix	3.00	3.00	2.75	3.25	3.00
Winch	3.00	3.00	2.75	3.00	3.00
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.00	3.00	3.00	3.00	3.00
Asphalt paving Machine	3.50	3.50	3.50	3.25	3.25
Bulldozer	3.75	3.50	3.50	3.75	3.25
Cement unloading & machine op.	3.75	3.50	3.50	3.50	3.50
Concrete paving machine	3.75	3.50	3.25	3.50	3.50
Concrete finishing machine	3.75	3.50	3.25	3.50	3.50
Concrete saw operator	3.50	3.50	3.25	3.00	3.00
Concrete batching plant	3.00	3.00	3.00	3.50	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.50	3.75	3.80	2.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.50	3.50	3.25
Front end loader (over 1 cy)	3.50	3.50	3.50	3.50	3.25
Hoist	3.25	3.25	3.25	3.25	3.25
Mixer (over 16 C. F.)	3.00	3.00	3.25	3.25	3.25
Mixer (16 C.F. and less)	3.00	3.00	3.25	3.25	3.25
Mixer (Conc. Paving)	3.00	3.00	3.25	3.25	3.25
Motor grader operator	3.75	3.75	3.75	3.75	3.95
Pug mill operator	3.25	3.00	3.75	3.25	3.00
Pump crete	3.00	3.00	3.00	3.00	3.00
Roller (steel wheel)	3.25	3.50	3.15	3.50	3.25
Roller (pneumatic)	3.00	3.00	3.15	3.25	3.00
Scrapers	3.75	3.50	3.50	3.75	3.75
Tractors:					
Crawler, 80 HP & Less	3.25	3.00	2.75	3.00	2.75
Crawler, over 80 HP	3.75	3.50	3.25	3.25	3.25
Pneumatic, 80 HP & less	3.00	3.00	2.75	3.00	2.75
Pneumatic, over 80 HP	3.75	3.50	3.25	3.25	3.25
Traveling plant(stabilization	3.50	3.50	3.50	3.50	3.50
Trenching machine	3.50	3.25	3.75	3.50	3.25
Wagon drill	3.00	3.00	3.00	3.00	3.00

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
TRUCK DRIVERS:					
Over 2 tons	2.50	2.50	3.00	3.00	3.00
2 tons and under	2.50	2.50	2.50	2.50	2.75
Tandem axle & semitrailer	3.30	3.00	3.60	3.60	3.30
Lowboy	3.30	3.00	3.60	3.60	3.30
Transit mix	3.30	3.00	3.60	3.60	3.30
Winch	3.00	3.00	3.60	3.60	3.30
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.35	3.50	3.60	3.60	3.75
Asphalt paving machine	3.35	3.50	3.60	3.60	3.75
Bulldozer	3.75	3.75	3.60	3.60	3.75
Cement unloading & machine op.	3.50	3.25	3.25	3.25	3.25
Concrete paving machine	3.50	3.25	3.50	3.50	3.50
Concrete finishing machine	3.50	3.25	3.50	3.50	3.50
Concrete saw operator	3.00	3.00	3.00	3.00	3.00
Concrete batching plant	3.00	3.00	3.25	3.25	3.25
Crane, clamshell, backhoe, derrick, dragline & shovel	3.75	3.75	3.75	3.75	3.75
Crusher & screening plant op.	3.25	3.25	3.25	3.25	3.25
Front end loader (1 cy & less)	3.25	3.25	3.60	3.60	3.75
Front end loader (over 1 cy)	3.25	3.25	3.60	3.60	3.75
Hoist	3.25	3.25	3.60	3.60	3.75
Mixer (over 16 C. F.)	3.25	3.25	3.60	3.60	3.25
Mixer (16 C.F. and less)	3.25	3.25	3.60	3.60	3.25
Mixer (concrete paving)	3.25	3.25	3.60	3.60	3.25
Motor grader operator	3.75	3.75	3.60	3.60	3.75
Pug mill operator	3.00	3.00	3.25	3.25	3.75
Pump crete	3.00	3.00	3.00	3.00	3.25
Roller (steel wheel)	3.00	3.50	3.25	3.25	3.50
Roller (pneumatic)	3.00	3.25	3.25	3.25	3.25
Scrapers	3.75	3.75	3.60	3.60	3.75
TRACTORS:					
Crawler, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Crawler, over 80 HP	3.25	3.25	3.60	3.60	3.25
Pneumatic, 80 HP & less	2.75	2.75	3.00	3.00	2.75
Pneumatic, over 80 HP	3.25	3.25	3.60	3.60	3.25
Traveling plant stabilization	3.50	3.25	3.60	3.60	3.50
Trenching machine	3.25	3.25	3.50	3.50	3.50
Wagon drill	3.00	3.00	3.00	3.00	3.00

AREAS COVERED BY VARIOUS ZONES

Construction, alteration, and/or repair of streets, runways, erosion control structures, and water and sewer utilities.

ZONE 1 - Adair, Cherokee, Haskell, McIntosh, Muskogee, Okmulgee, Sequoyah and Wagoner Counties.

ZONE 2 - Atoka, Bryan, Choctaw, Latimer, Leflore, Marshall, McCurtain, Pittsburg and Pushmataha Counties.

ZONE 3 - Cleveland, Coal, Garvin, Hughes, Johnston, Murray, McClain, Okfuskee, Pontotoc, Pottawatomie, and Seminole Counties.

ZONE 4 - Canadian, Creek, Garfield, Grant, Kay, Kingfisher, Lincoln, Logan, Noble and Payne Counties.

ZONE 5 - Beckham, Blaine, Custer, Dewey, Greer, Harmon, Jackson, Kiowa, Roger Mills, Tillman and Washita Counties.

ZONE 6 - Alfalfa, Beaver, Cimarron, Ellis, Harper, Major, Woods, Woodward and Texas Counties.

ZONE 7 - Caddo, Carter, Comanche, Cotton, Grady, Jefferson, Love and Stephens Counties

ZONE 8 - Craig, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington Counties.

ZONE 9 - Tulsa County

ZONE 10 - Oklahoma County

WELL DRILLING

	ZONE-A	ZONE-B			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Well Drillers	$4.00	3.00			
Well Driller helpers	3.00	2.50			

AREA COVERED BY VARIOUS ZONES

Well Drilling

Zone-A - Adair, Atoka, Beckham, Blaine, Caddo, Canadian, Cherokee, Choctaw, Craig, Custer, Delaware, Dewey, Haskell, Kingfisher, Latimer, Leflore, McCurtain, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Pushmataha, Roger Mills, Rogers, Sequoyah, Tulsa, Wagoner, Washington and Washita Counties.

Zone-B - Alfalfa, Beaver, Bryan, Carter, Cimarron, Cleveland, Coal, Comanche, Cotton, Creek, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Seminole, Stephens, Texas, Tillman, Woods and Woodward Counties.

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide*
DECISION NUMBER: AQ-1111 DATE: Date of Publication
Supersedes Decision No. AQ-1098 dated April 26, 1974, in 39 FR 14892
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	8.445	.44	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Cos. and Grand Coulee Dam area in Okanogan County	8.41	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	8.25	.40	.40		.03
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Cos	7.25	.50	.50		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.34	.45	.35		.02
San Juan, Skagit (incl. Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	8.15	.40	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian					
Carpenters	$7.39	.50	.50		.035
Piledriver; Floor Layers; Floor Finishers; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	7.54	.50	.50		.035
Shingler (wood or composition)	7.59	.50	.50		.035
Millwrights; Boom Men; Machine Erector; Carpenters (creosoted material)	7.64	.50	.50		.035
Piledriver (creosoted material)	7.79	.50	.50		.035
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania & Wahkiakum Counties					
Carpenters	7.30	.50	.60		.01
Carpenters on Creosoted material	7.40	.50	.60		.01
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander; and other Stationary Power Woodworking Tools	7.43	.50	.60		.01
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	7.45	.50	.60		.01
Acoustical Workers	7.46	.50	.60		.01
Boommen	7.50	.50	.60		.01
Drywall Applicators	7.50	.50	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole Builders; Acoustical Applicators	7.29	.55	.40	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.39	.55	.40	.35	.03
Floor Layers; Floor Finishers; Stationary Power Saw Operator	7.44	.55	.40	.35	.03
Boomman	7.49	.55	.40	.35	.03
Millwrights; Machine Erectors	7.54	.55	.40	.35	.03
Drywall Applicator	7.24	.55	.40	.35	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties.	$7.28	.40	.60		.03
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion), San Juan, Skagit, Snohomish, and Whatcom Counties	7.13	.55	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.86	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.86	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	8.55	.25	1%+.40		.03
Cable Splicers	9.405	.25	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	8.40	.45	1%+.40		.02
Cable Splicers	9.15	.45	1%+.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.65	.25	1%		.02
Cable Splicers	9.52	.25	1%		.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	8.02	.45	1%+.45	4%	.04
Cable Splicers	8.82	.45	1%+.45	4%	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.57	.25	1%+.40		.01
Cable Splicers	9.43	.25	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	7.66	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Cos.					
Elevator Constructors	7.965	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.12	.345	.23	2%+a	
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oreille, Spokane and Stevens Counties	$6.345	.25		.28	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	6.51	.25	.35	.40	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	6.57	.21	.15	.36	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.16	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	7.95	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	7.70	.48	.80	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam area in Okanogan County	$8.41	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	8.25	.40	.40		.03
Grant County and that portion of Adams County including the City of Othello	7.35	.40			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion) Skamania, and Wahkikaum Counties)	6.55	.45			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties:					
(Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo workers; topping for cement finishers and mortar mixers)	$6.30	.55	.65		.07
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	7.53	.25	.45		.01
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	7.78	.25	.45		.01
Swing Stage Work or High Rate (over 30')	7.88	.25	.45		.01
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	7.93	.25	.45		.01
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Brush	7.46	.30	.20		.03
Spray; High Towers, ground to 100'	7.71	.30	.20		.03
High work over 100'; High Towers, ground to 300'	7.96	.30	.20		.03
High Towers, ground to over 300'	8.46	.30	.20		.03
Drywall Tapers	7.14	.40	.15	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.42	.40	.27		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	7.67	.40	.27		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.30	.25	.45		.01
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	7.55	.25	.45		.01
Swing Stage over 30' high	7.65	.25	.45		.01
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	7.70	.25	.45		.01
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof), Lincoln, Pend Oerille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Chelan, Douglas, Kittitas (North of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	7.56	.45	.50		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.35	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLUMBERS:					
Statewide (except - Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119°, 30 min. Longitude; and Kittitas County North of the 47°, 15 min. Latitude; and those portions of Clark and Skamania Counties lying south of a East-West line drawn through Woodland, Washington, due East to the Klickitat County Line)	7.96	.33	.85	.49	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS: (Cont'd)					
Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119°, 30 min. Longitude; and Kittitas County North of the 47°, 15 min. Latitude	$8.04	.52	.85	.63	.07
Clark and Skamania Counties South of an East-West line drawn thru Woodland, Washington, due East to the Klickitat County Line	7.68	.65	.75		.07
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	6.60	.30	.15		
Asotin and Garfield Counties	7.45				
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	7.35	.20	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties					
Roofers; Waterproofer	7.55	.20	.20		
Slate and Tile Roofers	7.80	.20	.20		
Clark, and Skamania Counties					
Roofers	7.30	.45	.55		
Handling of irritating material (coal, tar or epoxy) in unconfined area	7.80	.45	.55		
Handling of irritating material (coal, tar or epoxy) in confined area	8.05	.45	.55		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Orielle, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.05	.32	.78	.50	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Clallam, Jefferson, Kitsap and Mason Counties	$8.16	.37	.785	.47	.02
Clark and Skamania Counties	7.73	.48	.34	.31	.02
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	8.20	.37	.735	.47	.02
King County	8.47	.27	.30		.01
Island and Snohomish Counties	7.90	.32	.40		.03
Whatcom, Skagit and San Juan Cos.	8.56	.42	.785		.02
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	6.68	.25	.25		
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, and Whatcom Counties	7.62	.36	.60		.05
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.485	.45	.45	c	.05
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Yakima and Kittitas Counties	7.02	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Cos.	9.08	.40	.60		.07
Remaining Counties	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	7.95	.35	.40		
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (cont'd)					
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	$7.95	.45	.35		
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	7.95	.35	.40		
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Cos.	7.95	.45	.35		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Whakiakum and a ten-mile strip bordering the Columbia River in Klickitat Co.	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

*STATEWIDE-
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%
LABORERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	5.95	.40	.55		.02
Group 2	6.10	.40	.55		.02
Group 3	6.20	.40	.55		.02
Group 4	6.25	.40	.55		.02
Group 5	6.30	.40	.55		.02
Group 6	6.35	.40	.55		.02
Group 7	6.40	.40	.55		.02
Group 8	6.60	.40	.55		.02

LABORERS (AREA 1) (Cont'd) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 9					
Class A:	$6.00	.40	.55		.02
Class B:	6.05	.40	.55		.02
Class C:	6.45	.40	.55		.02
Class D:	6.50	.40	.55		.02
Group 10					
Class A:	60.00	.40	.55		.02
Class B:	62.70	.40	.55		.02
Class C:	62.70	.40	.55		.02
Class D:	82.95	.40	.55		.02
Class E:	66.90	.40	.55		.02
Class F:	69.30	.40	.55		.02
Class G:	72.00	.40	.55		.02
Class H:	73.30	.40	.55		.02
Class I:	50.40	.40	.55		.02
LABORERS (AREA 2) (All Counties West of the 120th Meridian [except those enumerated in Areas 3 and 4] and including the Northern portion of Pacific County)					
Group 1	5.85	.50	.65		.03
Group 2	5.95	.50	.65		.03
Group 3	6.00	.50	.65		.03
Group 4	6.05	.50	.65		.03
Group 5	6.10	.50	.65		.03
Group 6	6.15	.50	.65		.03
Group 7	6.20	.50	.65		.03
Group 8	5.90	.50	.65		.03
Group 9	5.95	.50	.65		.03
Group 10	6.05	.50	.65		.03
Group 11	6.15	.50	.65		.03
Group 12	6.20	.50	.65		.03
Group 13	6.30	.50	.65		.03
Group 14					
Class A:	56.40	.50	.65		.03
Class B:	59.10	.50	.65		.03
Class C:	59.10	.50	.65		.03
Class D:	79.35	.50	.65		.03
Class E:	63.30	.50	.65		.03
Class F:	65.70	.50	.65		.03
Class G:	68.40	.50	.65		.03
Class H:	69.70	.50	.65		.03
Class I:	50.40	.50	.65		.03

LABORERS (AREA 3) (Clark, Cowltiz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.85	.55	.65	.25	.07
Group 2	6.00	.55	.65	.25	.07
Group 3	6.15	.55	.65	.25	.07
Group 4	6.30	.55	.65	.25	.07
LABORERS (AREA 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)					
Group 1	5.55	.55	.65		.03
Group 3	5.65	.55	.65		.03
Group 3	5.70	.55	.65		.03
Group 4	5.75	.55	.65		.03
Group 5	5.80	.55	.65		.03
Group 6	5.85	.55	.65		.03
Group 7	5.90	.55	.65		.03
Group 8	5.95	.55	.65		.03
Group 9					
Class A:	5.65	.55	.65		.03
Class B:	5.70	.55	.65		.03
Class C:	5.80	.55	.65		.03
Class D:	5.90	.55	.65		.03
Class E:	5.95	.55	.65		.03
Class F:	6.05	.55	.65		.03
Group 10					
Class A:	54.80	.55	.65		.03
Class B:	57.30	.55	.65		.03
Class C:	57.50	.55	.65		.03
Class D:	77.75	.55	.65		.03
Class E:	61.70	.55	.65		.03
Class F:	64.10	.55	.65		.03
Glacc G:	66.80	.55	.65		.03
Class H:	68.10	.55	.65		.03
Class I:	48.80	.55	.65		.03

POWER EQUIPMENT OPERATORS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.00	.55	.65		.03
Group 2	7.30	.55	.65		.03
Group 3	7.55	.55	.65		.03
Group 4	7.65	.55	.65		.03
Group 5	7.70	.55	.65		.03
Group 6	7.85	.55	.65		.03
Group 7	8.10	.55	.65		.03
POWER EQUIPMENT OPERATORS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific County)					
Group 1	7.42	.45	.65		.08
Group 2	7.52	.45	.65		.08
Group 3	7.63	.45	.65		.08
Group 4	7.68	.45	.65		.08
Group 5	7.70	.45	.65		.08
Group 6	7.75	.45	.65		.08
Group 7	7.76	.45	.65		.08
Group 8	7.80	.45	.65		.08
Group 9	7.82	.45	.65		.08
Group 10	7.95	.45	.65		.08
Group 11	7.98	.45	.65		.08
Group 12	8.01	.45	.65		.08
Group 13	8.06	.45	.65		.08
Group 14	8.08	.45	.65		.08
Group 15	8.10	.45	.65		.08
Group 16	8.13	.45	.65		.08
Group 17	8.16	.45	.65		.08
Group 18	8.20	.45	.65		.08
Group 19	8.27	.45	.65		.08
Group 20	8.28	.45	.65		.08
Group 21	8.33	.45	.65		.08
Group 22	8.38	.45	.65		.08
Group 23	8.60	.45	.65		.08
Group 24	8.64	.45	.65		.08
Group 25	8.69	.45	.65		.08
Group 26	8.77	.45	.65		.08
Group 27	8.99	.45	.65		.08
Group 28	9.19	.45	.65		.08
Group 29	9.30	.45	.65		.08
Group 30	9.32	.45	.65		.08
Group 31	9.60	.45	.65		.08

POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.55	.85	.35	.05
Group 2	6.69	.55	.85	.35	.05
Group 3	6.79	.55	.85	.35	.05
Group 4	6.95	.55	.85	.35	.05
Group 5	6.97	.55	.85	.35	.05
Group 6	7.05	.55	.85	.35	.05
Group 7	7.11	.55	.85	.35	.05
Group 8	7.21	.55	.85	.35	.05
Group 9	7.27	.55	.85	.35	.05
Group 10	7.33	.55	.85	.35	.05
Group 11	7.35	.55	.85	.35	.05
Group 12	7.41	.55	.85	.35	.05
Group 13	7.49	.55	.85	.35	.05
Group 14	7.65	.55	.85	.35	.05
Group 15	7.81	.55	.85	.35	.05
Group 16	7.99	.55	.85	.35	.05
Group 17	8.13	.55	.85	.35	.05
Group 18	8.31	.55	.85	.35	.05
Group 19	8.45	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.29	.50	.65		.04
Group 2	7.39	.50	.65		.04
Group 3	7.73	.50	.65		.04
Group 4	7.78	.50	.65		.04
Group 5	7.83	.50	.65		.04
Group 6	8.15	.50	.65		.04
Group 7 (a)	8.54	.50	.65		.04
(b)	9.09	.50	.65		.04
DREDGING (AREA 2) (All Counties and portions of Cos. West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific County)					
Group 1	7.34	.45	.65		.04
Group 2	7.44	.45	.65		.04
Group 3	7.78	.45	.65		.04

DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific Co.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 4	$7.83	.45	.65		.04
Group 5	7.88	.45	.65		.04
Group 6	8.20	.45	.65		.04
Group 7					
(a)	8.59	.45	.65		.04
(b)	9.14	.45	.65		.04
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific [Southern portion], Skamania and Wahkiakum Counties)					
Group 1	6.64	.45	.60	.25	
Group 2	6.74	.45	.60	.25	
Group 3	7.13	.45	.60	.25	
Group 4	7.08	.45	.60	.25	
Group 5	7.18	.45	.60	.25	
Group 6	7.50	.45	.60	.25	
Group 7					
(a)	7.89	.45	.60	.25	
(b)	8.44	.45	.60	.25	
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.05	.72	.55		
Group 2	7.10	.72	.55		
Group 3	7.15	.72	.55		
Group 4	7.25	.72	.55		
Group 5	7.30	.72	.55		
Group 6	7.35	.72	.55		
Group 7	7.40	.72	.55		
Group 8	7.45	.72	.55		
Group 9	7.55	.72	.55		
Group 10	7.60	.72	.55		
Group 11	7.70	.72	.55		
Group 12	7.85	.72	.55		
Group 13	8.00	.72	.55		
Group 14	8.15	.72	.55		

TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian [except those enumerated in Area 3] and including the Northern portion of Pacific County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	6.58	.40	.60	.30	.03
Group 2	6.63	.40	.60	.30	.03
Group 3	6.68	.40	.60	.30	.03
Group 4	6.73	.40	.60	.30	.03
Group 5	6.78	.40	.60	.30	.03
Group 6	6.88	.40	.60	.30	.03
Group 7	6.98	.40	.60	.30	.03
Group 8	7.08	.40	.60	.30	.03
Group 9	7.18	.40	.60	.30	.03
Group 10	7.35	.40	.60	.30	.03
Group 11	7.45	.40	.60	.30	.03
Group 12	7.55	.40	.60	.30	.03
Group 13	7.65	.40	.60	.30	.03
Group 14	7.75	.40	.60	.30	.03

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush hog feeder; Carpenter tender; Concrete crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete signalman; Crusher feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller helper; Dumpman; Fence erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General laborer; Grout machine; Header tender; Nipper; Riprap man; Scaleman; Stake jumper; Structural mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tralhoseman (water nozzle); Track laborer (RR); Truck loader; Timber, bucker and faller (by hand); Window cleaner (prior to completion of construction)

Group 2: Cement finisher tender; Cement handler; Demolition torch; Dope pot fireman, non-mechanical; Form cleaning machine - feeder, stacker; Form setter, paving; Driller helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe layer, corrugated metal culvert; Pot tender; Powderman helper; Power tool operator, gas, electric, pneumatic; Sandblast tailhoseman; Scaffold erector, wood or steel; Railroad equipment, power driven, except dual mobile power spiker or puller; Rodder and spreader; Wheelbarrow, power driven; Well-point man; Vibrator up to 4"

Group 3: Asphalt raker; Asphalt roller, walking; Chain saw operator with attachments; Concrete saw walking; Grade checker, using level; Jackhammer operator; Multi-section pipe layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement breaker; Power buggy operator; Railroad power spiker or puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, shawnee; Water pipe liner; Wagon drills

Group 4: Chain saw (faller); Pipelayer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger and Laser Beam but not including laying corrugated metal culvert pipe)

Group 5: Concrete stack, hod carriers; Mortar mixer; Vibrator, 4 inches and over

Group 6: Caisson worker, free air; High scaler

Group 7: Brush machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3-½ inch piston or larger and out-of-the hole drills with 4-½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Monitor operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1,200 pounds, jet blast machine power propelled, sand blast nozzle)

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 8: Air track drills with dual masts and drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
- Class A: Bull gang, pump crete crewman including distributing pipe, assembling and dismantle and nipper
- Class B: Brakeman, Dumpman
- Class C: Miner and nozzleman for concrete and laser beam operator in tunnels
- Class D: Raise and shaft miner and laser beam operator on raises and shafts

Group 10: Sand Hogs (under compressed air conditions):
- Class A: 1 lb. thru 14 lbs. 6 hrs. work
- Class B: Over 14 lbs. thru 18 lbs. - 6 hrs. work
- Class C: Over 18 lbs. thru 22 lbs. - 4 hrs. work
- Class D: Over 18 lbs. thru 22 lbs. - 6 hrs. work
- Class E: Over 22 lbs. thru 26 lbs. - 4 hrs. work
- Class F: Over 26 lbs. thru 32 lbs. - 4 hrs. work
- Class G: Over 32 lbs. thru 38 lbs. - 3 hrs. work
- Class H: Over 38 lbs. thru 44 lbs. - 2 hrs. work
- Class I: Outside lock and guage tender (per shift)

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General laborer; Nipper; Truck spotter; Pitman; Brush cutter; Choker setter; Concrete and monolithic laborer; Pot tender; Asphalt laborer; Ditch digger; Drierman; Concrete form stripper; Carpenter helper; Track laborer; Wellpoint and header laborer; Guardrail erector

Group 2: Dumpman; Faller and bucker, hand; Powderman's helper; Sloper (over 20'); Wagon driller and air trac helper

Group 3: Groutman (pressure); Power tools (light duty) chippers, grinders, tampers, and similar electric and air operated tools; Swinging scaffold or boatswain chair over water or over 25' in height

Group 4: Concrete saw operator; Pipe pot tender; Power wheel barrow or buggy; Power tools (heavy duty) jackhammer, pavement breaker, vibrators, tampers (multiple and self-propelled), railroad spike puller; Rakers-asphalt

LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form setter (steel forms); Grademan and stake hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shot-crete)

Group 6: Faller and bucker, chain saw; High scaler; Mortarman and hod carrier; Pipe layer and caulker; Pipe wrapper; Timberman - sewer; Wagon driller and air trac; Manhole builder; Laser beam operator (pipe)

Group 7: Cement dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and bull gang

Group 9: Chuck tender; Mucker and laborer; Nipper; Brakeman

Group 10: Powderman's helper

Group 11: Miner (including monolithic work); Spader; Re-Timbermap; Maintenance man; Laser beam operator (tunnel)

Group 12: Miner, shaft and raise

Group 13: Powderman

Group 14: Compressed Air Work:

Class A:	1 lb. thru 14 lbs. - 6 hrs.
Class B:	Over 14 lbs. thru 18 lbs. - 6 hrs.
Class C:	Over 18 lbs. thru 22 lbs. - 4 hrs.
Class D:	Over 18 lbs. thru 22 lbs. - 6 hrs.
Class E:	Over 22 lbs. thru 26 lbs. - 4 hrs.
Class F:	Over 26 lbs. thru 32 lbs. - 4 hrs.
Class G:	Over 32 lbs. thru 38 lbs. - 3 hrs.
Class H:	Over 38 lbs. thru 44 lbs. - 2 hrs.
Class I:	Outside lock and gauge tender (per shift)

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burners and cutters; Car and truck loaders; Carpenter tender; Change-house man or dry shack men; Choke setters; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, and moving laborers; Driller helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading spotters; Material yard man (including electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (including steel forms); Rip rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalmen; Slopers, spraymen; Stake chaser-stake setter-grade checker; Stockpiler; Timber faller and bucker (hand labor); Toolroom man (at job site); Tunnel bull gang (above ground); Weightman-crusher (aggregate when used)

Group 2: Applicator (inclucing pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader and similar types; Clean-up nozzleman-greencutter (concrete rock, etc.); Concrete power buggyman; Demolition and wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers of mixers of all materials of an irritating nature (including cement and lime); Manhole builder; Power tool operator, includes but not limited to: Chipping guns, Dry pack machine, Jackhammer, Paving breakers, Post hole digger, (air, gas, or electric), Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon setter, head; Rip rap man (head), hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers and fallers, brush cutters (power saw); Tunnel-muckers, brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt rakers; Bit grinder; Concrete saw operator; Drill doctor; Drill operators, air tracks, cat drills, wagon drills, rubber-mounted drills and other similar types; Gunite nozzleman; High scalers, strippers and drillers (covers work in swinging stages, chairs or belts, under extreme conditions usual to normal drilling, blasting, barring-down or sloping and stripping); Powdermen; Power saw operators (bucking and falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger operator, Tunnel-chuck tenders, nippers and timbermen; Vibrators (4" and larger); Water blaster; Welder; Laser beam (pipe laying)

Group 4: Tunnel miners; Tunnel powderman; Laser beam (tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General laborer; Carpenter tender; Form stripper; Rip rap man; Track laborer; Stake hopper; Choke setter; Fence laborer

Group 2: Air track and wagon drill helper; Crusher feeder; Dump and stock pile man; Powder man helper; Sloper, over 20 feet

Group 3: Power buggy; Drill chipper; Grinder and similar light power tools; Faller and bucker (hand); Grout man (power)

Group 4: Asphalt raker and spreader; Cement haldler; Sack of bulk; Dope pot tender; House wreckers; Jackhammer; Pavement breaker; Tamper vibrator; Track spike puller; Concrete saw and similar heavy power tools; Nozzleman (air and water)

Group 5: Form setter; Steel forms; Grade checker; Swinging stage or bosun chair over water or over 25 feet in height

Group 6: Air track and wagon drill operator; Chain saw operator; Gunite man; High scaler; Pipe layer and caulker; Pipe wrapper; Sandblaster; Timber man; Open ditch; Mortar man and Hod carrier

Group 7: Faller and bucker (chain saw); Powder man

Group 8: Caisson workers; Free air

TUNNEL SHAFTS, FREE AIR

Group 9:
- Class A: Topman and bull gang
- Class B: Chuck tender; Mucker and laborer; Nipper; Brakemen
- Class C: Powderman helper
- Class D: Miner (including monolithic worker); Re-Timberman; Maintenance man; Spader
- Class E: Miner; Shaft and raise
- Class F: Powderman

Group 10: Compressed Air Work
- Class A: 1 lb. thru 14 lbs. - 6 hrs. work
- Class B: Over 14 lbs. thru 18 lbs. - 6 hrs. work
- Class C: Over 18 lbs. thru 22 lbs. - 4 hrs. work
- Class D: Over 18 lbs. thru 22 lbs. - 6 hrs. work
- Class E: Over 22 lbs. thru 26 lbs. - 4 hrs. work
- Class F: Over 26 lbs. thru 32 lbs. - 4 hrs. work
- Class G: Over 32 lbs. thru 38 lbs. - 3 hrs. work
- Class H: Over 38 lbs. thru 44 lbs. - 2 hrs. work
- Class I: Outside lock and gauge tender (per shift)

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit grinders; Bolt threading machine; Brakeman; Compressors, under 1,000 cu. ft. per minute gas, diesel or electric power; Crusher feeder (mechanical); Deckhand; Drillers' helper; Fireman and heater tender; Grade checker; Helper (mechanic or welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding machine; Oiler and cable tender, mucking machine

Group 2: A-frame truck (single-drum); Assistant refrigeration plant (under 1,000 tons); Assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; Batch plant and wet mix operator, single unit (concrete); Belt finishing machine; Bending machine (pipeline); Blower operator (cement); Cement hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete saw (multiple cut); Distributor leverman; Elevator hoisting materials; Dope pots (power agitated); Equipment serviceman, greaser and oiler; Fork lift or lumber stacker, Hydra-lift and similar; Gin trucks (pipeline); Hoist, single drum; Loader (bucket elevators and conveyors); Longitudinal float; Mixer (portable - concrete); Pavement breaker, hydra-hammer and similar); Post-hold auger or punch; Power broom; Railroad ballast regulation operator, (self-propelled); Railroad power tamper operator, (self-propelled); Railroad power tamper jack operator, (self-propelled); Spray curing machine (concrete); Spreader box (self-propelled); Straddle buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger operator

Group 3: A-frame truck (2 or more drums); Assistant refrigeration plant and chiller operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete conveyors with power pack or similar; Belt loader (Kocal or similar); Blade operator (Motor patrol and attachments); Boat operators; Boom cats (side); Boring machine (earth); Boring machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal linning machine (concrete); Chipper (without crane); Cleaning and doping machine (pipeline); Concrete pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (churn, core, calyx or diamond); Elevating belt-type loader (Euclid, Barber Green, or similar); Elevating grader-type loader (Dumor, Adams, or similar); Generator plant engineers (diesel, electric); Gunite combination mixer and compressor; Hoist, (2 or more drums or tower hoist); Loaders (overhead and frontend, under 4 yards, R/T); Locomotive engineer; Mixermobile; Paver or curb extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired scrapers (one motor with one scraper, under 40 yards.); Screed operator; Soil stabilizer (P & H or similar); Spreader machiner; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse finishing machine; Trenching machines (under 7 feet depth capacity); Turnhead operator

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 4: H. D. Mechanic; H. D: Welder; Refrigeration plant engineer (under 1,000 tons); Turnhead (with re-screening)

Group 5: Asphalt plant operator; Crusher and screening plant operator; Rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24, and similar); Rubber-tired scraper, one motor with one scraper (40 yards and over); Single engine with two scrapers (LeTourneau, Tandem B and similar); Surface heater and planer machine

Group 6: Automatic subgrader (ditches and trimmers) (R.A. Hansen and similar); Backhoes (under 3 yards); Batch and wet mix operator - multiple units (2 and including 4); Clamshell operator (under 3 yards); Concrete slip form paver; Cranes (under 65 tons); Derricks and stifflegs (under 65 tons); Draglines (under 3 yards); Drilling equipment (8" bit and over) (Robbins and similar); Hydra-cranes (Austin, Western, Hydra-Hoe and similar with attachments); Loader operator (front end and overhead 4 yards to 8 yards); Piledriving engineers; Paver (dual drum); Quad-track or similar equipment; Railroad track liner operator (self-propelled); Rubber-tired scrapers, multiple enginees with two scrapers; Shovels (under 3 yards); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching machines (7 feet depth and over)

Group 7: Backhoes (3 yards and under); Batch plant (over 4 units); Cableway controller - dispatcher; Cableway operators; Clamshell operator (3 yards and over); Cranes 65 tons and over); Derricks and stifflegs (65 tons and over); Draglines (3 yards and over); Elevating belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 yards); Rubber-tired scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower crane; Whirleys and Hammerheads (all)

Underground Work - Add 10% to the Classification.

Classification (not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Cranes Booms: 130' to 200' - $.15/hr. addition to Classification; Over 200' --- $.30/hr. addition to Classification.

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' helpers (heavy duty)

Group 2: Oilers, grade checkers and stakemen and/or brakemen

Group 3: Firemen; Fireman (drier and hot plant)

Group 4: Rollers, tampers and vibrators (other than plant, road mix or multilift materials); Tractor (Farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler driver on truck cranes (over 45 tons up to 100)

Group 6: Blower distributors and mulch seeding operator; Oil distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment service oiler; Oiler driver on truck cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post hole diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (fork lifts or lumber stacker-on construction job site - Drott travel lift); Rollers, Tampers and Vibrators (twin engine); Saws (concrete); Scrapers (carry-all type, single)

Group 12: Batch plant (batch and mixer, 200 yards per hour and under); Cranes ("A" frame trucks, single power drum); Conveyors; Crusher (rock), washing and screening plants; Finishing machine operator, concrete paving; Hoists, air tuggers, Strato tower bucket, elevators and deck winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power plant operators; Pumps (Fuller Kenyon, and concrete and pump crete); Rollers, tampers and vibrators (on plant, road mix or multilift materials); Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching machine (under 16 inches)

Group 13: Mechanics or welder (heavy duty)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 14: Motor patrol graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, air tuggers and towermobiles; Loaders (fork lifts with tower)

Group 16: Cement hogs; Loaders (Elevating grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types 60 h.p. and under)

Group 18: Bull dozer (D-9 or similar)

Group 19: Trenching machines (16 inches and over)

Group 20: Bump cutter (Concut, Christianson or similar types)

Group 21: Batch plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixers (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

Group 22: Bulldozer engaged in yo yo operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster cat cranes and attachments and chipper, wood with boom attachment); Derricks, all; Drilling machines (core, cable, rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor patrol graders (over Model 14 and similar); Mucking machines (mole, tunnel drill, and/or shield); Paydozer and linker pusher (Quad-9 and similar); Piledriver engineer, (L. B. Foster puller or similar, paving breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter winch operator; Remote control operator on rubber tired earth moving equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip form paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, truck type, floating, locomotive, Whirley, either 6 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant conveyor operator; Crusher feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts man (tool room); Pump (under 4 inches); Railroad equipment (Brakeman and switch man); Self-propelled scaffolding operator (on job site)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Auger oiler; Blade operator (pulled type); Combination guardrail machines oiler; Crane (Truck crane oiler - driver 25 ton capacity or over: and Fireman, all equipment: and A Frame truck, single drum: and Tugger or Coffin type hoist); Drill helper; Floating equipment boatman; Fork lift or lumber stacker operator (on construction job site); Grade checker; Grade oiler (required to check grade); Helicopter radioman (ground); Repairman helper (H.D.); Roller operator (grading of base rock - not asphalt); Shovel fireman; Tar pot fireman (including power agitated); Temporary heating plant operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom operator (self-propelled - on construction job site); Compressor operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor operator, Mixer box - CTB, dry batch, etc., Cement hog, Concrete saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork lift (Ross carrier, on construction job site); Hydraulic pipe press operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad equipment (Motorman and Ballast jack tamper); Seeder machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

Group 4: Asphalt screed operator; Compactor (self-propelled - including vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete screed operator; Concrete mixer (single drum under five bag capacity); Floating equipment fireman; Fork lift (over 5 tons); Helicopter hoist operator; Hydra hammer or similar; Locomotive (under 40 tons); Lull Hi-Lift operator; Oiler (service, greaser); Pavement breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt extrusion machine; Chip spreading machine; Compactor (Wagner Pactor or similar type - without blade); Concrete batch plant quality control; Concrete (Power jumbo operator - Setting slip forms etc., in tunnels); Concrete (slip form pumps - power driven hydraulic lifting device for concrete forms); Crane (Hoist - single drum and Elevator operator); Lime spreading machine; Pulva mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor operator (Rubber tired 50 h.p. flywheel and under); Trenching machine (maximum digging capacity 3 feet depth)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Asphalt paver; Asphalt burner and reconditioner (any type); Concrete pavement grinder and/or Grooving machine operator (riding type); Concrete (Cast in place pipe laying machine and Maginnis internal full slab vibrator operator); Concrete finishing machine (Clary, Johnson, Bidwell, Burgess bridge deck or similar type); Concrete curb machine (mechanical berm, curb and/or gutter); Concrete joint machine; Concrete planer; Concrete paving machine; Concrete finishing machine; Concrete spreader; Loaders (rubber-tired, 2½ cu. yds. and under); Rock spreaders, self-propelled

Group 7: Asphalt plant operator (any type); Asphalt roller operator (any mix); Beltcrete operator; Concrete, cement pump (Fuller-Kenyon and similar); Concrete grouting machine; Concrete mixer (single drum, five bag capacity and over); Crane (A-Frame truck double drum, and Boom truck); Drill (Churn drill and Earth boring machine); Hydraulic backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating grader, tractor towed requiring operators on grader); Pot Rammer; Pumperete (any type); Railroad equipment (Ballast regulator, Ballast tamper multi-purpose, Track liner, Tie spacer, Shuttle car, Locomotive - 40 ton and over)

Group 8: Concrete batch plant and/or wet mix operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment, generator, shovel, dragline, Clamshell, backhoe, skooper, etc.); Generator operator; Loader (belt loaders, Kolman and Ko Cal types)

Group 9: Boring machine; Bulldozer; Clearing equipment (including Log skidders, Chippers, Incinerators, and Stump splitters); Compactor, with blade; Concrete cooling machine; Cranes (Chicago boom and similar types, Lift slab machine, Boom type lifting device - 5 ton capacity or less, and Cherry picker or similar type crane - hoist - 5 ton capacity or less); Crusher plant operator; Drill cat; Drill doctor (including Bit grinder); Grizzley operator; Guardrail punch operator; Guardrail auger operator; Hammer operator; Heater and planer operator (surface); Hydraulic backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine tool; Mechanic (H.D.); Pipe cleaning machine; Pipe doping machine; Pipe bending machine; Pipe wrapping machine; Side-Boom cats; Stationary drag scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching machine (maximum digging capacity over 3 feet depth)

Group 10: Barge operator (self-unloading); Bulldozer (twin engine - TC 12 and similar); Cable-Plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired - Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack operator (elevating barges)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 11: Concrete mixer mobile operator; Concrete breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail machine combination (i.e., puncher, auger, etc.); Mucking machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade operator; Concrete batch plant and/or wet mix (3 or more units); Hoist operator (two or more drums); Loader (Elevating - Athey and similar type); Piledriver operator (not crane type); Reinforced tank banding machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper: and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield operator (tunnel)

Group 13: Backfilling machine; Blade operator, finish; Blade operator (externally controlled by electronic, mechanical hydraulic means); Blade operator (multi-engine); Cableway (up to 25 tons); Concrete paving road mixer; Crane (over 25 ton to and including, 40 ton); Derrick (under 100 tons); Floating equipment piledriver; Floating clamshell (under 3 cu. yds.); Floating crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (stiffleg, guy derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock hound operator

Group 16: Auto grader or "trimmer" operator; Bulldozer (Tandem, Quad-nine and similar type); Cableway (25 tons and over); Concrete slip form paver (automatic); Concrete canal line operator; Crane (over 40 tons and including 100 tons); Floating clamshell (3 cu. yds. and over); Floating crane (derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with tandem scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal trimmer; Crane (over 100 tons to and including, 200 tons); Floating crane (derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 18: Band wagons (in conjunction with wheel excavator; Crane (over 200 tons); Floating crane (150 tons but less than 250 tons); Wheel excavator (over 750 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1, 2, and 3)
(DREDGING)

Group Descriptions for all Areas 1, 2, and 3 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator operator for Primary Pump, Power Barge or Dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) Over 5 yards
(b) 5 yards and under

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Flat bed truck, single rear axle; Escort driver; Fish truck; Fork lift, 3,000 pounds and under; Fuel truck driver (steam cleaner and washer); Helper and swamper; Leverman loading trucks at bunkers; Pickup hauling material; Stationary fuel operator; Team driver; Tractor (small rubber tired pulling trailer or similar equipment); Water tank truck 1,800 gallons

Group 2: Bus driver or manhual driver; Flat bed truck, dual rear axle; Tireman No. 1; Warehouseman

TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 3: Buggy mobile and similar; Bulk cement tanker; Oil tank driver; Power operated sweeper; Semi-trailer, low bed, truck and trailer; Straddle carrier (Ross, Hyster and similar); Transit mixers and trucks hauling concrete (3 yards and under); Trucks, side, end and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto crane - 2,000 pounds capacity ; Bulk cement spreader; Dumptor (6 yards and under); Flaherty spreader, box driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil distributor driver (road, bootman, leverman, helper); Rubber tired tunneljumbo; Scissors truck; Slurry truck driver; Transit mixers and trucks hauling concrete (over 3 yards to 6 yards); Truck, side, end and bottom dump (over 6 yards to 12 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low boy (under 50 tons); Service greaser; Tireman No. 2

Group 6: A-Frame (Swedish crane, Iowa 3,000, Hydrolift); Water tank truck (over 6001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end and bottom dump (over 12 yards including 20 yards)

Group 8: Low boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons); 10¢ for each additional 2,000 gallons

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards)

Group 10: Tournarocker, DW's and similar with 2 or 4 wheel power tractor with trailer or yardage scale whichever is greater

Group 11: Transit mixers and truck hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Leverman and loaders at bunkers and batch plants; Pickup truck, Escort or pilot car; Swampers; Warehouseman and checkers

Group 2: Team drivers

Group 3: Bull lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material; Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery service man and/or Tire service man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster operators; Straddle carrier (Koss, Hyster, and similar equipment); Water wagon and tank truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road oil distributor driver; Slurry truck; Sno-go and similar equipment; Winch truck, dual rear axle

Group 8: Dumpsters, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk cement tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water wagon and tank truck, over 3,000 gallons

Group 10: Bull lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery rebuilders; Bus or manhaul driver; Concrete buggies (power operated); Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of hydra-lift truck with load bearing surface; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combinations; Team drivers

Group 3: Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry truck driver or leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

TRUCK DRIVERS (AREA 3) (cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver - Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

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