

# federal register

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## PART I

### HIGHLIGHTS OF THIS ISSUE

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

<b>NEW COMMUNITIES PROGRAM</b> —HUD notice of review and request for comments by 7-22-74.....	24396
<b>INFORMATION COLLECTION</b> —GAO standards for proposals by regulatory agencies; effective 7-2-74.....	24345
<b>CONTRACT APPEALS</b> —VA proposes liberalization of rules for adjudication of small appeals; comments by 8-1-74....	24380
<b>COMMON CARRIER PASSENGER RATES</b> —ICC allows continuance of surcharge to offset fuel costs; effective 7-12-74 .....	24456
<b>BUILDING CONSTRUCTION</b> —Labor Department regulations for flooring in tiered buildings; effective 8-1-74.....	24360
<b>FINANCIAL REPORTING</b> —SEC proposal for disclosures in interest capitalization; comments by 8-31-74.....	24379
<b>FOOD ADDITIVES</b> —FDA notice of petitions for use of various chemicals in food contact articles (6 documents) ..	24395, 24396
<b>RE-REGULATION OF BROADCASTING</b> —FCC amends rules concerning station grants, permits and operation; effective 8-2-74 .....	24368

(Continued inside)

#### PART II:

<b>MEDICARE</b> —HEW proposed conditions for independent laboratories service coverage; comments by 7-17-74.....	24463
--	-------

#### PART III:

<b>EDUCATIONAL OPPORTUNITY</b> — HEW amends family contribution schedules for educational grants; effective 8-1-74.....	24472
HEW proposes basis for family contributions for 1975-76; comments by 9-3-74.....	24481

#### PART IV:

<b>EFFLUENT LIMITATIONS</b> —EPA proposed performance and pretreatment standards for fertilizer manufacturing; comments by 8-1-74.....	24489
--	-------

# reminders

**NOTE:** There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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HIGHLIGHTS—Continued

**AGE DISCRIMINATION**—Civil Service Commission adopts provisions to end bias; effective 5-1-74..... 24351

**COAL MINERS RESPIRATORY CLINICS**—HEW issues grant regulations; effective 6-28-74..... 24363

**RURAL ELECTRICITY**—USDA proposes to modify reporting requirements for borrowers; comments by 7-17-74.... 24375

**MEETINGS**—

DoT: National Offshore Operations Industry Advisory Committee, 7-17-74..... 24411

Civil Rights Commission: Three State Advisory Committees, 7-11 through 7-20-74 (3 documents)..... 24416

HEW: Advisory Council on Education of Disadvantaged Children, 7-12 and 7-13-74..... 24395

contents

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**Rules**

Federal Reserve Letter of Credit; method of disbursing advances to nonprofit institutions; correction..... 24363

**AGRICULTURAL MARKETING SERVICE**

**Rules**

Milk marketing orders: Southern Michigan region..... 24357

**Proposed Rules**

Bona fide spot markets; removal of Atlanta, Georgia..... 24375

**AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE**

**Rules**

Naval Stores Conservation Program for 1973..... 24352

**AGRICULTURE DEPARTMENT**

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Forest Service; Rural Electrification Administration.

**AIR FORCE DEPARTMENT**

**Rules**

Standards of conduct; correction... 24361

**ATOMIC ENERGY COMMISSION**

**Notices**

Applications, etc.:

Carolina Power and Light Co., etc. (4 documents).... 24411, 24412

General Atomic Co..... 24412

Regulatory guides; issuance and availability (2 documents).... 24413

Uranium enrichment services contract; temporary suspension... 24414

**CIVIL AERONAUTICS BOARD**

**Notices**

Hearings, etc.:

American Airlines, Inc..... 24414

Pan American World Airways, Inc..... 24415

**CIVIL RIGHTS COMMISSION**

**Notice**

State Advisory Committee meetings:

Arkansas..... 24416

Nevada..... 24416

New York..... 24416

**CIVIL SERVICE COMMISSION**

**Rules**

Excepted service:

Department of Justice (2 documents)..... 24351

Department of the Treasury... 24351

Executive Office of the President..... 24350

General Services Administration..... 24351

Nondiscrimination on account of age; equal opportunity..... 24351

**Notices**

Labor Department; revocation of authority to make noncareer executive assignment..... 24416

**COAST GUARD**

**Rules**

Special anchorage area established in Sodus Bay, N.Y..... 24361

**Proposed Rules**

Anchorage areas; Florida..... 24378

**Notices**

Equipment, construction, and materials); approval (8 documents)..... 24397-24410

Meetings; National Offshore Operations Advisory Committee... 24411

**COMMERCE DEPARTMENT**

See Domestic and International Business Administration; Patent Office.

**COMMODITY CREDIT CORPORATION**

**Rules**

Cotton; loan and purchase program; correction..... 24357

**COST OF LIVING COUNCIL**

**Proposed Rules**

Phase IV Health Care forms; notice of withdrawal..... 24378

**COUNCIL ON ENVIRONMENTAL QUALITY**

**Notices**

Environmental impact statements; availability for review... 24416

**CUSTOMS SERVICE**

**Notices**

Instruments of international traffic; certain stainless steel drums..... 24382

**DEFENSE DEPARTMENT**

See Air Force Department.

**DOMESTIC AND INTERNATIONAL BUSINESS SERVICE**

**Notices**

Scientific articles; duty-free entry:

Fort Sanders Presbyterian Hospital et al..... 24389

National Institutes of Health... 24389

Ohio State University..... 24391

University of California..... 24392

Veterans Administration Hospital..... 24394

Western Michigan University... 24395

**EDUCATION OFFICE**

**Rules**

Basic Education Opportunity Grant Program; expected family contribution for academic year 1974-1975..... 24472

**Proposed Rules**

Basic Educational Opportunity Grant program; expected family contributions for 1975-1976 academic year..... 24481

**ENVIRONMENTAL PROTECTION AGENCY**

**Proposed Rules**

Air quality implementation plans; Arizona..... 24378

Effluent limitations guidelines: Fertilizer manufacturing point source category..... 24489

New motor vehicle engines; extension of comment period.... 24379

**FEDERAL COMMUNICATIONS COMMISSION**

**Rules**

Cable television service; New Jersey..... 24372

Domestic public land mobile radio service; signaling communications for reception at multipoint mobile or fixed points; correction..... 24372

FM broadcast stations; table of assignments; correction..... 24373

Radio and television broadcasting; practice and procedures... 24370

**Proposed Rules**

Cable television; extension of comment period..... 24379

(Continued on next page)

<b>FEDERAL DISASTER ASSISTANCE ADMINISTRATION</b>			
<b>Notices</b>			
Disaster areas; Missouri.....	24396		
<b>FEDERAL ENERGY OFFICE</b>			
<b>Rules</b>			
Mandatory petroleum allocations; new wholesale purchaser-resellers.....	24357		
Mandatory petroleum price regulations:			
Clarification of aviation fuels definition.....	24358		
Consignee-agent commission regulation.....	24358		
Ruling; exchanges of refined petroleum products for crude oil.....	24359		
<b>FEDERAL HIGHWAY ADMINISTRATION</b>			
<b>Notices</b>			
Environmental impact statement; Darien Gap Highway, Colombia and Panama.....	24411		
<b>FEDERAL HOME LOAN BANK BOARD</b>			
<b>Rules</b>			
Federal Home Loan Bank Board; equal opportunity lender; phrase amended.....	24359		
<b>FEDERAL MARITIME COMMISSION</b>			
<b>Notices</b>			
Agreements filed:			
Stockyard Shipping and Terminal Corp. and Atlantic and Gulf Stevedores, Inc.....	24421		
Trans-Pacific Passenger Conference.....	24422		
Farrell Lines, Inc., et al.; issuance of certificates of financial responsibility.....	24420		
Ove Skou, et al.; revocation of certificates of financial responsibility.....	24421		
<b>FEDERAL OPEN MARKET COMMITTEE</b>			
<b>Notices</b>			
Foreign currency operations; authorizations for reciprocal currency arrangements with selected banks.....	24422		
U.S. Government securities; domestic open market operations.....	24422		
<b>FEDERAL POWER COMMISSION</b>			
<b>Notices</b>			
<i>Hearings, etc.:</i>			
Algonquin Gas Transmission Co.....	24424		
Cascade Natural Gas Corp.....	24427		
Chattanooga Gas Co.....	24427		
City of Fairhope, Alabama.....	24428		
CNG Producing Co.....	24425		
Dinero Oil Co., et al.....	24423		
Excelsior Oil Corp.....	24429		
Great Lakes Gas Transmission Co.....	24425		
J.S. Abercrombie Mineral Co., et al.....	24426		
Michigan-Wisconsin Pipe Line Co.....	24429		
Mid Louisiana Gas Co.....	24432		
Midwestern Gas Transmission Co.....	24432		
Niagara Mohawk Power Corp.....	24432		
Northern Natural Gas Co.....	24426		
Pacific Gas Transmission Co.....	24432		
Pennzoil Co.....	24433		
South Georgia Natural Gas Co.....	24426		
Southern Natural Gas Co.....	24429		
Sun Oil Co.....	24433		
Tidal Transmission Co.....	24426		
United Natural Gas Co.....	24427		
<b>FEDERAL RESERVE SYSTEM</b>			
<b>Notices</b>			
Applications, etc.:			
American Bankcorp, Inc.....	24433		
Boatmen's Bancshares, Inc.....	24434		
Drummond Bancshares, Inc.....	24435		
Fidelity Financial Corp. of Michigan.....	24435		
F.S.B., Inc.....	24435		
Marine Midland Banks, Inc.....	24436		
Mitsui Bank, Ltd.....	24436		
<b>FISH AND WILDLIFE SERVICE</b>			
<b>Rules</b>			
Hunting; Crab Orchard National Wildlife Refuge, Illinois.....	24374		
<b>FOOD AND DRUG ADMINISTRATION</b>			
<b>Rules</b>			
Recodification; editorial amendments; correction.....	24360		
<b>Notices</b>			
Additives:			
Ethylene-acrylic acid copolymers.....	24396		
Polyhydric alcohol esters.....	24396		
Polypropylene glycol (3-4 moles) triether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.....	24395		
Stannous 2-ethylhexanoate.....	24396		
Styrene-butadiene copolymers.....	24395		
Tetrahydrofurfuryl alcohol.....	24395		
Tributyltin chloride complex of ethylene oxide condensate of dehydroabietylamine.....	24395		
<b>FOREST SERVICE</b>			
<b>Notices</b>			
Environmental statement; Kootenai National Forest.....	24388		
<b>GENERAL ACCOUNTING OFFICE</b>			
<b>Rules</b>			
Clearance of proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information.....	24345		
<b>GENERAL SERVICES ADMINISTRATION</b>			
<b>Rules</b>			
Procurement responsibility and authority; redefinition of contracting officers' authority.....	24362		
<b>HEALTH, EDUCATION, AND WELFARE DEPARTMENT</b>			
<i>See also Education Office; Food and Drug Administration; Public Health Service; Social and Rehabilitation Service; Social Security Administration.</i>			
<b>Notices</b>			
National Advisory Council on the Education of Disadvantaged Children; meeting.....	24396		
<b>HOUSING AND URBAN DEVELOPMENT DEPARTMENT</b>			
<i>See also Federal Disaster Assistance Administration.</i>			
<b>Proposed Rules</b>			
Prototype cost limits for public housing; proposed amendment.....	24377		
<b>Notices</b>			
Authority delegation; Acting Area Director.....	24397		
New Communities Program; review and evaluation.....	24396		
<b>INTERIOR DEPARTMENT</b>			
<i>See Fish and Wildlife Service; Land Management Bureau; National Park Service.</i>			
<b>INTERSTATE COMMERCE COMMISSION</b>			
<b>Rules</b>			
Car service:			
Atchison, Topeka and Santa Fe Railway Co.....	24373		
Hopper cars.....	24373		
Southern Pacific Transportation Co.....	24373		
Texas and Pacific Railway Co.....	24374		
<b>Notices</b>			
Common carriers of passengers, express and property and freight forwarders; surcharges to offset increases in fuel costs.....	24456		
Hearing assignment.....	24442		
Motor carriers:			
Board transfer proceedings.....	24442		
Irregular-route motor common carriers of property; elimination of gateway letter notices.....	24447		
Temporary authority applications (2 documents).....	24442, 24443		
Requests for certification of Commission records.....	24442		
<b>LABOR DEPARTMENT</b>			
<i>See Occupational Safety and Health Administration.</i>			
<b>LAND MANAGEMENT BUREAU</b>			
<b>Notices</b>			
Environmental impact statement; Eastern Powder River Basin, Wyoming; extension of comments deadline.....	24382		
Idaho; classification of public lands for disposal.....	24382		
New Mexico; applications for natural gas pipelines rights-of-way (2 documents).....	24382, 24383		
Osceola National Forest, Florida; Environmental impact statement.....	24383		
<b>MANAGEMENT AND BUDGET OFFICE</b>			
<b>Notices</b>			
Clearance of reports; list of requests.....	24436		
<b>NATIONAL PARK SERVICE</b>			
<b>Notices</b>			
Canyonlands National Park, Utah; availability of draft environmental impact statement for wilderness proposal.....	24383		
National Register of Historic Places; additions, deletions and corrections.....	24383		

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**Rules**  
Temporary flooring; skeleton steel construction in tiered buildings\_ 24360

**Proposed Rules**  
Colorado Plan; revised developmental schedule\_ 24376

**Notices**  
Delaware Alloy Forge Co.; application for variance of interim order; grant of interim order\_ 24441

**PATENT OFFICE**

**Proposed Rules**  
Inventor's certificates in oath or declaration; listing of applications\_ 24375

**PUBLIC HEALTH SERVICE**

**Rules**  
Coal miners' respiratory clinics; program grants\_ 24363

**RENEGOTIATION BOARD**

**Notices**  
Excessive profits and refunds; notice of interest rate\_ 24437

**RURAL ELECTRIFICATION ADMINISTRATION**

**Proposed Rules**  
Electric distribution borrowers; reporting requirements\_ 24375

**Notices**

Environmental impact statement; Dairyland Power Cooperative of Lacrosse, Wisconsin\_ 24388

**SECURITIES AND EXCHANGE COMMISSION**

**Rules**

Instructions to financial statements, summaries of operation and exhibits; correction\_ 24360

**Proposed Rules**

Non-utility companies; proposed accounting policy\_ 24379

**Notices**

*Hearings, etc.:*

Canadian Javelin, Ltd\_ 24439  
Central Securities Corp\_ 24439  
Commonwealth National Realty Trust\_ 24440  
Contrails Growth Fund, Inc\_ 24440  
Dean Witter Tax-Exempt Trust, First Series (And Subsequent Series)\_ 24437  
Fanfare Corp\_ 24441  
Narragansett Electric Co\_ 24438  
Royal Properties Inc\_ 24439  
Winner Industries, Inc\_ 24439

**SOCIAL AND REHABILITATION SERVICE**

**Rules**

Evaluation standards for programs and projects\_ 24368

**SOCIAL SECURITY ADMINISTRATION**

**Proposed Rules**

Federal health insurance for the aged and disabled; proposed conditions for coverage of services of independent laboratories\_ 24463

**SMALL BUSINESS ADMINISTRATION**

**Notices**

Disaster relief loan availability: Arkansas\_ 24441  
Minnesota\_ 24441

**STATE DEPARTMENT**

See Agency for International Development.

**TRANSPORTATION DEPARTMENT**

See Coast Guard; Federal Highway Administration.

**TREASURY DEPARTMENT**

See Customs Service.

**VETERANS ADMINISTRATION**

**Proposed Rules**

Small claims; optional accelerated procedure\_ 24380

# list of cfr parts affected

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

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

<b>4 CFR</b>		<b>20 CFR</b>		<b>40 CFR</b>	
10.....	24345	PROPOSED RULES:		PROPOSED RULES:	
<b>5 CFR</b>		405.....	24464	52.....	24378
213 (5 documents).....	24350, 24351	<b>21 CFR</b>		85.....	24379
713.....	24351	146b.....	24360	418.....	24489
<b>6 CFR</b>		<b>24 CFR</b>		<b>41 CFR</b>	
PROPOSED RULES:		PROPOSED RULES:		5A-1.....	24362
Ch. I.....	24378	275.....	24377	7-30.....	24363
<b>7 CFR</b>		<b>29 CFR</b>		<b>42 CFR</b>	
706.....	24352	1926.....	24360	55A.....	24363
1040.....	24357	PROPOSED RULES:		<b>45 CFR</b>	
1427.....	24357	1952.....	24376	190.....	24472
PROPOSED RULES:		<b>32 CFR</b>		410.....	24366
27.....	24375	920.....	24361	PROPOSED RULES:	
1701.....	24375	<b>33 CFR</b>		190.....	24481
<b>10 CFR</b>		110.....	24361	<b>47 CFR</b>	
211.....	24357	PROPOSED RULES:		1.....	24370
212 (2 documents).....	24358	110.....	24378	13.....	24370
Ruling.....	24359	<b>37 CFR</b>		21.....	24372
<b>12 CFR</b>		PROPOSED RULES:		73 (2 documents).....	24371, 24373
528.....	24359	1.....	24375	74.....	24372
<b>17 CFR</b>		<b>38 CFR</b>		76.....	24372
239.....	24360	PROPOSED RULES:		PROPOSED RULES:	
249.....	24360	1.....	24375	76.....	24379
PROPOSED RULES:		<b>50 CFR</b>		<b>49 CFR</b>	
210.....	24379	1.....	24380	1033 (4 documents).....	24373, 24374
				<b>50 CFR</b>	
				32.....	24374

# rules and regulations

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

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

## Title 4—Accounts

### CHAPTER 1—GENERAL ACCOUNTING OFFICE

#### SUBCHAPTER A—GENERAL PROCEDURES

#### PART 10—CLEARANCE OF PROPOSALS BY INDEPENDENT FEDERAL REGULATORY AGENCIES TO CONDUCT OR SPONSOR THE COLLECTION OF INFORMATION

##### Policies, Requirements and Procedures

On February 11, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 5201) proposing to add a new Part 10 to Title 4, Code of Federal Regulations, to establish policies, requirements, and procedures, governing submission to, and review and disposition by, the General Accounting Office (GAO) of plans and forms proposed by independent Federal regulatory agencies for use in conducting or sponsoring information collection.

Section 409 of Pub. L. 93-153, 87 Stat. 593, added a section 3512 to chapter 35 of title 44, United States Code (the Federal Reports Act of 1942, as amended), which assigned to GAO two major functions on information collection by independent Federal regulatory agencies.

First, subsection 3512(b) requires GAO to conduct general reviews of all information-gathering practices of independent Federal regulatory agencies with a view toward avoiding duplication of effort in, and minimizing the compliance burden imposed by, such practices. Secondly, subsections 3512(c) and (d) require GAO to conduct advance clearance reviews of new or revised proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information from 10 or more persons. These rules are designed to implement GAO's advance review and clearance functions under 44 U.S.C. 3512 (c) and (d).

Interested parties were given until March 15, 1974, to submit comments regarding these proposed regulations. Written comments were submitted by the independent Federal regulatory agencies subject to these rules and from many private organizations. A number of changes have been made in the proposed rules on the basis of comments received. The major changes, as well as the GAO response to several comments which did not result in changes, are discussed below.

**Agencies covered (§ 10.1(b)).** The format for this portion of the rules was changed. In addition, the Federal Energy Administration was added as an agency covered in accordance with section 7(j) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, 88 Stat. 103. Coverage will com-

mence when the act creating the Administration becomes effective.

**Definition of "collection of information" (§ 10.2).** Guides for personal visit or telephone or telegraph surveys are excluded from the definition, and therefore from clearance requirements, on the basis that such activities do not bear a meaningful relationship to the statutory purposes of GAO review and clearance. Recordkeeping and record maintenance requirements are retained under the definition.

Several agencies implied that recordkeeping requirements do not constitute "collection of information" unless coupled with a specific reporting requirement. However, we fail to perceive a significant distinction in terms of the purposes of 44 U.S.C. 3512 between recordkeeping requirements and reporting requirements. Both require that information be compiled, and presumably in both cases the information will be used. Also, as illustrated in several comments, recordkeeping requirements generally impose compliance burdens similar in nature and degree to reporting requirements. Several other issues relating to the scope of clearance requirements are discussed under subsequent headings of this preamble.

**Agency responsibilities (§ 10.3).** Several agencies took exception to the general statement of agency responsibilities in subsection (b)(2), particularly the requirements that agencies undertake necessary and appropriate efforts to avoid duplication and to solicit and consider the views of affected parties before submitting information collection proposals for GAO clearance.

We recognize that GAO is ultimately responsible for determining whether information sought is presently available and whether information collection proposals are consistent with 44 U.S.C. 3512. At the same time, we firmly believe that each agency is initially and directly responsible for planning and conducting its information collection activities in a manner consistent with these statutory policies both by operation of the statute itself and as a basic element in prudent administration. Therefore, we believe that the clearance procedures should ideally serve in essence as a review designed to ascertain whether agencies have taken all reasonable efforts to comply with the statutory policies. The final version of subsection (b) further elaborates upon such reasonable agency efforts in new paragraphs (3) (utilization of information), and (4) (surveys, pretests, and pilot tests).

**Confidentiality of information (§ 10.4).** The final version of this section adds a

provision that report forms and recordkeeping requirements state any applicable restrictions in terms of confidentiality of information. Also, in response to many business comments, a requirement has been added (§ 10.10(c)(8)) that submissions for clearance recite and explain relevant confidentiality of information protections.

**45-day limit upon GAO review (§ 10.5(b)).** 44 U.S.C. 3512(d) provides that an agency may immediately obtain information if no advice is received from GAO within 45 days. Both the proposed and final versions of section 10.5(b) limit authority to obtain information under this statutory provision to 1 year. Several agencies questioned GAO's authority to impose this limit. Though the law is silent on this point, we believe that such a limit is consistent with, and in furtherance of, the general statutory design. The purpose of the 45-day provision is to insure that the operations of independent regulatory agencies will not be impeded by nonaction on their clearance proposals. This provision necessarily assumes that GAO should be able to, and will, complete clearance reviews within the stated period, and we intend to do so.

However, the 1-year limit is included because some proposals involving unusually complex issues may not be amenable to complete and adequate evaluation within 45 days. To allow a permanent exception from the normal requirements of complete clearance evaluation in such circumstances would, in our view, go beyond the intent of the 45-day provision and would unduly subordinate the general purposes of 44 U.S.C. 3512. Under the 1-year limit, an agency remains free to immediately implement a proposed collection after 45 days. At the same time, the limitation affords a means by which review of the proposal may continue to completion and appropriate advice may be given in the following year.

In response to many comments, a related requirement has been added (§ 10.12(c)) that report forms and other requirements used under a proposal on which GAO has not advised within 45 days state that information collection is authorized for 1 year by operation of 44 U.S.C. 3512(d). The purpose of this requirement is to specify the clearance status of such forms and requirements. Other provisions (§§ 10.5(b), 10.9(a), and 10.12(b)) have been revised to make clear that the 1-year authority to collect information without GAO advice within 45 days does not apply when failure of

the agency to comply with the regulations precludes full and effective review by GAO within 45 days.

This would be the case either when an agency's clearance submission is incomplete (§ 10.9(c)) or when an agency fails to provide additional information, assistance, or other cooperation requested by GAO during a clearance review (§ 10.9(a)). In either case GAO will contact the agency and will suspend or discontinue review pending resolution of the problem. GAO must advise the agency of incompleteness in an initial submission within 5 days of receipt thereof.

*Material revisions in plans or report forms (§10.5(d)).* In response to comments by several agencies, the concept of a material change in existing plans or forms requiring separate clearance has been narrowed.

*Information required by law (§ 10.6(b)(1) & (3)).* Several agencies maintained that the clearance provisions of 44 U.S.C. 3512 do not apply when information is submitted to an agency pursuant to specific statutory requirements. This argument is advanced in the context of statutes which specify the information to be submitted or which specifically authorize an agency to determine the information to be submitted and the form or manner of its submission.

A related argument is that, when a statute requires submission of information to be maintained by an agency solely for public disclosure, the agency is not engaged in "collection of information" within the meaning of 44 U.S.C. 3512 since it is not gathering information for its own use. We believe that these arguments arise from misconceptions concerning the basic scope and purposes of GAO clearance reviews. The responsibilities of GAO and the agencies for purposes of 44 U.S.C. 3512 are stated in subsection (d) of that section as follows:

While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. \* \* \*

This language makes clear that the basic subject of GAO reviews is not what information an agency needs or should collect, but, rather whether particular plans or report forms are appropriate for collecting such information. The appropriateness of plans and forms, in turn, relates to the statutory objectives of avoiding duplication, maximizing the usefulness of information, and minimizing compliance burdens. Obviously statutes which specifically mandate the collection of certain information, including the manner and form of collection, are binding upon GAO.

Even when specific statutory mandates are not involved, GAO is clearly not authorized to substitute its judgment for substantive agency determinations to seek certain information. GAO is re-

quired to determine whether the manner of collection meets the essentially procedural objectives indicated above within the framework of an agency's substantive need and to the extent that an agency has discretion in implementing statutory mandates. Therefore we believe that including information collection pursuant to specific statutes is fully consistent with the purposes of GAO reviews under 44 U.S.C. 3512.

Also neither the language nor the legislative history of the Federal Reports Act in its original form or as amended by Pub. L. 93-153 provides any basis for the exemptions suggested. On the contrary, the legislative history of the original Federal Reports Act of 1942 specifically supports the inclusion of information required by law. This legislation, as passed by the House, exempted from its application "any information now required by law to be given \* \* \*." However, this provision was deleted in conference and was omitted from the version enacted in 1942.

We understand that, consistent with this legislative history, the Office of Management and Budget (and the predecessor Bureau of the Budget) has always considered such information collection to be covered by the act. Also the exemptions suggested would severely limit the coverage of information collection by regulatory agencies. Since enactment of section 409 of Pub. L. 93-153 reaffirms the applicability of the Federal Reports Act to the regulatory agencies, it seems reasonable to conclude that, if such significant exemptions had been intended, they would have been specified.

Finally, we perceive no basis for exemption of information required solely for public disclosure. Such agency requirements do, in fact, constitute information collection. Moreover, many objectives of clearance reviews do apply to such requirements (although we recognize that considerations of duplication may have little or no relevance).

*Particular exemptions from coverage (§ 10.6(c)).* This portion of the proposed rules, particularly the former reference to "demands for information through the exercise of an agency's subpoena or similar authority," caused considerable confusion, and significant revisions have been made. Paragraph (4) of the final version states separately an exemption for collecting evidence and other information in conducting litigation.

Paragraph (5) states an exemption for collecting evidence and other information in agency adjudications or investigations concerning particular parties. The purpose of this paragraph is to separate from the clearance requirement specific law-enforcement proceedings or inquiries involving particular parties. This exemption would apply to all collections of evidence and other information in such proceedings or investigations whether addressed to parties under investigation or other sources of relevant information. Presumably evidentiary needs and uses are quite specific in this context, the potential respondents are

limited, and the basic objectives and procedures for clearance reviews have little or no application.

To be distinguished from the foregoing, activities, however, are more general proceedings and inquiries which relate to broader subjects, such as conditions or practices within an entire industry or profession, or segments thereof. The nature of such proceedings, of course, varies greatly. They might be quasilegisative, such as a proceeding to determine the need for establishing or modifying regulatory requirements. Or they might be characterized as law enforcement oriented, when the purpose is to ascertain whether there is general compliance with a statute or regulatory requirement or to conduct random or routine compliance checks. Since we believe that clearance reviews are both appropriate and desirable when information is collected for the latter purposes, such activities are expressly excluded from the exemption and therefore remain subject to clearance.

Paragraph (5) seeks to distinguish agency activities on the basis of their functional nature and purposes rather than the particular device or power which is used as a vehicle for information gathering. Therefore the final rules omit the former reference to subpoena power or similar authority which, as many comments noted, was both artificial and ambiguous.

In response to several comments, a new paragraph (6) has been added to establish an exemption for soliciting voluntary comments and opinions. Since response is not required, such solicitations do not impose compliance burdens as such. Moreover, soliciting comments and opinions does not really involve considerations of duplication.

*Availability of information (§ 10.8).* In response to numerous comments, this new section has been added to provide maximum availability to the public of information relating to GAO clearance reviews. First, GAO will publish in the FEDERAL REGISTER notice of all submissions for clearance as they are received (a companion change in § 10.9(b) requires that agency submissions briefly state the information necessary for preparing such notices). Second, all materials comprising clearance submissions will be available for public inspection and copying. Third, GAO's Regulatory Reports Review Staff will be available to respond to inquiries from any source, including agency officials, concerning the status of clearance submissions or whether particular agency plans or forms have been submitted to, and cleared by, GAO.

Other changes have been made in the rules to further enhance disclosure concerning the clearance status of plans and forms. All report forms and other requirements cleared by GAO must show the expiration date for such clearance (§ 10.12(a)). Also GAO will publish in the FEDERAL REGISTER notice of determinations to withhold clearance with respect to particular plans, forms, and requirements (§ 10.12(b)).

*Requirement that plans and report forms be in final form and approved by agency head (§10.10(b)).* This subsection provides that a proposal not be submitted for GAO clearance unless it constitutes a final product approved by the agency head. An exception is provided when authority to promulgate plans and forms has been delegated within the agency. Several comments suggested that agency head approval be required in all cases. However, the purpose of receiving only final products is accomplished by merely requiring approval by the agency official who has authority to promulgate the proposal.

A number of agency comments recommended that, when plans or forms are developed through proposed rulemaking procedures, GAO clearance reviews should commence when the proposed rulemaking is published. There is considerable merit to this recommendation, and we appreciate the concern on the part of the agencies that such information-gathering proposals be reviewed as expeditiously as possible.

However, for the present it is preferable to limit clearance reviews to final agency products supported by a complete record, particularly a full record of public comments and agency responses. At the same time, we will continue to consider concurrent review alternatives. In any event, our Regulatory Reports Review Staff stands ready to informally consult with agencies concerning preliminary problems and potential clearance issues.

*Effect of GAO's withholding of clearance.* The rules (§ 10.12(b)) provide that GAO withhold clearance if it determines and advises an agency that a particular proposal fails to satisfy the requirements and policies of 44 U.S.C. 3512. Considerable controversy exists concerning the legal effect of such negative advice. Several agencies feel that no GAO advice is binding upon them and that they may proceed to implement information-gathering proposals notwithstanding negative GAO advice. This position is based upon the statement in subsection (d) of 44 U.S.C. 3512 that

\*\*\* the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information.

On the other hand, subsection (c) of this section provides that an agency "shall not" collect information "unless" plans or report forms to be used in the collection have been submitted to GAO and GAO has determined that (1) the information sought is not otherwise available and (2) the plans for forms are consistent with 44 U.S.C. 3512. Moreover, subsection (d) again states that GAO shall determine the availability of information elsewhere and the appropriateness of plans and forms.

These rules cannot, of course, resolve this issue and do not purport to do so. Nevertheless, it is important to indicate our position. As pointed out above, GAO clearance reviews are addressed not to an

agency's need for information but to the manner of its collection. In our view, both the language of 44 U.S.C. 3512 as a whole and its legislative history indicate that agencies may not collect information in a manner which GAO has advised is duplicative or inappropriate. We believe that the language in subsection (d) referring to final agency determinations of need and whether to collect information is intended only to insure that GAO's ultimate advice is properly limited to the criteria specified in section 3512.

At the same time, we recognize that the statute is somewhat ambiguous and it may be difficult in some cases to separate procedural matters from substantive agency determinations of need. Hopefully, both GAO and the agencies will approach clearance reviews in a reasonable and cooperative manner and thereby minimize instances in which this issue will arise.

Other minor changes have been made in the rules as proposed. We have evaluated the comments and other relevant matter. The proposed rules, with changes, as set forth in full below, are hereby adopted effective on July 2, 1974.

A new Part 10 is promulgated as follows:

- Subpart A—General Provisions**
- Sec. 10.1 Scope and purpose of part.
- 10.2 Definitions.
- 10.3 General policies and responsibilities.
- 10.4 Confidentiality of information.
- Subpart B—Clearance Procedures**
- 10.5 Requirement for clearance.
- 10.6 Particular proposals.
- 10.7 Scope of clearance procedures.
- 10.8 Availability of information.
- Subpart C—Submission for Clearance**
- 10.9 General.
- 10.10 New plans or report forms.
- 10.11 Renewals or revisions of existing plans and report forms.
- 10.12 Notification of General Accounting Office action.

**AUTHORITY:** 44 U.S.C. 3512(f), added by sec. 409(b) of Pub. L. 93-153, 87 Stat. 593. Interpret or apply 44 U.S.C. 4512(a), (c), (d).

**Subpart A—General Provisions**  
**§ 10.1 Scope and purpose of part.**

(a) This part establishes policies, requirements, and procedures governing submission to, and review and disposition by, the General Accounting Office (GAO), pursuant to 44 U.S.C. 3512 (c) and (d), of plans or forms proposed by independent Federal regulatory agencies for use in conducting or sponsoring the collection of information upon an identical item from 10 or more persons.

(b) At present, the following agencies are "independent Federal regulatory agencies" for purposes of this part: Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned), Civil Aeronautics Board, Consumer Product Safety Commission, Equal Employment Opportunity Commission, Federal Communications Commission, Federal Energy Administration, Federal Maritime Commission, Federal

Power Commission, Federal Trade Commission, Interstate Commerce Commission, National Labor Relations Board, and Securities and Exchange Commission.

(c) This part supersedes all GAO guidelines and procedures to implement 44 U.S.C. 3512 previously communicated to independent Federal regulatory agencies.

**§ 10.2 Definitions.**

As used in this part, unless the context requires otherwise—

"Agency" means an independent Federal regulatory agency specified in § 10.1 (b) of this part.

"Collection of information" means the soliciting or obtaining of facts on an identical item from 10 or more persons by use of report forms, application forms, schedules, questionnaires, letters, plans, or similar methods or the imposition of recordkeeping or record maintenance requirements concerning an identical item and affecting 10 or more persons.

"Person" means an individual, partnership, association, corporation, business trust, legal representative, an organized group of persons, a State or territorial government or branch, or a political subdivision of a State or territory or a branch of a political subdivision; but does not include agencies, instrumentalities, or employees of the United States.

"Plan or report form" includes any plan, guide, form, schedule, questionnaire, letter, instruction, contract, agreement, order, regulation, or other method or device used or available for use to solicit or obtain facts or to impose recordkeeping or similar requirements.

"Proposal," "proposal for the collection of information," or "proposed plans or report forms" refer to a proposal submitted to GAO for clearance pursuant to this part.

An agency is considered to "sponsor" the collection of information when it requires a person or organization, including its contractor or grantee, to collect specific information to be made available to the agency and when it promulgates plans or forms as mandatory standards for State or local government agencies to use in collecting information.

In determining whether information is collected from "ten or more persons," when the primary or principal respondent must obtain from others the same information requested of them (e.g., contractors obtaining information from subcontractors), the secondary respondents must be counted.

**§ 10.3 General policies and responsibilities.**

(a) The purpose of 44 U.S.C. 3512 is to assure that information required by agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish information. To this end, unnecessary duplication of efforts in obtaining information already filed with other Federal

agencies through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable; and information collected and tabulated by agencies shall, as far as is expedient, be tabulated in a manner designed to maximize its usefulness to other Federal agencies and to the public.

(b) (1) Each agency shall submit to GAO all proposals for the collection of information requiring clearance under subpart B of this part. Any questions concerning whether a particular plan or report form is subject to clearance shall be presented for determination by GAO. Submissions shall comply with the requirements prescribed in subpart C of this part.

(2) Each agency is directly responsible for planning and conducting its information collection activities, including establishing procedures for managing such activities, in a manner consistent with the policies of 44 U.S.C. 3512, as stated in paragraph (a) of this section. Accordingly, prior to submitting proposals for clearance by GAO, each agency shall take all necessary and appropriate measures to insure to the best of its capabilities that proposed plans and report forms comply with the requirements and policies of 44 U.S.C. 3512, including all reasonable efforts to avoid seeking unneeded or marginally useful information; to ascertain whether information sought is already available from another source and, if so, to arrange for use of such information; to minimize both substantive and procedural burdens imposed upon respondents; and to solicit and consider the views of persons who would be affected by the proposed plan or report form, including respondents, business and trade associations, and other concerned organizations. To insure that information is collected and tabulated to maximize its usefulness, agencies should consult with governmental and nongovernmental organizations and entities, including Federal agencies other than independent Federal regulatory agencies, which are likely to be significant users of the information to be collected. For example, agencies planning to conduct or sponsor the collection of statistical information involving financial statements and operating data should consult with the Bureau of Economic Analysis of the Social and Economic Statistics Administration, Department of Commerce.

(3) Each agency is encouraged to use surveys, pretests, or pilot tests in developing major information collection proposals and before full-scale agency adoption of such major proposals. Surveys, pretests or pilot tests undertaken for this purpose will not be subject to GAO clearance.

(4) Each agency shall provide GAO such information concerning the status and use of its plans and report forms as may be requested.

(c) GAO is responsible for determining whether information to be collected is already available from another Federal source and whether proposed plans or forms for the collection of information

are consistent with the requirements and policies of 44 U.S.C. 3512. Such responsibilities will be approached initially by reviewing those steps which an agency has taken to effect compliance. However, GAO will take such additional steps as it deems necessary and appropriate to insure compliance with the statutory requirements and policies.

#### § 10.4 Confidentiality of information.

Section 3508(a) of title 44, United States Code, dealing with unlawful disclosure of information, applies to the use of information by agencies subject to this part. Each report form and reporting or recordkeeping requirement shall specify any restrictions upon agency use of the information concerned or other protections in terms of the confidentiality of such information under relevant statutes or agency regulations, procedures, or practices.

#### Subpart B—Clearance Procedures

#### § 10.5 Requirement for clearance.

(a) Except as provided in § 10.6 of this part and paragraph (b) of this section, an agency shall not conduct or sponsor the collection of information upon an identical item from 10 or more persons unless in advance of adoption or revision of any plans or forms to be used in the collection—

(1) The agency has submitted to GAO proposed plans or forms for collecting such information, together with copies of pertinent regulations and of such other related materials as are specified in and required pursuant to subpart C of this part; and

(2) GAO has advised that the information proposed to be collected is not presently available to the agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provisions of 44 U.S.C. 3512.

(b) If GAO does not provide advice within 45 days following the date on which it received a complete submission for clearance of a proposal to collect information and review of such proposal has not been suspended or discontinued pursuant to § 10.9 of this part, the agency may immediately proceed to collect such information under the proposal as submitted to GAO. Collection of information by operation of this subsection may not continue for more than 1 year from the date on which it commenced.

(c) Renewals of plans or report forms upon expiration of an existing clearance must be submitted for a new clearance whether or not any revision in such plans or report forms is proposed.

(d) Revisions in plans or report forms prior to expiration of an existing clearance are subject to a new clearance if such revisions are material. A material revision in a plan or report form or the use thereof, includes, but is not necessarily limited to, significant modification in the kind or amount of information sought; significant change in the number or type of respondents or the survey coverage; significant change in

the timing or frequency of reporting or the duration of records maintenance requirements; or a change in the purpose for which information is required. Non-material changes need not be submitted for clearance by GAO. However, agencies shall advise GAO of such changes and the reasons therefor and furnish GAO a copy of the revised plan or report form.

(e) Agencies may continue to use plans and report forms approved by OMB prior to November 16, 1973, until the OMB clearance expires. However, no plan or report form previously cleared by OMB may be used after its expiration date or materially revised for use prior to its expiration date without submission to and clearance by GAO.

#### § 10.6 Particular proposals.

(a) (1) Subject to §§ 10.2 and 10.5 of this part and paragraphs (b) and (c) of this section, agencies shall submit for clearance every new or revised proposal to conduct or sponsor the collection of information upon an identical item from 10 or more persons.

(2) Subsections (b) and (c) of this section establish certain general guidelines for clearance. As such, these guidelines are not designed to cover definitively or comprehensively all issues which may arise concerning which plans or forms are subject to clearance; and GAO may depart from these guidelines when deemed consistent with 44 U.S.C. 3512. GAO shall ultimately determine what proposed plans and forms are subject to clearance; and any questions concerning applicability of the clearance requirement to particular plans or forms, as well as questions concerning application of the guidelines contained in paragraphs (b) and (c) of this section, should be submitted for determination by GAO.

(b) Plans or forms for the collection of information shall be submitted for clearance irrespective of whether they are:

(1) Specifically authorized or required by law (and whether or not the agency is authorized to prescribe the manner or form of such collection);

(2) Established or implemented through a rulemaking or similar proceeding; or

(3) Undertaken solely to satisfy a requirement that the agency collect or maintain information for purposes of public inspection or disclosure.

(c) The requirement for clearance does not include the following types of plans or forms:

(1) Affidavits, oaths, notices of change of address, or forms used for acknowledgement or receipt of articles or services requiring no information other than that necessary to describe the article or service and identify the person or persons making the acknowledgment or receipt;

(2) Collection of information for identification or classification in connection with laboratory research and clinical investigations;

(3) Tests or examinations given individuals to determine knowledge, abilities, or aptitudes or the collection of

information for identification or classification in connection with such tests;

(4) Collection of evidence or other information in connection with litigation;

(5) Collection of evidence or other information in connection with quasijudicial proceedings or formal or informal investigations undertaken with reference to particular individuals or entities to determine whether such individuals or entities have violated a statute, regulation, or other requirement (this exception does not include general investigations undertaken with reference to a category of individuals or entities, such as a class of licensees or an industry as a whole);

(6) A solicitation of comments or opinions which is not addressed to specified respondents or is otherwise clearly intended to be entirely voluntary, such as an invitation for comments on a proposed rulemaking or on a proposed action affecting the environment; or

(7) Surveys, pretests, and pilot tests referred to in § 10.3(b)(4) of this part.

§ 10.7 Scope of clearance procedures.

(a) Each review for clearance by GAO of a proposal for the collection of information will include consideration of whether information proposed to be collected is presently available to the agency from another source within the Federal Government and whether the proposed plans or report forms impose a minimum burden upon respondents consistent with the substantive needs of the agency and are otherwise consistent with 44 U.S.C. 3512 and appropriate for collection of the information sought. The agency shall finally determine its substantive need for information. However, GAO will consider an agency's need for information, as well as any other issues insofar as relevant to the criteria specified in this subsection.

(b) GAO shall take such measures as it deems necessary and appropriate to conduct reviews for clearance and to promote the purposes of 44 U.S.C. 3512, including requesting additional information and other cooperation from the agency and directly consulting with or soliciting the views of persons affected by or having an interest in the proposal.

(c) Clearances by GAO will normally be limited to a particular period of time and shall be subject to revocation on the basis of changed circumstances or other cause after notice to and consultation with the agency concerned.

§ 10.8 Availability of information.

(a) GAO will publish in the FEDERAL REGISTER notices of submissions for clearance of new plans and report forms, as well as revisions and renewals of existing plans and report forms, as such submissions are received. Such notice will identify for each proposal the proponent agency (and subdivision thereof when applicable), type of proposal (new plan or form, revision, or renewal), subject matter, potential respondents, and date of receipt by GAO.

(b) All proposals submitted to GAO for clearance, including all accompanying materials, shall be available for public inspection and copying (at reasonable cost) during regular business hours.

(c) Questions concerning the disposition or status of proposals submitted to GAO for clearance or whether particular information collection activities have been submitted to and cleared by GAO may be directed to the GAO's Regulatory Reports Review Officer.

Subpart C—Submission for Clearance

§ 10.9 General.

(a) Subject to paragraph (d) of this section, all submissions for clearance shall be made in accordance with this subpart and shall evidence compliance with all requirements thereof. Each agency shall provide GAO such additional information, assistance, or other cooperation as may be required in connection with reviews for clearance. Any failure to comply with any of the provisions or requirements of this subpart which, in the opinion of GAO, precludes complete and effective review or action upon a submission within 45 days shall, after notice to and consultation with the agency, justify suspension or discontinuance of GAO review of such submission and the 45 day period for GAO review will not continue to run.

(b) Proposals requiring clearance shall be sent to the Comptroller General of the United States, 441 G Street NW., Washington, D.C. 20548, and should include a letter of transmittal, Standard Form 83 (original and two copies), and all related documentation (three copies). Each submission for clearance shall also include, for purposes of the FEDERAL REGISTER, notice, pursuant to § 10.8(a) of this part, a separate sheet indicating the proponent agency (and subdivision thereof when applicable), type of proposal (new plan or form, revision, or renewal), subject matter, and potential respondents.

(c) The 45-day limit for GAO clearance reviews shall commence on the day GAO receives a complete submission in terms of the requirements specified in subpart C of this part. Within 5 days following receipt of submission for clearance, GAO will notify the agency if its submission is incomplete in any respect. In the event of such notice, the 45-day period will not commence until the date GAO receives the additional information or materials necessary to complete the submission.

(d) GAO may in special or emergency circumstances undertake special procedures or arrangements within the general framework of this part for the processing of submissions for clearance.

§ 10.10 New plans or report forms.

Subject to § 10.9(d) of this part, all requests for clearance of new plans or report forms must be made in accordance with the provisions of this section:

(a) Until GAO has developed its own form, requests for clearance should be made by submitting Standard Form 83,

"Clearance Request and Notice of Action," prepared in accordance with the instructions contained therein (subject to any revisions or modifications which GAO may specify), and accompanied by additional materials described in this section. Requests for clearance should be made in time to allow for adequate review and adoption of any necessary alterations (including coordination or integration with other plans and report forms) without delaying the operating program to which the plan or report form relates.

(b) Clearance should not be requested for a plan or report form until it is in final form. Therefore, the agency head should approve the plan or report form before submitting it for clearance to GAO and the letter of transmittal should so state. However, if the plan or report form for which clearance is requested is of a type for which the responsibility for determining need, use, etc., has been delegated to a staff level within the agency, the agency's transmittal letter should include a statement that the proposed form has been processed pursuant to a delegation of authority and appropriate documentation showing such delegation should be included.

(c) Each request for clearance must include a narrative supporting statement containing detailed information, quantified where applicable, on each of the topics specified in this subsection. When a topic is not applicable to the subject request, so state, giving the reasons therefor. If the information has already been provided for the review of the preliminary plan or contract, a reference to the previous submission, with the citation, will be sufficient.

(1) *Justification.* (i) Give a full and detailed explanation of the circumstances which make the plan or report form necessary. Include identification of any legal or administrative requirements which necessitate such data collection. Where the form is used in an agency program, describe the program and indicate how this particular form fits in.

(ii) Indicate how, by whom, and for what purpose the data will be used.

(iii) Indicate specifically any similar data already available in the subject field and why it cannot be used for this purpose.

(2) *Description of survey plan.* (May be omitted for application forms and recordkeeping requirements.)

(i) Give a quantified description of the potential respondent universe. Identify available mailing lists or directory sources used.

(ii) Describe the survey design and sampling or other respondent selection method to be used, as well as any plans for a pretest and techniques for handling nonresponse.

(iii) If the survey is to be made or the returns processed under a federally sponsored contractor grant, the sponsoring agency will be responsible for obtaining GAO clearance for all data collection forms or other documents. The sponsoring agency should also provide the following: name of contractor; his role and

responsibilities relating to the entire project; and the arrangement made with the contractor regarding confidentiality of collected data, disposition of completed report forms, punch cards, or tapes, etc.

(3) *Tabulation and publication plans.* (May be omitted for application forms, recordkeeping requirements, and preliminary plans or contracts.) Indicate briefly plans for publication, such as time, type, and content. A summary of the tabulation plans should accompany the request for clearance or be described briefly in the supporting statement.

(4) *Time schedule for data collection and publication.* (May be omitted for application forms and recordkeeping requirements.) Indicate the planned time schedule for the entire project, including beginning and ending collection dates, and completion of report or publication dates. Indicate the expected elapsed time between the completion of data collection and issuance of first published results.

(5) *Consultations outside the agency.*  
(i) Give names of persons outside the agency with whom the proposed plan or report form was discussed and indicate the companies, organizations, or associations which they represent. Summarize any major problems on which agreement could not be reached.

(ii) Indicate the extent to which comments from such persons are reflected in the plan or report form.

(iii) Indicate the extent to which availability of records and reportability of data was learned from such persons.

(iv) Give the names and positions of officials of other Federal agencies (whether or not subject to this part) with whom the plan or report form was discussed and indicate comments these officials made regarding the present availability of the information.

(v) The agency will maintain and make available for GAO review copies of written comments from persons and officials contacted pursuant to paragraphs (c) (5) (i) through (iv) of this section.

(6) *Estimation of compliance burden.* To minimize the compliance burden on persons affected and to improve governmental efficiency, each agency will consider and determine, in connection with each plan or report form submitted, whether the proposed plan or report form exceeds the limits of reasonable needs or practical utility, either with respect to the number of respondents, frequency of collection, or number of difficulty of the items and whether all items of information to be furnished or recorded are essential to the central purpose of such plan or report form. Special consideration will be given to the burden on individuals, small business, and other organizations with limited clerical, financial management, and statistical staffs.

(i) Explain the basis used in developing the figure shown in item 15e, "Estimated average number of man-hours required per person," of Standard Form 83. Informal consultation with a few persons affected, particularly in instances in which selected persons are consulted as

required in paragraph (c) (5) of this section, may be desirable. Estimates may also be based on experience with a pretest or related forms. In the case of forms to be completed by individuals or households, a trial with office staff is a possible device.

(ii) In making this estimate of burden, be sure to allow for the time needed to gather and compile the data (if not already available) as well as clerical time needed to complete the form.

(iii) Where the compliance burden is expected to vary considerably because of differences in respondent size or complexity, show the range of such estimated burden explaining the reasons for the variation and estimate the average time per response.

(7) *Estimate of cost to the Federal Government.* Include an estimate of the total cost for each proposed collection of information, including planning, compiling of information, and the estimated share of overhead costs. In the case of repetitive plans or forms, calculate costs on an annual basis.

(d) Any related background documents, such as preliminary research reports or survey, pretest, or pilot test results, which will illustrate the purpose or origin of the proposed plan or report form, should be submitted with the proposal.

(8) *Provisions for confidentiality of information.* Include references and descriptions of any restrictions upon agency use of the information concerned or other protections in terms of the confidentiality of such information under relevant statutes or agency regulations, procedures, or practices.

#### § 10.11 Renewals or revisions of existing plans and report forms.

(a) (1) *Forms with clearance expiring.* Proposals for renewal of a prior OMB or GAO clearance which is about to expire must be submitted in accordance with the requirements for new plans or report forms set forth in § 10.10 of this part. Information provided under § 10.10 in a prior submission to GAO may, to extent that it is still current, be incorporated by reference in the submission for renewal. All proposals for renewal shall be submitted to GAO not later than 45 days prior to the expiration date of the existing clearance.

(2) For plans or report forms for which the agency plans no revision, furnish a statement detailing the use made of previously collected information and explaining the circumstances which make continued use of the plan or report form necessary.

(3) If a change is to be made in an existing plan or report form or in the use thereof, furnish a statement explaining the extent of the revisions and the reasons therefor, and what use has been made of previously collected information.

(b) Plans or report forms revised prior to expiration of an existing clearance. Clearance is required only for revisions which are material, as explained in § 10.5 (d) of this part. Material revisions will

be submitted for clearance in accordance with the requirements for new plans or report forms set forth in § 10.10 of this part, subject also to § 10.11(a) (1).

#### § 10.12 Notification of General Accounting Office action.

(a) If GAO determines that proposed plans or report forms are not unnecessarily duplicative or burdensome and are otherwise consistent with 44 U.S.C. 3512 and appropriate for collection of the information sought, GAO will so advise the agency, assign a clearance number, and prescribe an expiration date. The GAO clearance number, or a statement denoting GAO clearance, and the expiration date must appear prominently on the report form or in the reporting or recordkeeping requirement.

(b) If GAO determines that [a] proposed plan[s] or report form[s] fails to meet any one or more of the criteria referred to in paragraph (a) of this section, GAO shall advise the agency of such determination and the reasons therefor, and will not issue a clearance. GAO will also publish in the Federal Register notice of any such determination and the reasons therefor.

(c) If an agency implements a proposal for collecting information upon failure by GAO to respond to a submission within 45 days as provided in § 10.5(b) of this part, the report form or reporting or recordkeeping requirement shall prominently display a notice stating in substance the collection of information is authorized by operation of 44 U.S.C. 3512(d) until (a date not more than 1 year following the date on which information collection commenced).

[SEAL] ELMER B. STAATS,  
Comptroller General  
of the United States.

[FR Doc.74-15076 Filed 7-1-74;8:45 am]

#### Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE Executive Office of the President

Section 213.3303 is amended to show that one position of Confidential Secretary to the Deputy Director, Office of Telecommunications Policy, is excepted under Schedule C.

Effective July 2, 1974, § 213.3303 (i) (6) is added as set out below.

#### § 213.3303 Executive Office of the President.

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

(6) One Confidential Secretary to the Deputy Director.

(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.74-15133 Filed 7-1-74;8:45 am]

**PART 213—EXCEPTED SERVICE**

**Department of Justice**

Section 213.3310 is amended to show that one position of Special Assistant to the Director, Office of Criminal Justice, Office of the Deputy Attorney General, is excepted under Schedule C.

Effective July 2, 1974, § 213.3310(b) (6) is added as set out below.

§ 213.3310 Department of Justice.

(b) Office of the Deputy Attorney General.

(6) One Special Assistant to the Director, Office of Criminal Justice.

(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.74-15134 Filed 7-1-74; 8:45 am]

**PART 213—EXCEPTED SERVICE**

**Department of Justice**

Section 213.3310 is amended to show that one position of Public Information Officer, Immigration and Naturalization Service, is excepted under Schedule C.

Effective July 2, 1974, § 213.3310(j) is added as set out below.

§ 213.3310 Department of Justice.

(j) Immigration and Naturalization Service.

(1) One Public Information Officer. (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.74-15135 Filed 7-1-74; 8:45 am]

**PART 213—EXCEPTED SERVICE**

**Department of the Treasury**

Section 213.3305 is amended to show that one position of Staff Assistant to the Secretary is excepted under Schedule C.

Effective July 2, 1974, § 213.3305(a) (47) is amended as set out below.

§ 213.3305 Department of the Treasury.

(a) Office of the Secretary. \* \* \* (47) Two Staff Assistants to the Secretary.

(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.74-15136 Filed 7-1-74; 8:45 am]

**PART 213—EXCEPTED SERVICE**

**General Services Administration**

Section 213.3337 is amended to show that one position of Confidential Assistant to the Commissioner, Federal Supply Service, is excepted under Schedule C.

Effective July 2, 1974, § 213.3337(c) (2) is amended to read as set out below.

§ 213.3337 General Services Administration.

(c) Federal Supply Service. \* \* \* (2) Four Confidential Assistants to the Commissioner.

(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.74-15132 Filed 7-1-74; 8:45 am]

**PART 713—EQUAL OPPORTUNITY**

**Nondiscrimination on Account of Age**

A new Subpart E is added to Part 713 to carry out the policy of nondiscrimination based on age in Pub. L. 93-259.

**Subpart E—Nondiscrimination on Account of Age**

**GENERAL PROVISIONS**

Sec. 713.501 Purpose and applicability. 713.502 General policy.

**AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION**

713.511 General. 713.512 Coverage. 713.513 Effect on administrative processing. 713.514 Exclusions. 713.521 Appeal to the Commission.

**Subpart E—Nondiscrimination on Account of Age**

**GENERAL PROVISIONS**

§ 713.501 Purpose and applicability.

(a) Purpose. This subpart sets forth the policy under which an agency shall establish a continuing program to assure nondiscrimination on account of age and the regulations under which an agency will process complaints of discrimination on account of age.

(b) Applicability. (1) This subpart applies (i) to military departments as defined in section 102 of title 5, United States Code, and Executive agencies as defined in section 105 of title 5, United States Code, the United States Postal Service and the Postal Rate Commission, and to the employees thereof, including employees paid from non-appropriated funds, and (ii) to those units of the legislative and judicial branches of the Federal Government and the Government of the District of Columbia having positions in the competitive service and to the employees of those positions. (2) This subpart does not apply to aliens employed outside the limits of the United States. (3) Except as provided by paragraph (b) (2) of this section, this

subpart applies to applicants for positions to which paragraph (b) (1) of this section applies. (4) This subpart applies only to employees or applicants who are at least 40 years of age and less than 65 years of age.

(c) Exceptions. Reasonable exemptions to the provisions of this subpart may be established by the Commission for each position for which the Commission establishes a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position.

§ 713.502 General Policy.

It is policy of the Government of the United States (and of the government of the District of Columbia) to prohibit discrimination in employment on account of age to assure that all personnel actions affecting employees or applicants for employment are free from discrimination on account of age.

**AGENCY REGULATIONS FOR PROCESSING COMPLAINTS OF DISCRIMINATION**

§ 713.511 General.

An Agency shall provide regulations governing the acceptance and processing of complaints of discrimination on account of age which, subject to § 713.514, comply with the principles and requirements in §§ 713.213 through 713.222, 713.241 and 713.261 through 713.271 of this part.

§ 713.512 Coverage.

The agency shall provide in its regulations for the acceptance of a complaint from any aggrieved employee or applicant for employment with the agency who believes that he or she has been discriminated against on account of age and who was at least 40 years of age but less than 65 years of age at the time of the action complained of. A complaint may also be filed by an organization for the person with his or her consent.

§ 713.513 Effect on Administrative Processing.

The filing of a civil action by an employee or applicant does not terminate agency processing of a complaint or Commission processing of an appeal under this subpart.

§ 713.514 Exclusions.

Sections 713.251, 713.281, and 713.282 shall not apply to the processing of discrimination complaints on account of age. The reference to § 713.281 in §§ 713-215, 713.217, 713.220, and 713.221 may not be included in agency regulations required by this subpart.

§ 713.521 Appeal to the Commission.

Except for the requirements in § 713-234 that the decision of the Board of Appeals and Review contain a notice of the right to file a civil action in accordance with § 713.282, §§ 713.231 through 713.236 of this part shall apply to this subpart.

(5 U.S.C. 1301, 3301, 3302, 7151-7154, 7301; 86 Stat. 11; E.O. 10577, 3 CFR 1954-58 Comp., p. 218; E.O. 11222, 3 CFR 1964-1965 Comp.,

p. 306; E.O. 11478, 3 CFR 1966-70 Comp., p. 803; 29 U.S.C. 633a)

Effective date: May 1, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-15131 Filed 7-1-74;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

PART 706—NAVAL STORES CONSERVATION

Naval Stores Conservation Program for 1973

Pursuant to the authority in the Soil Conservation and Domestic Allotment Act, as amended, the Secretary of Agriculture issues the regulations set forth below to govern the 1973 Naval Stores Conservation Program.

*Findings and Determinations.* The United States District Court for the District of Columbia has ordered the Department of Agriculture to implement the Rural Environmental Assistance Program as soon as feasible after February 7, 1974. The Naval Stores Conservation Program is a part of the Rural Environmental Assistance Program. In accordance with the exception provided in the Department of Agriculture's policy published in the FEDERAL REGISTER on July 24, 1971 (36 FR 13804), it has been found and determined that the notice and public procedure provisions of 5 U.S.C. 553 would be impracticable and contrary to the public interest.

Subpart G of Part 706 is revised to read as follows:

Subpart G—1973

GENERAL PROVISIONS

Sec.	
706.1	Purposes and general requirements.
706.2	Required performance.
706.3	Double-headed nails requirement.
706.4	Fire protection.
706.5	Bark-bar requirement.
706.6	Inspection assistance.
CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES	
706.7	Practice 1: Working only 9 inch d.b.h. or larger trees.
706.8	Practice 2: Working only 10 inch d.b.h. or larger trees.
706.9	Practice 3: Working only 11 inch d.b.h. or larger trees.
706.10	Practice 4: Working only 12 inch d.b.h. or larger trees.
706.11	Practice 5: Restricting turpentine to previously worked trees.
706.12	Practice 6: Working only selectively marked trees.
706.13	Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.
706.14	Practice 8: Use of disposable paper bags.
706.15	Practice 9: Pilot plant tests of new methods and equipment.
706.16	Practice 10: Planting of superior trees.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

Sec.	
706.17	Increase in small Federal cost-shares.
706.18	Maintenance of practices.
706.19	Practices defeating purposes of programs.
706.20	Federal cost-shares not subject to claims.
706.21	Assignments.
706.22	Death, incompetency, or disappearance of producer.
706.23	Maximum Federal cost-share limitation.
706.24	Evasion.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

706.25	Persons eligible to file application for payment of Federal cost-shares.
706.26	Time and manner of filing applications and required information.

APPEALS

706.27	Appeals.
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DEFINITIONS

706.28	Definitions.
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AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

706.29	Authority.
706.30	Availability of funds.
706.31	Applicability.
706.32	Administration.

AUTHORITY: 49 Stat. 164, Secs. 7-15, 16(a), and 17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g to 590o, 590p(a), and 590q.

Subpart G—1973

GENERAL PROVISIONS

§ 706.1 Purposes and general requirements.

(a) *Purposes.* The purpose of the current Naval Stores Conservation Program (referred to in this Subpart as "this program") is to restrict turpentine to the most productive timber to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources. Under this program the Federal Government will effectuate such purposes by sharing with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of the regulations in this subpart and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out. This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during the four previous seasons.

(b) *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.13 and 706.14. In each of the practices except § 706.16, the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.2 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry

out at least one of the approved conservation practices in every tract or drift of faces operated by him during the current turpentine season. This requirement will not apply if the U.S. Forest Service or State Forest Agency determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the U.S. Forest Service or State Forest Agency may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the current program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program to be eligible for cost-sharing under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the current season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency, or the tract or drift will be considered only for qualification for cost-shares under the practice with the next lower rate of payment.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the current program to faces which were installed and met the eligible face requirements during the four previous seasons. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in the current year or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency. If such faces are not removed within the 60-day period, there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) *Practices under §§ 706.7, 706.8, 706.9, 706.10, 706.11, 706.12, 706.13, or 706.15 which require more than one year for completion.* Cost shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to

program provisions and within the time prescribed by the U.S. Forest Service, unless prevented from doing so by reasons beyond his control, or to refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefore under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

**§ 706.3 Double-headed nails requirement.**

Use of double-headed nails is required in the elevation of all cups and tins.

**§ 706.4 Fire protection.**

Each producer shall during the current turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

**§ 706.5 Bark-Bar requirement.**

No back face shall be worked on any tree unless a live barkbar on each side of the back face is provided and maintained throughout the current turpentine season, the total of the two barkbars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point; *Provided, however,* That the restriction with respect to the width of the barkbar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to the current season. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

**§ 706.6 Inspection assistance.**

Each producer shall assist representatives of the U.S. Forest Service or State Forest Agency in the administration of this program by:

- (a) Giving them free access to his turpentine farm or farms;
- (b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector;
- (c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;
- (d) Furnishing competent labor to assist the local inspector in counting faces;
- (e) Submitting an application for payment of Federal cost-shares (Form 3200-3) and other prescribed forms;
- (f) Notifying the U.S. Forest Service or State Forest Agency promptly of any change in ownership, control, or number of faces worked; and
- (g) Otherwise facilitating the work of the local inspector in checking compliance with the terms and conditions of this program.

**CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES**

**§ 706.7 Practice 1: Working only 9 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 1 cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; 1 cent per face. This component is not applicable where § 706.13 is used.

**§ 706.8 Practice 2: Working only 10 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and the rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 9 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; 1 cent per face. This component is not applicable where § 706.13 is used.

**§ 706.9 Practice 3: Working only 11 inch d.b.h. or larger trees.**

(a) *Description of Practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one

face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 10 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; 1 cent per face. This component is not applicable where § 706.13 is used.

**§ 706.10 Practice 4: Working only 12 inch d.b.h. or larger trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 11 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

**§ 706.11 Practice 5: Restricting turpentine to previously worked trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of faces on previously worked trees; 12 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

**§ 706.12 Practice 6: Working only selectively marked trees.**

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and there shall be only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the U.S. Forest Service.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of selectively marked trees; 12 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices, specified in § 706.7, 706.8, 706.9 or 706.10.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

**§ 706.13 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.**

(a) *Purpose.* The purpose of this practice is to minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutter or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.7, 706.8, 706.9, 706.10, 706.11, 706.12, and 706.15 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 4 cents per face.

(e) This practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the current season or faces upon which the cups and tins are elevated for the first time during the current season. On accepting cost-sharing for this practice the producers agree to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(f) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

**§ 706.14 Practice 8: Use of disposable paper bags.**

(a) *Purpose.* To encourage producers to use paper bags to improve the quality of gum, keep the butt section of the tree available for other uses and to promote greater productivity for the woods labor.

(b) *Description of practice.* This practice consists of using disposable paper bags instead of spiral gutters or Varn apron and metal or clay cup.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.7, 706.8, 706.9, 706.10, 706.11, 706.12, and 706.15 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 9 cents per face.

(e) On accepting cost-sharing for this practice the producer agrees to use paper bags attached with wire staples in combination with a bark jump streak in lieu of metal gutters or tins. Once installed, the producer agrees to continue the use of paper bags throughout the current season. Paper bags will be installed in a manner that will minimize the loss of gum and restrict the amount of damage to the tree. In smoothing the tree and seating the bag for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

**§ 706.15 Practice 9: Pilot plant tests of new methods and equipment.**

(a) *Purpose.* The purpose of this practice is to conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the U.S. Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof are as follows:

(1) Fifteen cents per face for faces meeting the requirements of §§ 706.7, 706.8, 706.9, 706.10, 706.11, and 706.12.

**§ 706.16 Practice 10: Planting of superior trees.**

(a) *Purpose.* The purpose of this practice is to improve the stocking of de-

pleted forest land with trees of proven increased oleoresin yield and faster wood growth. Such trees will result in future sales of crude gum, pulpwood, sawtimber, plywood, poles and other forest products.

(b) *Description of practice.* This practice consists of planting certified genetically superior high gum yielding slash pine seedlings, developed from the Olustee strain, on properly prepared sites and at spacings specified by the U.S. Forest Service.

(c) *Eligible Acres.* Only those producer-owned acres selected and planted in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 80% of the actual cost not to exceed \$30 per acre.

**GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING**

**§ 706.17 Increase in small Federal cost-shares.**

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Rural Environmental Assistance Program for practices other than practice F-4 (§ 701.75(d) of this chapter) shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to \$1; (b) any Federal cost-sharing amounting to more than 71 cents but less than \$1 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40

Amount of cost-shares computed:	Increase in cost-shares
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	( <sup>1</sup> )
\$200.00 and over	( <sup>2</sup> )

<sup>1</sup>Increase to \$200.  
<sup>2</sup>No increase.

**§ 706.18 Maintenance of practices.**

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares under this program or previous programs on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.2(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current non-working areas) on which costs have been or would be shared under the current program or the four prior programs. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in the current program and the four prior programs in the tracts or drifts in which such cutting occurs. When turpentine trees are cut for thinnings a sufficient number of trees should be left to conform to the principles of good forestry management as recommended by the local forester.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working. Any such activity will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the U.S. Forest Service or State Forest Agency.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree production. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees between 9 and 14 inches d.b.h. in tracts or drifts having working faces installed six or more years ago. There may be withheld or required to be refunded 2 cents per face for each working face installed six or more years ago in the tracts or drifts in which such installation occurs.

**§ 706.19 Practices defeating purposes of programs.**

If the U.S. Forest Service or State Forest Agency find that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.2(d) or § 706.18.

**§ 706.20 Federal cost-shares not subject to claims.**

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.21 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**§ 706.21 Assignments.**

Any producer who may be entitled to any Federal cost-share under the current program may assign his right thereto, in whole or in part, in accordance with the regulations governing the assignment of payments, Part 709 of this chapter, as amended.

**§ 706.22 Death, incompetency, or disappearance of producer.**

In case of the death, incompetency or disappearance of any producer, the cost-share due him shall be paid to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

**§ 706.23 Maximum Federal cost-share limitation.**

For practices other than practice F-4 § 701.75(d) of this chapter, the total of all Federal cost-shares under this program and the current Rural Environmental Assistance Program to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000. The rules for applying the maximum Federal cost-share limitation contained in the regulations governing the Rural Environmental Assistance Program, Part 701 of this chapter, as amended, shall be applicable to this program.

**§ 706.24 Evasion.**

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade the provisions of § 706.23.

**APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES**

**§ 706.25 Persons eligible to file application for payment of Federal cost-shares.**

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the current turpentine season, which were installed at any time in the last four years. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor

that their respective contributions there- were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

**§ 706.26 Time and manner of filing applications and required information.**

Payment of Federal cost-shares will be made only when a report of performance is submitted to the U.S. Forest Service or State Forestry Agency on or before December 31, 1974, on the prescribed Form (3200-3) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

**§ 706.27 Appeals.**

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Southeastern Area Director in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Southeastern Area Director shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Southeastern Area Director he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the U.S. Forest Service to review the case and render his decision, which shall be final.

**§ 706.28 Definitions.**

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (*Pinus palustris*) or slash pine (*Pinus elliottii* Engelm.).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a non-working area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height, i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* Any idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* A nail with two heads meeting minimum specifications as follows: The overall length shall be 1½ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of flat "Common Nail" type with diameter between ⅜ and ¼ inches and diameter of clinching head ¼ inch. (Doubled-headed nails specially designed for naval stores use are produced commercially by several manufacturers. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.)

(s) *Disposable paper bag.* A paper bag meeting the following minimum specifications: The bag shall be fabricated from 50-pound, wet-strength, Kraft paper laminated to a plastic film. Dimensions of the bag shall be approximately 16 inches wide laterally, 9½ inches high overall, with 3½ inch gussets, and an outside from 8½ inches high.

(t) *Staples for attaching paper bags.* Staples manufactured of soft iron, ½ to ⅝ inch in length, averaging 16 to 21 staples per inch of clip, are satisfactory.

(u) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(v) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

(w) *State Forest Agency.* State Forester or comparable State official who has entered into a cooperative agreement with the U.S. Forest Service to provide technical assistance in carrying out this program.

**AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION**

**§ 706.29 Authority.**

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended.

**§ 706.30 Availability of funds.**

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1974.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing such cost-shares will be reduced equitably.

(d) The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who, after August 10, 1971, harvest or knowingly permit to be harvested for illegal use marijuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

**§ 706.31 Applicability.**

(a) The provisions of this program are not applicable to any turpentine operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the U.S. Forest Service of the Department of Agriculture or by the U.S. Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

- (1) Turpentine farms on privately-owned lands;
- (2) Lands owned by a State or political subdivision or agency thereof; or
- (3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. (These include lands administered

by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, and lands administered by any other agency complying with all of the foregoing provisions for eligibility.)

**§ 706.32 Administration.**

The U.S. Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program pursuant to the provisions of the regulations in this subpart and the field work shall be administered by the U.S. Forest Service through the office of the Southeastern Area Director, U.S. Forest Service, 1720 Peachtree Road, NW, Atlanta, Georgia 30309. Information concerning this program may be secured from the Southeastern Area Director, U.S. Forest Service or from State Forest Agency offices in Alabama, Florida, Georgia, and Mississippi.

*Effective date.* These regulations shall become effective on July 2, 1974.

PAUL A. VANDER MYDE,  
Deputy Assistant Secretary.

JUNE 26, 1974.

[FR Doc.74-15066 Filed 7-1-74; 8:45 am]

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

[Milk Order No. 40]

**PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA**

**Order Suspending Certain Provisions**

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

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 21153) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of June through December 1974 the following provision of paragraph (c)(3) in § 1040.93 of the order does not tend to effectuate the declared policy of the Act: "by evidence of pesticide or herbicide residue in his milk supply as evidenced".

This action enables a producer quarantined from the market by a Federal or State authority to retain his base for 12 months. As now provided in the order, a quarantined producer who does not deli-

ver milk to any handler for 45 consecutive days loses his base unless quarantined from the market "by evidence of pesticide or herbicide residue in his milk supply".

More than 30 producers were quarantined from the market due to the presence of a chemical residue other than a pesticide or herbicide in their milk. The source of the residue was the accidental contamination of a prepared dairy feed with a fire-retardant chemical.

Some producers have been quarantined since May 10, 1974. Absent this suspension action, these producers would lose their bases when they delivered no milk under the order for 45 consecutive days. This suspension will ensure that such quarantined producers may retain their bases for 12 months after being quarantined, even though they ship no milk as producers under the order during this period.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area. Failure to take this action would result in more than 30 producers suffering undue hardship due to circumstances beyond their control.

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

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

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

*It is therefore ordered.* That the aforesaid provision of the order is hereby suspended for June through December 1974.

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

*Effective date:* June 1, 1974.

Signed at Washington, D.C., on June 26, 1974.

RICHARD L. FELTNER,  
Assistant Secretary.

[FR Doc.74-15064 Filed 7-1-74; 8:45 am]

**CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE**

**SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

**PART 1427—COTTON**

**Bagging and Bale Tie Specifications**

*Correction*

In FR Doc. 74-13266, appearing at page 20364, in the issue for Monday, June 10, 1974, in § 1427.1903(f), in the tenth line, the word now reading "piled" should be changed to read "plied".

**Title 10—Energy**

**CHAPTER II—FEDERAL ENERGY OFFICE**

**PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS**

**New Wholesale Purchasers-Resellers**

Section 211.12(e)(2)(i) of the Mandatory Petroleum Allocation Regulations is revised to establish a firm date by which suppliers shall notify FEO of those wholesale purchaser-resellers accepted as new purchasers prior to June 1, 1974. The establishment of August 1, 1974 as the date for notifying FEO will avoid any further confusion as to the length of time suppliers have to file these notices.

Due to administrative delays in the issuance of the necessary forms, the date by which suppliers shall notify their base period wholesale purchasers of any automatic adjustment for unusual growth made pursuant to § 211.13(b)(1) of the regulations is also being extended. The new date for this requirement is August 1, 1974.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the Mandatory Petroleum Allocation Regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575)

Issued in Washington, D.C., on June 26, 1974.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

1. In § 211.12 paragraph (e)(2)(i) is revised to read as follows:

**§ 211.12 Purchaser's allocation entitlement.**

• • • • •  
(e) *New wholesale purchasers.*  
• • • • •

(2) *New wholesale purchaser-resellers.*  
(i) Suppliers which have accepted as new purchasers wholesale purchaser-resellers prior to June 1, 1974, shall notify the FEO by August 1, 1974 of the names of all such new purchasers, the proposed base period volume for each purchaser and the basis upon which the proposed base period volume was determined. The proposed base period volume is subject to adjustment by FEO. FEO may also assign the wholesale purchaser-reseller to another supplier. Suppliers may provide interim supplies to such wholesale purchaser-resellers pending FEO assignment of a supplier and a base period volume.  
• • • • •

2. In § 211.13 paragraphs (b) (1) (iv) and (vi) are revised to read as follows:  
 § 211.13 Adjustments to base period volume.

(b) *Adjustments for unusual growth—*  
 (1) *Supplier-initiated wholesale purchaser unusual growth adjustment.*

(iv) Unusual growth adjustments under this paragraph shall be certified by the supplier in accordance with FEO forms and instructions and filed with FEO by August 1, 1974.

(vi) Suppliers shall notify all wholesale purchasers for each base period of the base period year for any adjustment for unusual growth made under this subparagraph. The notice shall be given on or before August 1, 1974.

[FR Doc.74-15036 Filed 7-1-74;8:45 am]

#### PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

##### Clarification of Aviation Fuels Definition

Section 212.31, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, which includes a definition of "Aviation turbine fuels," is hereby amended to make clear that, for purposes of the Mandatory Petroleum Price Regulations, aviation fuels includes both aviation turbine fuel and aviation gasoline.

The purpose of this amendment is to remove any confusion regarding the fact that aviation gasoline, as defined in American Society for Testing and Materials (ASTM) Standard Specification D910-70, has been included within the term "aviation turbine fuels," since that term was defined in an amendment to the regulations issued April 1, 1974 (39 FR 12010, April 2, 1974). The reference in the definition of "Aviation turbine fuels" to "aviation fuels" as defined in ASTM D910-70 means that, for purposes of Part 212 of the FEO regulations, aviation gasoline was included within that term and, thereby, also was considered to be a "middle distillate," which is defined in § 212.31 to include aviation turbine fuel.

Since the inclusion of "aviation gasoline" under the term "aviation turbine fuels" is not consistent with normal usage, and has been found to be confusing, a new definition of "aviation fuels," includes "aviation turbine fuels" and "aviation gasoline," is adopted.

Because the propose of this amendment is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective April 1, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575).

Issued in Washington, D.C., June 26, 1974.

WILLIAM N. WALKER,  
 General Counsel,  
 Federal Energy Office.

1. Section 212.31 is amended by deleting the term "Aviation turbine fuels", amending the term "Middle distillates" by deleting the words "aviation turbine fuel" and substituting in lieu thereof the words "aviation fuels" and adding the term "Aviation fuels" to read as follows:

##### § 212.31 Definitions.

"Aviation fuels" means aviation turbine fuels, as defined in American Society for Testing and Materials (ASTM) Standard Specification D1655-73, and aviation gasoline, as defined in ASTM D910-70.

[FR Doc.74-15034 Filed 7-1-74;8:45 am]

#### PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

##### Corrective Amendment to the Consignee-Agent Commission Regulation

This amendment to § 212.83(c) (2) of the regulations is to correct an amendment which was issued May 17, 1974, and became effective June 1, 1974 (39 FR 17974, May 22, 1974). The June 1 amendment revised a provision of the regulations which permits an amount of increased commissions paid to a consignee-agent by a refiner to be passed through as an increased product cost, to specify the limit on that amount to be the non-product cost increases that would be permitted under § 212.93(b) if the consignee-agent were a reseller. Reseller is defined in § 212.31 to mean a firm that resells covered products "to purchasers other than ultimate consumers." Use of the term "reseller" in the consignee-agent provision inadvertently restricted the amount of commission increase that could be passed through to the amount of the price increases permitted under § 212.93(b) for sales other than retail sales.

This overlooked the fact that certain consignee-agents distribute covered products to purchasers which are ultimate consumers, and with respect to such transactions, consignee-agents would be regarded as retailers, rather than as resellers, if they took title to the product they distribute. For such transactions, the appropriate limitation on the amount of commission increase which may be passed through is therefore the amount of the non-product cost price increases permitted under § 212.93(b) for retail sales.

Accordingly, the language of § 212.83(c) (2) is being modified to eliminate the reference to "reseller" and to provide that the limitation on the amount of increased consignee-agent commissions that may be passed through by a refiner, beginning with the June 1, 1974 effective date of the original amendment, is the amount of the non-product cost price increases that would be permitted under § 212.93(b) of this part if the consignee-agent took title to the product it distributes and were a seller.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the mandatory petroleum price regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective June 1, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575)

Issued in Washington, D.C., June 26, 1974.

WILLIAM N. WALKER,  
 General Counsel,  
 Federal Energy Office.

Section 212.83 is amended in paragraph (c) (2) to revise the definition of the term "L<sub>i</sub>" to read as follows:

##### § 212.83 Allocation of refiner's increased product costs.

(c) *Allocation of increased costs.*

(2) *General formulae.*

L<sub>i</sub> = The total dollar amount of non-product costs attributable to includable amounts of commissions incurred during the period "t" (the month of measurement) beginning with June 1974 with respect to sales through consignee-agents of the product or products of the type "i." The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" (the month of measurement) exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increase that would be permitted if the consignee-agent took title to the product it distributes and were a seller subject to § 212.93(b) of this part.

[FR Doc.74-15035 Filed 7-1-74;8:45 am]

[Ruling 1974-21]

**APPENDIX—RULINGS**

**Exchanges of Refined Petroleum Products for Crude Oil**

**FACTS:** Under the terms of a contract in effect on December 1, 1973, Firm A was supplying Firm B with a certain volume of domestic crude oil. Pursuant to its terms, the contract expired on January 1, 1974. Under the contract, in exchange for deliveries of crude oil, Firm B was required to sell to Firm A specified amounts of various petroleum products refined from the crude oil. All but one of such products is subject to the provisions of the Mandatory Petroleum Allocation Regulations (10 CFR 211).

**ISSUE:** Is Firm B required to continue exchanges of refined petroleum products with Firm A on the December 1, 1973 contractual basis under the supplier/purchaser relationship provisions of 10 CFR § 211.63(a)?

**RULING:** Under § 211.63(a), Firm B is entitled to be supplied with crude oil by Firm A in accordance with the December 1, 1973 supplier/purchaser relationship between such firms. Section 211.63(a) provides in part that " \* \* \* all supplier/purchaser relationships in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of this program \* \* \* ." Section 211.63(a) relates only to sales, purchases, and exchanges of domestic crude oil and does not encompass any refined petroleum products within the scope of the supplier/purchaser relationships referred to therein. Thus, § 211.63(a) does not by its terms require that any such exchange relationships remain in effect.

To the extent that refined petroleum products are the subject of exchange agreements for domestic crude oil in effect on December 1, 1973, the delivery thereof in exchange for crude oil would be governed by provisions of the regulations which regulate the allocation of such products. For example, if distillate were required to be exchanged for the crude oil under the terms of a contract in effect on December 1, 1973, deliveries of the distillate called for under the contract would be permitted only to the extent consistent with the supplier/purchaser rules of Subpart A of Part 211 and the provisions of Subpart G of Part 211 governing allocation of middle distillates. To the extent nonallocated products (such as, for example, asphalt) are involved in any such exchanges, the exchange of such products would be governed by the terms of the December 1, 1973 contract in effect between the parties. This is necessarily the case since FEO regulations apply only to products subject to allocation under the Emergency Petroleum Allocation Act of 1973 and the exchange agreement is pre-empted only as to those products. Therefore, upon expiration of any such contract the exchange of the non-allocated products would no longer be a condition

to deliveries of crude oil under § 211.63(a). Compensation for these deliveries of crude oil would thereafter be governed by the price regulations in Part 212.

In this instance Firm A was delivering domestic crude oil to Firm B pursuant to a supplier/purchaser relationship in effect under contract on December 1, 1973. Under § 211.63(a), this supplier/purchaser relationship for crude oil is required to remain in effect, notwithstanding the fact that the related contract between such firms expired on January 1, 1974. As to the refined petroleum products exchanged for crude oil under the contract between Firm A and Firm B, the exchange of the products which are subject to allocation under the regulations would be governed by the provisions of the regulations applicable to the particular product and not by § 211.63(a). Whether those exchanges would be permitted to operate would be dependent upon whether or not they conform to the allocation regulations for each refined petroleum product. In addition, as to exchange of the one nonallocated product, the related contract has expired, and such exchange is not included as part of a supplier/purchaser relationship for purposes of § 211.63(a).

Thus, Firm A is required to continue deliveries of crude oil to Firm B on the December 1, 1973 basis, and Firm B is not required to exchange products for crude oil with Firm A in order to preserve the flow of crude oil under § 211.63(a), except to the extent that Firm A possesses an entitlement under the regulations to any of the allocated products exchanged for crude oil. To the extent that the exchange obligations of Firm B under the contract are overridden by operation of the allocation program or have expired by the terms of the contract, Firm B must compensate Firm A for deliveries of crude oil pursuant to the price regulations in Part 212.

WILLIAM N. WALKER,  
General Counsel,  
Federal Energy Office.

JUNE 26, 1974.

[FR Doc.74-15188 Filed 6-28-74;9:48 am]

**Title 12—Banks and Banking**  
**CHAPTER V—FEDERAL HOME LOAN BANK BOARD**  
**SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM**  
[No. 74-540]

**PART 528—NONDISCRIMINATION IN LENDING**  
**Amendments Relating to Use of the Phrase "Equal Opportunity Lender"**

JUNE 12, 1974.

The Federal Home Loan Bank Board considers it desirable to permit the use of the phrase "Equal Opportunity Lender" in advertisements by member institutions and on the Equal Housing Lender Poster. Section 528.4 of the regulations for the Federal Home Loan Bank System (12 CFR 528.4) at the present time requires, to the extent feasible,

that advertisements other than for savings include the equal housing logotype and the legend "Equal Housing Lender". Because many member institutions organized under state laws are authorized to make nonhousing consumer loans and because Federal associations may make loans related to housing and the equipping thereof which the public might not characterize as housing loans, the Board deems it desirable to permit the use of either phrase, "Equal Housing Lender" or "Equal Opportunity Lender" in advertisements by member institutions, and on the posters required to be displayed in office lobbies by § 528.5 (12 CFR 528.5).

Accordingly, the Board hereby amends said § 528.4 and paragraph (b) of § 528.5 to read as set forth below.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would, in the opinion of the Board, likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective immediately.

The text of said §§ 528.4 and 528.5(b), as amended, is as follows:

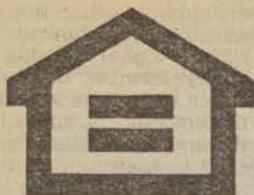
**§ 528.4 Nondiscriminatory advertising.**

No member institution which directly or through third parties engages in any form of advertising shall use words, phrases, symbols, directions, forms, or models in such advertising which imply or suggest a policy of discrimination or exclusion in violation of the provisions of Title VIII of the Civil Rights Act of 1968. To the extent feasible, as prescribed by the Board, advertisements other than for savings shall include a facsimile of the following logotype and legend (except that the legend "Equal Opportunity Lender" may be substituted for the legend "Equal Housing Lender"):



**§ 528.5 Equal Housing Lender Poster.**

(b) The text of the Equal Housing Lender Poster shall be as follows (except that the legend "Equal Opportunity Lender" may be substituted for the legend "Equal Housing Lender"):



## EQUAL HOUSING LENDER

WE DO BUSINESS IN ACCORDANCE WITH THE  
FEDERAL "FAIR HOUSING LAW"

It is illegal, because of race, color, religion,  
or national origin, to:

Deny a loan for the purpose of purchasing,  
constructing, improving, repairing, or main-  
taining a dwelling  
or

Discriminate in fixing of the amount, inter-  
est rate, duration, application procedures  
or other terms or conditions of such a loan.

If you believe you have been discriminated  
against, you may discuss the matter with  
the management of this institution or send  
a complaint to: Assistant Secretary for  
Equal Opportunity, Department of Housing  
and Urban Development, Washington, D.C.  
20410, or call your local HUD or FHA office.

(Title VIII, Pub. L. 90-284, 82 Stat. 81; 42  
U.S.C. 3601-3619, 16 Stat. 144, 14 Stat. 27, 42  
U.S.C. 1981, 1982; E.O. 11063, 27 FR 11527;  
sec. 17, 47 Stat. 736, as amended, 12 U.S.C.  
1437; secs. 402, 403, 407, 48 Stat. 1256, 1257,  
1260, as amended; 12 U.S.C. 1725, 1726, 1730;  
sec. 5, 48 Stat. 132, as amended; 12 U.S.C.  
1464 Reorg. Plan No. 3 of 1947, 12 FR 4981,  
3 CFR 1943-48 Comp., p. 1071)

By The Federal Home Loan Bank  
Board.

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

[FR Doc. 74-14864 Filed 7-1-74; 8:45 am]

### Title 17—Commodity and Securities Exchanges

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5488, 34-10754, 35-18392,  
AS-155]

#### INSTRUCTIONS TO FINANCIAL STATE- MENTS, SUMMARIES OF OPERATIONS AND EXHIBITS

Amendments to Forms S-1, S-7, S-8, S-9,  
S-11, 10, 12, 8-K, 10-K, 11-K, 12-K  
and U5S, and Regulation S-X

#### Correction

In FR Doc. 11711, appearing at page  
17929 in the issue of Wednesday, May 22,  
1974, make the following changes:

1. In Part 239, on page 17936, second  
column, in the paragraph designated  
"Instructions. 1.", line 4 should be cor-  
rected to read "[17 CFR Part 210] and  
shall be audited to" and lines seven,  
eight, and nine should be deleted.

2. In Part 249, on page 17940, third  
column, in paragraph 14, lines three, four  
and five are corrected to read, "if the  
registrant falls within the terms of para-  
graph (b) or (c) of Rule 5A-01 [17 CFR  
210.5A-01] of Regulation S-X [17 CFR  
Part".

### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINIS- TRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### SUBCHAPTER C—DRUGS

#### RECODIFICATION EDITORIAL AMENDMENTS

#### Correction

In FR Doc. 74-12379, appearing at  
page 18771 of the issue of Thursday, May  
30, 1974, on page 18785 the first two lines  
of paragraph (d) in § 146b.113 should  
read "d. In paragraphs (d) (3) (i) and  
(iii) and (4) (i) the reference to  
"§ 146b.101(b)'".

### Title 29—Labor

#### CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DE- PARTMENT OF LABOR

#### PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

##### Temporary Flooring; Skeleton Steel Construction in Tiered Buildings

On January 16, 1974, a notice was pub-  
lished in the FEDERAL REGISTER (39 FR  
2015) of a proposal to revise 29 CFR  
1926.750(b) (2) to require that where  
erection is being done by means of a  
crane operating on the ground, a tight  
and substantial floor be maintained  
within two stories or 30 feet, whichever  
is less, below and directly under that  
portion of each tier of beams on which  
bolting, riveting, welding, or painting is  
being done. The reason for the proposal  
was to allow for current designs in steel  
erection which involve the use of a  
greater depth of structural beam mem-  
bers. The proposal was substantially  
based on the recommendations of the  
Advisory Committee on Construction  
Safety and Health.

The notice invited interested persons  
to submit written data, views, and argu-  
ments concerning the proposal. Inter-  
ested persons were also afforded an  
opportunity to file objections to the pro-  
posed revision and to request a hearing  
on the objections. Many written com-  
ments were received in response to the  
notice. The majority of the comments  
supported the adoption of the proposal  
with some suggestions for changes. Sev-  
eral objections to the adoption of the  
proposal were received. However, no  
hearing has been requested.

Several comments contend that the  
scope and application of the proposal is  
not broad enough to provide adequate  
protection for all employees engaged in  
skeleton steel construction. It is con-  
tended that the proposal does not cover  
steel erection using derricks or tower  
cranes, or cranes which are not operated  
from the ground. Also, some comments  
state that the reference in the proposal  
to bolting, riveting, welding or painting  
operations unnecessarily excludes all  
other operations or work activities in-  
volved in skeleton steel erection. Fur-  
ther, it is pointed out that the proposal  
does not contain provisions for the re-  
moval of temporary floors. Some com-

ments suggest that the use of safety nets  
be permitted as an alternative to the  
installation of temporary floors.

In summary, the comments appear to  
agree that employees engaged in skele-  
ton steel erection should be protected  
by the standard regardless of the equip-  
ment being used or the work activity  
involved. Several persons recommend  
the adoption of pertinent provisions of  
ANSI Standard A10.13-1972, Safety Re-  
quirements for Steel Erection, covering  
work operations involved in skeleton  
steel erection, including the removal of  
temporary floors. Also a few comments  
suggest that parallel changes be made  
in § 1926.750(b) (1) (ii) and § 1926.105  
(a). It is argued that the proposal con-  
flicts with the 25-foot-height require-  
ments in these two sections which in-  
volve work places and potential fall dis-  
tances similar to those covered by the  
proposal.

Only three comments oppose the pro-  
posal. The objectors allege that the adop-  
tion of the proposal would expose em-  
ployees to a greater risk of injury as a  
result of a potential fall distance of 30  
feet, while the present standard allow's  
a maximum fall distance of 25 feet. One  
comment contends that the proposal is  
less stringent than codes or rules of some  
states and safety organizations.

After careful consideration of the is-  
sues raised by the written comments, it is  
concluded that the proposed amendment  
should be adopted with modifications.  
The contention that the coverage and  
application of the standard is too re-  
strictive has merit. It is agreed that the  
falling hazards to employees engaged in  
steel erection are similar regardless of  
the type of equipment being used or the  
work activity being performed. Further,  
it is agreed that provisions covering the  
removal of temporary floors are neces-  
sary for the protection of employees. Ac-  
cordingly, it has been decided to amend  
§ 1926.750(b) (2) in substantial conform-  
ity with a pertinent paragraph of ANSI  
A10.13-1972, Safety Requirements for  
Steel Erection. Two closely similar para-  
graphs of the ANSI standard have been  
pointed out. Both require some form of  
protection "within two floors or 30 feet,  
whichever is less \* \* \*" below a tier of  
beams on which work is done. Both pro-  
vide expressly for the removal of planks.  
However, § 6.2 of the ANSI Standard re-  
quires a tight and substantial floor when  
bolting, riveting, or welding is done, while  
§ 10.1.2 of the same standard requires "a  
floor or safety nets" for "any work,"  
presumably any work other than bolting,  
riveting, or welding. The amended  
§ 1926.750(b) (2) follows § 6.2 of the ANSI  
Standard, in requiring a substantial floor,  
but expands the requirement to apply to  
any work. When bolting, riveting, or  
welding is done, a substantial floor is  
more appropriate than a safety net.  
Such a floor stops falling rivets, bolts,  
tools, and molten slag, and its planks  
are not cut, burned, or otherwise dam-  
aged as easily as the ropes of a safety  
net. Also, a floor permits some work to be  
performed by employees while standing

on the floor. Finally, a floor requirement fits in paragraph (b) of § 1926.750, which already expresses a preference for floors and platforms, and permits safety nets when those are impracticable.

Sections 1926.105(a) and 1926.750(b) (1)(ii), in specified situations, require the use of safety nets no more than 25 feet below a place where work is done. Several comments argue that if these provisions are left to stand as they are now, and if the proposed amendment to § 1926.750(b) (2) is adopted, there would result a conflict between the 25-foot provision in the former two requirements and the 30-foot provision of the amendment. Since the amendment is supported, it is urged that the other two standards also be changed so as to require safety nets no more than 30 feet below a work-place. But we think the resultant numerical identity would be unwarranted, because the forms of protection required and the work situations covered are not identical. The limited purpose of the proposed 30-foot requirement is to bring a present standard in line with current designs in steel construction which involve the use of a greater depth of structural beam members. This reason does not apply generally to all situations where safety nets are required. Moreover, as already pointed out, a floor permits some work to be done by employees standing on the floor. Thus, it is expected that the hazards of falling, and of falling the whole potential distance, are fewer when floors are provided than when safety nets are provided.

The objections to the adoption of the proposal are not accepted. The proposal was made in order to allow for current designs in steel construction which involve the use of a greater depth of structural beam members, and was intended to be applicable to the specific working conditions involved in skeleton steel erection. The retention of the 25-foot height requirement, as suggested by the objectors, would result in the installation and removal of temporary floors more frequently than was intended when the requirement was adopted. Such frequent installation of floors is found to be impractical and unreasonable. Also, the installation and removal of temporary floors could expose employees to additional hazards. It is determined that the adopted standard, while taking account of current designs in steel construction, continues to provide adequate protection to the employees engaged in such work.

Accordingly, after consideration of all written submissions and pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), Secretary of Labor's Order No. 12-71 (36 FR 8754) and 29 CFR Part 1911, paragraph (b) (2) of 29 CFR 1926.750 is revised to read as follows:

§ 1926.750 Flooring requirements.

(b) Temporary flooring—skeleton steel construction in tiered buildings. \* \* \*

(2) (i) Where skeleton steel erection is being done, a tightly planked and substantial floor shall be maintained within two stories or 30 feet, whichever is less, below and directly under that portion of each tier of beams on which any work is being performed, except when gathering and stacking temporary floor planks on a lower floor, in preparation for transferring such planks for use on an upper floor. Where such a floor is not practicable, paragraph (b) (1) (ii) of this section applies.

(ii) When gathering and stacking temporary floor planks, the planks shall be removed successively, working toward the last panel of the temporary floor so that the work is always done from the planked floor.

(iii) When gathering and stacking temporary floor planks from the last panel, the employees assigned to such work shall be protected by safety belts with safety lines attached to a catenary line or other substantial anchorage.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655), Sec. 107, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order No. 12-71, 36 FR 8754; 29 CFR Part 1911)

Effective date. This amendment shall become effective on August 1, 1974.

Signed at Washington, D.C., this 27th day of June, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-15142 Filed 7-1-74;8:45 am]

Title 32—National Defense  
CHAPTER VII—DEPARTMENT OF THE AIR FORCE  
SUBCHAPTER L—STANDARDS OF CONDUCT  
PART 920—STANDARDS OF CONDUCT  
Correction

The reference to the amendment of § 920.22, as published in 39 FR 22264, June 21, 1974, should be corrected to read § 920.21.

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

[FR Doc.74-15077 Filed 7-1-74;8:45 am]

Title 33—Navigation and Navigable Waters  
CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION  
[CGD 73-84 R]

PART 110—ANCHORAGE REGULATIONS  
Special Anchorage Area; Sodus Bay,  
New York

This amendment to the anchorage regulations establishes a special anchorage area south of Sand Point in Sodus Bay, New York. In special anchorage

areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rulemaking published in the Friday, April 27, 1973, issue of the FEDERAL REGISTER (38 FR 10461) and a public notice issued by the Commander, Ninth Coast Guard District.

Five letters of comment were received in response to the Notice of Proposed Rulemaking. Three comments were favorable, including one expressing the views of 85 families. One comment was unfavorable and one comment contained two suggestions for consideration and change in the proposal.

The principal objections to the proposed anchorage were: (1) the large number of boats anchored in the bay will obstruct shoreline property owners' view of the bay; and (2) unlighted boats at night are hazards to navigation.

One of the suggestions submitted for consideration and change requested that the southern boundary of the anchorage be moved so that it is equidistant from the shoreline. It was felt that pleasure boatmen instinctively follow the shore lights at night to judge their position and distance from shore. The southern boundary of the proposed anchorage protrudes into the bay as one travels in a westerly direction. Therefore, there was concern that boatmen might "plow right into the area and conceivably smash into anchored boats before they are aware of it".

The establishment of a special anchorage area merely relaxes the lighting requirements concerning anchorage lights for vessels under 65 feet in length, and does not require vessels to anchor within its boundaries. When a special anchorage area is established, it is marked as such on the navigation charts of those waters. In addition, its location as an area of unlighted anchored vessels is widely distributed by available means, such as local notices to mariners, local newspapers, and limited number of flyers, as well as the FEDERAL REGISTER. If the preceding is considered insufficient for safe navigation in the vicinity, the area may be marked by buoys. In all cases, safe navigation is carefully considered.

The second suggestion submitted for consideration and change requested that the following be added to the regulation: "That there be no fee or charge directly or indirectly to use the anchorage, which is in Federal waters, by anyone including county, town, state, village, or private marinas, or yacht clubs".

It is extremely desirable, if at all possible, to have "local control" and administration of special anchorage areas. This may be accomplished by the designation of a Harbor Master or other local administrator by the local municipality. A local ordinance or regulation is usually required to fulfill this provision. Reasonable user charges may be imposed by the local municipality not as a tax or source

of general income, but to make administration self sustaining to some degree.

In consideration of the foregoing, Part 110 of Chapter I of Title 33 of the Code of Federal Regulations is amended by adding a new § 110.86 to read as follows:

§ 110.86 Sodus Bay, New York.

The water area in Sodus Bay, New York, south of Sand Point beginning at a point on the shoreline at latitude 43°16'07" N., longitude 76°58'47" W.; thence southwesterly to latitude 43°15'55" N., longitude 76°59'00" W.; thence easterly to latitude 43°15'52" N., longitude 76°58'34" W.; thence northerly to a point on the shoreline at latitude 43°15'58" N., longitude 76°58'34" W.; thence along the natural shoreline and structures to the point of beginning.

NOTE: An ordinance of Wayne County, New York, requires the permission of the Wayne County Sheriff before any vessel is moored or anchored in this special anchorage area.

(Rule 9, 28 Stat. 647, as amended (33 U.S.C. 258); sec. 6(g) (1) (C), 80 Stat. 937 (49 U.S.C. 1655(g) (1) (C)); 49 CFR 1.46(c) (3))

Effective date: This amendment shall become effective on August 19, 1974.

Dated: June 26, 1974.

R. I. PRICE,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Environment and Systems.

[FR Doc. 74-15090 Filed 7-1-74; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Procurement Responsibility and Authority

This change to the General Services Administration Procurement Regulations (GSPR) redefines and relocates the delineation of authority for contracting officers. Additionally, the changes establish the responsibility of the contracting officer regarding availability of funds and penal status affecting his responsibility. Finally, procedures to be followed for appointment of contracting officers and the "Certificate of Appointment" are established.

The table of contents for Part 5A-1 is amended to revise §§ 5A-1.404-3, and 5A-1.404-70, to delete subpart 5A-1.53, and to add new entries as follows:

Sec.	
5A-1.402-70	General responsibility of contracting officers.
5A-1.402-71	Responsibility for assuring the availability of funds.
5A-1.402-72	Applicable penal statutes.
5A-1.404-3	Termination of appointment of contracting officers.
5A-1.404-70	Contracting officers' representatives.

1. Section 5A-1.402 is revised as follows:

§ 5A-1.402 Authority of contracting officers.

(a) Delegations of authority to Federal Supply Service contracting officers are contained in the GSA Delegations of Authority Manual, chapter 7 (ADM P 5450.39).

(b) Contracting officers may enter into, amend, modify, and take other appropriate action with respect to contracts, provided:

(1) The contract is written on a standard or approved contract form;

(2) The contract is authorized by law and complies with the Federal Procurement Regulations and the General Services Procurement Regulations; and

(3) Necessary clearance and approval has been obtained.

2. Section 5A-1.402-70 thru 5A-1.402-72 are added as follows:

§ 5A-1.402-70 General responsibility of contracting officers.

Contracting officers shall exercise reasonable care, skill, and judgment in all actions.

§ 5A-1.402-71 Responsibility for assuring the availability of funds.

(a) GSA revolving funds. Unless otherwise notified, contracting officers may assume that sufficient funds are available for purchases payable from GSA revolving funds upon the receipt of an authenticated requisition citing funds.

(b) GSA funds, other than revolving funds. The receipt of an authenticated requisition shall be considered as evidence that the amount of funds cited is available for purchases payable from GSA funds other than revolving funds. Clearance as to the availability of additional funds shall be obtained from the requisitioning activity prior to issuance of a contract or purchase order when the purchase exceeds (by 10 percent or \$50, whichever is greater) the amount cited on the purchase requisition.

(c) Funds for direct delivery to agencies other than GSA. The receipt of an authenticated purchase request shall be considered as sufficient evidence that funds are available for purchases for direct delivery to agencies other than GSA. However, a buying activity shall not exceed a funds limitation specified on an agency's purchase request. If it appears that the amount stated on the purchase request is insufficient to cover the costs for the procurement, the buying activity shall advise the agency and request ad-

ditional funds in the amount required. GSA Form 1774, Request for Additional Funds and/or Information, will be used to request additional funds or information, i.e., specifications, purchase descriptions. Telephone calls, with subsequent written confirmation, may be used when times does not permit the use of the form.

§ 5A-1.402-72 Applicable penal statutes.

Certain statutes make it a criminal offense for an officer, employee, or agent of the United States to engage in practices or activities which are at variance with the duty which he owes to the United States. Among applicable criminal statutes are:

(a) Acts affecting a personal financial interest (18 U.S.C. 208).

(b) Activities of officers and employees in claims against the Government, and other matters affecting the Government (18 U.S.C. 205).

(c) Compensation to Members of the Congress, officers, and others in matters affecting the Government (18 U.S.C. 203).

(d) Fraud in connection with procurements (40 U.S.C. 489(b)).

3. Section 5A-1.404-2 is revised as follows:

§ 5A-1.404-2 Designation.

Contracting officers shall be appointed by the issuance of the appropriate GSA Form 2525A, B, or C, Certificate of Appointment of Contracting Officer. The form shall be signed by the appropriate official (see the following paragraph), and given to the designee for display. GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer, also signed by the appointing official, shall be forwarded for inclusion in the appointee's personnel record.

(a) Appointing officials for contracting officers of different grades are:

(1) Grades GS-5 through 10, the appropriate Procurement Division Director.

(2) Grades GS-11 through 13, the appropriate Assistant Commissioner or Regional Commissioner.

(3) Grades GS-14 and higher, the appropriate Commissioner or Regional Administrator.

(b) A subtitle shall be shown in the space beneath the printed title "Contracting Officer" on the Certificate of Appointment. Following is a list of suggested subtitles for use with the various GS grades:

GS Grade	Subtitle	GSA Form 2525	Emblem color
5.....	Procurement Assistant.....	(C)	Black.
7.....	Senior Procurement Assistant.....	(C)	Do.
9 and 10.....	Procurement Agent.....	(B)	Do.
11.....	Senior Procurement Agent.....	(B)	Sliver.
12.....	Procurement Officer.....	(B)	Do.
13.....	Senior Procurement Officer.....	(B)	Do.
14 and higher.....	Supervisory Procurement Officer.....	(A)	Gold.

(c) An appointment certificate should be initiated by the immediate supervisor of the nominee and forwarded, through channels, to the appointing official when an employee's eligibility for appointment is established.

4. Section 5A-1.404-3 is revised as follows:

**§ 5A-1.404-3 Termination of appointment of contracting officer.**

(a) Appointments shall be terminated when the contracting officer is reassigned or his employment terminated.

(b) When there is a change in a contracting officer's grade the present appointment shall be terminated and a new Certificate of Appointment of Contracting Officer shall be issued reflecting the new grade and subtitle.

(c) GSA Form 2525, Notification of Appointment or Termination of Appointment of Contracting Officer, shall be prepared in two copies. One copy will be forwarded to the personnel office for inclusion in the employee's personnel record and the second copy will be given to the contracting officer to confirm the termination of the appointment.

5. Section 5A-1.404-70 is revised as follows:

**§ 5A-1.404-70 Contracting officers' representatives.**

(a) *Appointment.* A contracting officer may appoint any Government employee who is qualified to act as his authorized representative. A contracting officer's representative may be designated by name and position title or by position title only. The appointment shall be in writing and shall define the scope and limitations of the representative's authority. The appointment will remain in effect throughout the life of the contract unless revoked. Copies of appointments shall be placed in appropriate contract files. A copy of each appointment, change, or termination shall be furnished to each contractor. This section does not require appointment of individuals for accomplishment of contract administration (e.g., engineering evaluations, testing, quality control, inspection). (Also see § 5A-53.472.)

(b) *Authority.* A contracting officer's representative may represent the contracting officer with respect to one or more contracts and may take any action which may be taken by the contracting officer, except that the representative may not award or modify a contract. The contracting officer may empower his authorized representative to issue change orders, provided that the orders do not involve changes in unit price, total contract price, quantity, quality, or delivery schedule. Change orders issued by representatives will contain the following statement: "In accepting this change order the contractor agrees that the price and all other terms and conditions of the contract remain unchanged." The contractor will also be instructed not to proceed under the change order until he has accepted the quoted statement, signed it, and returned it to the authorized representative.

(c) *Personnel assigned, not appointed, as representatives.* A person assigned to and performing duty within a procurement office, under the supervision of a contracting officer, does not require des-

ignation as a representative. Persons considered to be subordinate to the contracting officer and who act in his behalf have the inherent authority of the contracting officer. The contracting officer cannot authorize subordinates who are not formally appointed contracting officers (§ 5A-1.404-2) to sign any documents or letters which require the signature of a contracting officer.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* These regulations are effective on the date shown below.

Dated: June 10, 1974.

M. J. TIMBERS,  
Commissioner,  
Federal Supply Service.

[FR Doc.74-15114 Filed 7-1-74;8:45 am]

**CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE**

**PART 7-30 CONTRACT FINANCING**

**Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions; Correction**

In FR Doc. 73-21934 appearing at page 28678 in the issue of Tuesday, October 16, 1973, the paragraph numbered 141 is corrected to read as follows:

141. Section 7-30.4501-2 is amended by deleting subparagraphs (a) 1.(iii), (a) 2.(ii), and (a) 2.(iii), and adding the following as subparagraph (a) 2.(ii). § 7-30.4501-2 Procedure to establish Federal Reserve Letter of Credit.

(a) \* \* \*

(ii) Such other data as may be required to conform to the Controller's current requirements: e.g., copy of the contractor's latest available balance sheet, and income and expense statement.

\* \* \* \* \*

Dated: June 17, 1974.

WILLARD H. MEINECKE,  
Acting Assistant Administrator,  
Bureau for Program and Management Services.

[FR Doc.74-15061 Filed 7-1-74;8:45 am]

**Title 42—Public Health**

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

**SUBCHAPTER D—GRANTS**

**PART 55a—PROGRAM GRANTS FOR COAL MINERS' RESPIRATORY CLINICS**

**Active and Inactive Coal-Miners**

Section 427(a) of the Federal Coal Mine Health and Safety Act of 1969, as added by the Black Lung Benefits Act of 1972 (30 U.S.C. 937(a)), authorizes the Secretary of Health, Education, and Welfare to make grants and contracts for the construction, purchase, and operation of fixed-site and mobile clinical facilities for the analysis, examination, and treatment of respiratory and pul-

monary impairments in both active and inactive coal miners.

On June 6, 1974, there was published in the FEDERAL REGISTER (39 FR 20079) a notice of proposed rulemaking to amend Title 42, Code of Federal Regulations, by adding a new Part 55a setting forth the conditions and procedures for awarding grants for the operation of coal miners' respiratory clinics.

Interested persons were given 15 days within which to submit written comments, suggestions, or objections regarding the proposed regulations. The only comment received suggested that the regulations expressly provide for the delivery of home treatment services and establishment of outreach programs to inform the miners of the services provided under the program. Section 55a-11(b) has been amended accordingly.

Therefore, Part 55a, as set forth below, is hereby adopted effective on June 28 1974.

Dated: June 25, 1974.

CHARLES C. EDWARDS,  
Assistant Secretary for Health.

Approved: June 27, 1974.

CASPAR W. WEINBERGER,  
Secretary.

- Sec.
- 55a.1 Applicability.
- 55a.2 Definitions.
- 55a.3 Eligibility.
- 55a.4 Application.
- 55a.5 Policy Advisory Committee.
- 55a.6 Medical Advisory Committee.
- 55a.7 Program requirements.
- 55a.8 Requirements for respiratory clinics.
- 55a.9 Evaluation and award.
- 55a.10 Grant payments.
- 55a.11 Use of project funds.
- 55a.12 Nondiscrimination.
- 55a.13 Confidentiality.
- 55a.14 Inventions and discoveries.
- 55a.15 Publications and copyright.
- 55a.16 Grantee accountability.
- 55a.17 Program reporting requirements.
- 55a.18 Applicability of 45 CFR Part 74.

AUTHORITY: Sec. 508, 83 Stat. 803; 30 U.S.C. 957.

**§ 55a.1 Applicability.**

The provisions of this part are applicable to the award of grants pursuant to section 427(a) of the Federal Coal Mine Health and Safety Act, as amended (30 U.S.C. 937(a)) to carry out programs for the operation of fixed-site and mobile clinical facilities for examination, diagnosis, and treatment of respiratory and pulmonary impairments in coal miners.

**§ 55a.2 Definitions.**

Any term not defined herein shall have the meaning given it in the Act. As used in this part:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 801 et seq.).

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

(c) "Applicant" means any public or nonprofit private agency or institution which files an application for a grant under section 55a.4 of this part.

(d) "Nonprofit", as applied to an agency or institution, means that no part of the net earnings of such agency or institution inures or may lawfully inure to the benefit of any shareholder or individual.

(e) "Miner" means an individual who has been employed to work in or at any coal mine for at least a period of three years but does not include any worker who did not have direct contact with coal mining or coal processing operations.

(f) "Commission" means the Appalachian Regional Commission established by Title 40 App. U.S.C.

#### § 55a.3 Eligibility.

(a) Any public or other nonprofit agency or institution which (1) is located in any State that contains at least 3 percent of the Nation's active and inactive coal miner population and which has been designated by the Governor of the State as the agency to receive funds to carry out a miners' respiratory clinic program, or (2) is the recipient of a grant by the Commission to carry out a miners' respiratory clinic program, is eligible to apply for a grant under this part.

(b) *Eligible projects*—Grants pursuant to section 427(a) of the Act and this part may be made to eligible applicants for the purpose of carrying out area or statewide plans for the establishment and operation of fixed-site and mobile clinics for the analysis, examination, and treatment of miners' occupational respiratory and pulmonary diseases.

#### § 55a.4 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and manner as the Secretary may prescribe.<sup>1</sup>

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct its program and carry out the requirements of this part, and a budget and justification of the amount of grant funds requested and such other pertinent information as the Secretary may require.

(c) The applicant must indicate (1) that a copy of the application was forwarded to the appropriate State health planning agency established pursuant to section 314(a) of the Public Health Service Act, and where such an agency has been established, to an area-wide planning agency established pursuant to section 314(b) of the Public Health Service Act for their review and comment, and (2) the dates such copies were forwarded. The applicant shall request that the comments of such agencies be forwarded to the Secretary.

<sup>1</sup> Application kits, further information, technical assistance and consultation may be obtained from the appropriate Departmental Regional Office.

(d) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the applicable regulations of this part, and any additional conditions of the grant.

(e) Such application shall set forth the membership of the Policy Advisory Committee (hereinafter referred to as the committee) described in § 55a.5.

#### § 55a.5 Policy Advisory Committee.

(a) A Policy Advisory Committee shall be established by the grantee as follows:

(1) *Selection and composition.* The members of the committee shall be selected by the grantee and shall include a fair distribution of representatives from the miner population to be served, State agencies involved in health and welfare programs for coal miners, the health professions, and appropriate State or area-wide health planning agencies. Each member of the committee shall be selected to serve for a period of one year. The members of the committee shall elect one of the members to act as chairperson.

(2) *Meetings.* The committee shall meet as often as necessary but not less than quarterly during the time services are being offered.

(3) *Functions.* The committee shall from time to time review and make recommendations concerning general policies in the following areas:

- (i) Selection and dismissal of personnel including qualifications, salary and benefits and grievance procedures;
- (ii) Eligibility for services;
- (iii) Hours and locations of services;
- (iv) Priorities for allocation of project funds among services;
- (v) Methods of evaluating the program; and
- (vi) Other matters concerning the administration of the program.

(b) The Secretary may, for good cause shown, permit a grantee up to three months for compliance with the requirements of this section with respect to the selection of the Policy Advisory Committee and the Medical Advisory Committee pursuant to § 55a.6.

#### § 55a.6 Medical Advisory Committee.

The grantee shall appoint a Medical Advisory Committee to assist it in establishing medical care policies and in reviewing requests for medical equipment and personnel from facilities attempting to meet the requirements of § 55a.8. The Medical Advisory Committee shall be composed of at least three persons with expertise in occupational respiratory and pulmonary diseases. Each member shall be selected to serve for a period of one year.

#### § 55a.7 Program requirements.

An approvable application must contain each of the following:

(a) A plan for the provision of the services required by this part specifying the area for which the services are to be

provided. The plan shall include resources currently available for respiratory clinic services and a list of the clinics meeting the requirements of § 55a.8, which have agreed to participate in the program and shall be accompanied by letters of intent from the clinics listed to participate in the grantee's program. Participation may be made contingent upon the award of grant funds.

(b) An assurance that, should an award be made, the grantee will enter into binding agreements with the listed clinics which shall include provisions that:

(1) Services will be made available without the imposition of any durational residence or referral requirement;

(2) Services will be made available in a manner calculated to preserve human dignity and to maximize acceptability and utilization of services;

(3) Charges shall be made for services rendered: Provided, however, That no person shall be denied health services by reason of inability to pay therefor: And further provided, That (i) where third-party payors (including Government agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan will be billed and every reasonable effort will be made to obtain payment and (ii) where the cost of care and services furnished under the program is to be reimbursed under title XIX of the Social Security Act, a written agreement with the title XIX agency will be obtained by the clinic unless the title XIX agency refuses to enter into such an agreement and the clinic provides evidence of the refusal to the grantee.

(4) Subject to the provisions of paragraph (b)(3) of this section, a schedule of charges to be made for services rendered pursuant to the program will be followed in accordance with a schedule submitted and approved as part of the program. Such charges must be consistent with prevailing rates in the community for such services.

(5) Grant funds will be used to supplement and not supplant services that the clinic established prior to the grant award except to the extent such services are, or have been, supported by an award of the Commission.

(6) Medical services will be performed under the direction of a physician with special training or experience in the diagnosis and treatment of respiratory diseases.

(c) A statement that a Policy Advisory Committee will be established in accordance with § 55a.5 and a Medical Advisory Committee will be established in accordance with § 55a.6.

#### § 55a.8. Requirements for respiratory clinics.

The only clinics which may be included in an applicant's plan are those which

meet, or with grantee assistance will be able to meet, the following requirements:

(a) Capability for performing the following screening examinations at the clinic:

- (1) History and physical examinations by or under the supervision of a physician;
- (2) Spirometry (FVC, FEV, MMV);
- (3) Chest roentgenography; and
- (4) Electrocardiography.

(b) Ability by on-site performance of, or under formal arrangements with other medical facilities for performing, in-depth analysis of pulmonary function including measurements of total lung volumes, alveolar gas distribution, diffusion and other gas exchange studies, blood gases, pH, and the effect of exercise on pulmonary function.

(c) Ability to provide for the following treatment services:

- (1) Oxygen therapy;
- (2) Intermittent positive pressure breathing;
- (3) Antibiotic therapy;
- (4) Physical therapy;
- (5) Anti-smoking advice; and
- (6) Other symptomatic treatments including use of nebulizers, bronchodilators, steroids, expectorants, etc.

(d) Be approved and designated by the Social Security Administration and Department of Labor to perform disability examinations and provide treatment under the Act.

(e) Be approved by the National Institute for Occupational Safety and Health to perform roentgenographic examinations of coal miners under 42 CFR Part 37 or so equipped, staffed, and technically and professionally proficient, in the judgment of the Secretary, to meet such requirements for approval.

§ 55a.9 Evaluation and award.

(a) Within the limits of funds available for such purposes, the Secretary may award grants to assist in the carrying out of those programs which will in his judgment best promote the purposes of section 427(a) of the Act, taking into account:

- (1) The number of miners to be served;
- (2) The capacity of the applicant to make rapid and effective use of such assistance;
- (3) The adequacy of the applicant's facilities and staff, and the adequacy of the respective facilities and staffs of the clinics included in the applicant's plan, including their experience in providing the services called for under the program;
- (4) The degree to which other resources are committed to the program;
- (5) The degree to which the applicant possesses the capability to analyze contracts for the purchase of medical equipment, and its experience with the delivery of medical services by clinical facilities;

(b) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct program costs plus an additional

amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the program; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the program when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any program nor any grant award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other award with respect to any approved program or portion thereof.

§ 55a.10 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either by advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved program.

§ 55a.11 Use of project funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved program, shall be expended solely for carrying out the approved program in accordance with section 427(a) of the Act, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by subpart Q of 45 CFR Part 74.

(b) Program funds awarded under this part may be used for renovation of existing space; purchase of medical equipment; salaries of additional personnel; home treatment services; transportation of patients; training of personnel; outreach programs to inform coal miners of the services provided by the clinics, but may not be used for the construction of new facilities nor for salaries of persons in positions previously supported from other sources other than under a grant from the Commission.

(c) Program funds awarded under this part may be used to reimburse members of the Policy Advisory Committee and Medical Advisory Committee for actual expenses incurred by reason of their participation in such committee activities.

(d) Prior approval by the Secretary of revision of the budgetor's program plan

is required whenever there is to be a significant change in the scope or nature of program activities including any relocation of the health services set forth in the plan filed as part of the grant application.

§ 55a.12 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition no person shall, on the grounds of sex, or creed (unless otherwise medically indicated) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Nor shall any person be denied employment in or by such program or activity so receiving Federal financial assistance on the grounds of age, sex, creed, or marital status.

§ 55a.13 Confidentiality.

All information as to personal facts and circumstances obtained by the grantee's staff shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 55a.14 Inventions or discoveries.

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the program as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 55a.15 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the

award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

#### § 55a.16 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved program the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: Provided, however, That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout.*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved program, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved program the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section; and

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal

Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

#### § 55a.17 Program reporting requirements.

Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall within 15 days after the end of each quarterly period submit to the Secretary a statistical summary of the patients examined and treated at the clinics operating under the grantee's program. In addition, the grantee shall submit such other reports as the Secretary may require.

#### § 55a.18 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part.

Subpart	Subject
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout: Suspension, and termination.
O	Property.
Q	Cost principles.

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### Title 45—Public Welfare

#### CHAPTER IV—SOCIAL AND REHABILITATION SERVICE (REHABILITATION SERVICE), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### PART 410—EVALUATION STANDARDS

###### Standards for Evaluating Programs and Projects; Interim Regulations

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 410 setting forth standards for evaluating programs and projects under the Rehabilitation Act of 1973 (Pub. L. 93-112). Section 401(b) of the Act states, in part, that "effective July 1, 1974, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the program and project effectiveness in achieving the objectives of this Act". Further, it declares that the Secretary "shall consider the extent to which such standards have been met in deciding \* \* \* whether to renew or supplement financial assistance authorized under any section of this Act." The standards set forth in this interim regulation will be used in evaluating programs and projects assisted under the Act.

This regulation shall become effective July 1, 1974, because immediate implementation of the standards is required by the Act. Amendment or revision will be made if, after due consideration of comments, suggestions, or objectives to the interim regulations, received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013, within 30 days of the date of such publication, it is determined such amendment or revision is required. Comments received will be available for public inspection in Room 5324 of the Department's offices at 330 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 202/245-0950).

Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 410 to read as follows:

#### Sec.

- 410.1 Purpose of standards.
- 410.2 Definitions.
- 410.3 Methodology.
- 410.4 Objectives of the rehabilitation program.
- 410.5 General standards for evaluation.

AUTHORITY: Sec. 400(b) 87 Stat. 386 (29 U.S.C. 780(b)).

#### § 410.1 Purpose of standards.

(a) The general standards represent those measures of program performance which, in the aggregate, are adequate to estimate program impact and to illustrate the effectiveness of certain program elements. Federal personnel will assess State evaluations and work with State agencies and others to improve the standards and the methods by which these standards are applied. It is hoped that the structure of these Standards will be specific enough to give guidance as to desired performance levels, but broad enough to allow individual States to augment this document by adding greater dimensions from their own evaluation experience not addressed by this document.

(b) The purposes of these standards are:

(1) To establish criteria for the evaluation of program effectiveness, i.e., the degree to which the rehabilitation system is accomplishing its stated objectives;

(2) To increase program accountability by focusing on those demonstrated processes generally agreed to increase program effectiveness;

(3) To encourage States to begin a more comprehensive evaluation of their programs to determine if the program goals are being achieved within resource capabilities and if not, the reasons therefor.

(c) Data collected from the general standards will be used to make relative comparisons of programs and projects which will be considered by the Secretary in deciding whether to renew or supplement financial assistance pursuant to section 401(b) of the Rehabilitation Act of 1973. Information obtained

from the 1975 data, as well as that data already in existence, will be used to help formulate minimal performance levels of programs and projects. The Department will work with Congress and others to develop regulations embodying specific performance levels to be published by the end of fiscal year 1975.

§ 410.2 Definitions.

(a) *Program*. A program means any continuing activity which is funded by the Rehabilitation Services Administration (RSA).

(b) *Project*. A project means a discrete activity with a finite termination date.

(c) *Statistical Reporting System Caseload Statuses* (as defined in the National Center for Social Statistics Statistical Manual RSA)

(1) *Status 00. Referral*. This status represents entrance into the vocational rehabilitation process. A referral is defined as any individual who has applied to or been referred to the vocational rehabilitation agency by letter, by telephone, by direct contact, or by any other means; and for whom the following minimum information has been furnished: name and address, disability, age and sex, date of referral, and source of referral;

(2) *Status 02. Applicant*. As soon as the referred individual (Status 00) signs a document requesting vocational rehabilitation services, he is placed into Status 02 and is designated as an applicant. Generally, the document will be an agency application form, but a letter signed by an individual who provides the minimum basic referral information and requests service should also be considered as a basis for placing the individual in Status 02. This is important, since the applicant must be notified in writing if his request for Vocational Rehabilitation services has been denied, and the only certain basis for determining that the individual has knowledge of having been referred is by the existence of a document signed by the individual;

(3) *Status 08. Closed From Referral, Applicant, or Extended Evaluation Statuses*. This status has been provided to furnish a means for identifying all persons not accepted for vocational rehabilitation services, whether closed from referral status (00), applicant status (02), or extended evaluation (06). All persons processed through referral, applicant, and/or extended evaluation, and not accepted into the active caseload for vocational rehabilitation services, will be closed in this status. A certificate of ineligibility is required for a closure in Status 08, except when the client becomes unavailable for services. A copy of the Form SRS-RSA-300, properly completed, dated, and signed, is sufficient certification of ineligibility for these cases, provided case documentation includes specific detailed reasons for the closure action;

(4) *Status 10. Individualized Written Rehabilitation Program Development*. While a client is in this status, the case

study and diagnosis is completed to provide a basis for the formulation of the individualized written rehabilitation program. A comprehensive case study is basic to determining the nature and scope of services to be provided in order to accomplish the vocational rehabilitation objective of the individual. The counselor and client formulate and plan the rehabilitation services necessary to the solution of the client's problem, and those services are clearly outlined to him. The individual remains in this status until his rehabilitation program is written and approved;

(5) *Status 26. Closed Rehabilitated*. Cases closed as rehabilitated must as a minimum have been declared eligible, have received appropriate diagnostic and related services, have had a program for vocational rehabilitation services formulated, have completed the program insofar as possible, have been provided counseling as an essential rehabilitation service, and have been determined to be suitably employed for a minimum of 30 days;

(6) *Status 28. Closed Other Reasons After Individualized Written Rehabilitation Program Initiated*. Cases closed in this category must have been declared eligible, have received appropriate diagnostic and related services and have had a program for vocational rehabilitation services formulated, but have not completed the program and/or have not been provided counseling, and/or have not been determined to be suitably employed for a minimum of 30 days;

(7) *Status 30. Closed Other Reasons Before Individualized Written Rehabilitation Program Initiated*. Cases closed in this category are those cases which, although accepted for rehabilitation services, did not progress to the point that rehabilitation services were actually initiated under a rehabilitation plan.

§ 410.3 Methodology.

(a) Implementation of the General Standards is both a State and Federal responsibility;

(b) When evaluating the performance of a program, four separate issues must be addressed: the degree to which the entire target population is reached and effected; the degree of change experienced toward the goal of gainful activities which occurs as a result of rehabilitation services; performance of the program in meeting the priority for providing services to the severely handicapped; and the efficiency with which a program utilizes available resources to accomplish its ultimate function. Annually, each State will be asked to report on a self-evaluation of the specific data items described under each general standard (based on most recent information) as well as any other evaluation effort the State may have undertaken in these areas. Some of the specific data items may not be readily available to States: follow-up information, detailed reasons for not accepting clients or for unsuccessful closures as well as acceptance rates, etc. It is not required that

such information be collected on all clients. Rather, statistically significant sampling studies are periodically required. Periodicity will be specified in guidelines. Projects are to be judged by the extent to which the normal program performance, as measured by the evaluations standards, would be improved as a result of the project. Projects are to be evaluated by the following criteria: (1) specificity of goals (before project is approved), (2) the extent to which they benefit the program, and (3) feasibility of transferring knowledge acquired from project to the program.

§ 410.4 Objectives of the rehabilitation program.

The principal objectives of the Rehabilitation Act of 1973 are:

(a) To maintain and improve State-Federal programs of quality vocational rehabilitation services and to redirect the public rehabilitation program towards the expansion of services to the severely handicapped;

(b) To provide the opportunity for active participation by the client in the development of client's individualized written rehabilitation program;

(c) To provide special attention to target groups whose rehabilitation problems are known to be difficult;

(d) To promote the elimination of barriers in the environment which impede the handicapped in employment, housing, and transportation;

(e) To utilize to the fullest possible extent community, State, Federal resources in the rehabilitation of the client and the extent to which those funds are marshalled to increase and improve:

(1) The supply of trained rehabilitation manpower;

(2) Rehabilitation knowledge and techniques;

(3) Rehabilitation facilities;

(f) To promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in gainful activities;

(g) To provide education to the general public and handicapped population about the rehabilitation of the handicapped and to disseminate information pertaining to rehabilitation;

(h) To develop a process of evaluation as to the effectiveness of present programming on different disability groups.

§ 410.5 General standards for evaluation.

This section sets forth the general evaluation standards. Standards are grouped under three headings: persons served, program efficiency and client feedback. Under each standard various data elements are listed.

(a) *Persons Served*. In order to assure that the Rehabilitation Program objectives and priorities, as identified in the Act, are being adhered to, it is necessary to identify the size and characteristics of the eligible population, the extent to which rehabilitation services are made available to the eligible population, and

the respective numbers and types of clients who successfully complete the program. Special attention is to be given to an accurate and detailed evaluation of the manner in which services are expanded and improved to the severely handicapped.

(1) *Standard No. 1 To insure that the rehabilitation program is serving the target population and to insure that these services are provided in equitable manner. Data Elements.* The following minimally should be enumerated separately for severely handicapped and nonseverely handicapped:

- (i) Estimate of the total target population;
- (ii) Number of accepted cases served (status 10 and above) during the year;
- (iii) Annual rate of increase in number of cases served;
- (iv) Total number of successful rehabilitations during the year;
- (v) The fraction of applicants (status 02) who are accepted into the rehabilitation system (status 10).

(2) *Standard No. 2 To insure that rehabilitation clients are placed in gainful activities suitable to their capabilities. Data Elements.* The following minimally should be enumerated separately for severely handicapped and nonseverely handicapped:

(i) Ratio of rehabilitants (status 26) to total population served (statuses 26+28+30);

(ii) *Placement.* Percentage breakdown of those placed in competitive employment (wage and salary earners and self-employed), non-competitive employment (sheltered workshops, and others), business enterprise programs, homebound employment, homemaking, and unpaid family worker;

(iii) *Quality of closure.*

(A) Average earnings at rehabilitation (status 26), as compared with average earnings at entry (status 02) of those placed in wage earning employment;

(B) Distribution of clients who are placed in employment (status 26) by wage levels and percentage change in each of income categories over last year.

(b) *Program Efficiency.* Program elements are evaluated to determine whether there is an optimal usage of available resources to maximize the flow through of clients, while maintaining quality of services.

(1) *Standard No. 3. The extent to which undue delays are avoided in providing clients with VR services. Data Elements.* The following minimally should be enumerated separately for severely handicapped and nonseverely handicapped:

- (i) Average time from initial referral to the rehabilitation program (status 00) to the signed application (status 02);
- (ii) Average time from application (status 02) to active case status (status 10).
- (iii) Average time in active case status (status 10) to rehabilitated (status 26).
- (iv) Average time in active case status for nonrehabilitated (statuses 28 and 30).

(2) *Standard No. 4. To insure that available resources are utilized to achieve maximum operational efficiency. Data Elements.* The following minimally should be enumerated separately for severely handicapped:

(i) Average case service cost per client;

(ii) Percentages of clients receiving rehabilitation services the cost of which is covered by third party payments for: maintenance, physical and mental restoration, training (including education), services to family members;

(iii) Ratio of non-vocational rehabilitation funds expended to the total funds expended for rehabilitation services under the Act including a description of the sources of the nonvocational rehabilitation funds;

(iv) Average cost per service and the percentage of individuals utilizing each service;

(v) Percentage of homemakers for whom homemaking was the original goal;

(vi) Percentage of clients who received training and who are placed in employment for which that training is relevant.

(3) *Standard No. 5. To insure that counselors maintain manageable-sized caseloads and provide timely and adequate services to those individuals in the caseloads.*

(i) Distribution of counselor caseload sizes according to general and special types of caseloads with consideration of availability of specialized staff support;

(ii) Percentage of clients not contacted for a continuous period of six months or more during the year.

(c) *Client Feedback.* To determine whether the rehabilitation system is achieving its stated objective, it is necessary to ascertain whether rehabilitated clients retain, over time, benefits derived from the rehabilitation system. Therefore, an effective feedback system should include a means to determine the degree of clients' satisfaction with the client's program and services, the percentage of clients who have remained in gainful activities, and the extent to which those activities are relevant to skills acquired while in the rehabilitation system; and the extent to which "post-employment" (Section 103(a) and (b), P.L. 93-112) services are needed and provided.

(1) *Standard No. 6. To insure that clients retain the benefits obtained from the rehabilitation process. Data Elements.* Provide the following information for those clients who were rehabilitated (in status 26 at specified time intervals):

- (i) Percentage employed at time of follow-up contact;
- (ii) Average earnings of those employed at time of follow-up contact;
- (iii) Relationship of earnings at follow-up to earnings at closure;
- (iv) Percentage engaged as homemakers who were initially placed as homemakers;
- (v) Percentage not employed and seeking employment;
- (vi) Percentage not gainfully employed, not seeking employment, but in need of employment;

(vii) Percentage engaged as unpaid family workers who were initially placed as unpaid family workers;

(viii) The average number and duration of periods of unemployment since rehabilitated;

(ix) Percentage who are retired;

(x) Percentage who are dead.

(2) *Standard No. 7. To insure that the need for "post-employment" (Section 103(a) and (b), P.L. 93-112) services is satisfied.* Provide the number of clients receiving the different types of "post-employment" services.

(3) *Standard No. 8. To insure that agencies are able to identify reasons why clients are not successfully rehabilitated. Data Elements.* In each of the following three categories, identify to the extent possible, the number of persons who are successfully rehabilitated and the reason why they:

(i) are not accepted into the program;

(ii) do not achieve a rehabilitated status 26;

(iii) do not remain in employment.

(4) *Standard No. 9. To insure that the client is satisfied with the individualized written rehabilitation program services as developed by the counselor. Data Elements:*

(i) Number and outcomes of "administrative reviews";

(ii) Number and outcomes of "fair hearings";

(iii) Number of clients who are satisfied with the adequacy and relevance of their rehabilitation training and services, as reflected in the follow-up period.

*Effective date:* July 1, 1974.

(Catalog of Federal Domestic Assistance Program Nos. 13.746, Rehabilitation Services and Facilities—Basic Support; 13.747, Vocational Rehabilitation Services for Social Security Disability Beneficiaries; 13.757, Comprehensive Social and Rehabilitation Research; and 13.763, Rehabilitation Services and Facilities—Special Projects.)

Dated: June 27, 1974.

JOHN A. SVAHN,  
Acting Administrator,  
Social and Rehabilitation Service.

Approved: June 27, 1974.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc. 74-15204 Filed 7-1-74; 8:45 am]

#### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19990, RM-2210, FCC 74-638]

#### RE-REGULATION OF RADIO AND TELEVISION BROADCASTING

##### Miscellaneous Amendments

1. As a result of the continuing study by its Task Force on Re-regulation of broadcasting, the Commission has under consideration the matter of amending certain provisions in Parts 1, 13, 73 and 74 of its Rules and Regulations.

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

requirements which are no longer necessary.

3. The following rule changes are made for the reasons indicated:

(a) When application for extension of construction permit or application for a construction permit to replace an expired construction permit is made to the Commission, it is the normal practice, if the grant is made, that it be for a period of no more than six months (§ 1.534(a) and (b)). A phrase is added to the rule clearly limiting the grant to this period of time.

(1) Adding a phrase to the rule specifying that the grant is for a period of time not longer than six months, will clarify the matter for the applicant and relieve the staff of a work load created by telephonic and written questions by applicants regarding these extensions or authorizations.

(b) Clarifications are made in provisions in § 1.598, Period of Construction (for TV, AM, FM, auxiliary and Instructional Television Fixed Stations). The rule is revised to clearly state that the time allowed for completion of construction applies not only to new construction but to changes in existing stations as well.

In addition, reference to noncommercial educational FM stations is added to the list of "other broadcast, auxiliary, and ITFS." It has been unintentionally omitted heretofore.

(1) Many staff hours are used expediting to applicants that this rule includes the period of time allowed for completion of changes in licensed stations as well as for completion of new station construction. By clarifying the rule in this respect, and in adding the noncommercial educational FM service, previously omitted, the staff will be relieved of the burden of answering questions prompted by the rule as presently written.

(c) In paragraph 3(g) of this Order, clarification is made of the operator license posting requirements in the AM, FM and TV services. (§§ 73.92(b); 73.264(b); 73.564(b) and 73.660). These clarifying amendments prompt changes in Part 13, Commercial Radio Operators, in § 13.74, Posting requirements for operators. In addition to conforming the rules in Part 13 with 73, the modification provides an opportunity to entirely rewrite section 13.74 and remove certain ambiguities and difficulties in interpretation.

(1) In addition to the conforming amendments, the section is appropriately contemporized.

(d) The requirements that "an application for renewal of remote control authorization may be made on the application for renewal of a station license" is deleted. (§ 73.68, Remote control renewal application, paragraph (a)). This requirement contradicts the regularly updated directives of the License Division's "Notice to Licensees", which is attached to license renewal application forms mailed to licensees at renewal time. In this cover letter (Notice to Licensees), is

this statement: "Application forms are enclosed \* \* \*". "Separate applications \* \* \* must be submitted for each authorization to be renewed, except that applications are not required for \* \* \* Remote Control Authority, which you may have."

Further, it is impossible for licensees to conform to the requirements of § 73.68(a), directing that such applications for remote control authorization be made in the "application for renewal of station license." No such paragraph exists in section II (engineering section) of Form 303, Application for Renewal of Broadcast Station License.

Further, the requirements in § 73.68 (a) for standard broadcast do not appear in the FM, noncommercial educational FM or TV rules.

Lastly, licensees of standard stations, confused by these contradictions, add to the administrative load of the staff by telephoning or writing requests for clarification.

(1) The deletion eliminates confusion, relieves the staff of onerous and time consuming administrative details entailed in handling confused licensees' communications, and conforms the standard broadcast station rules with the rules for the other broadcast services.

(e) Stations employing directional antennas and operated by remote control must make annual skeleton proofs of performance, and these measurements must be submitted with the station's license renewal application. This requirement is in paragraph (b) in § 73.68, Remote control renewal application, now proposed to be deleted. (See (d) above.) This paragraph (b), from the deleted section, is added to § 73.66, Remote control authorization, as new paragraph (c), where it more properly belongs. The requirement directs station licensees to make skeleton proofs or performance "consisting of three or four measurements on each radial", plus the monitoring point readings.

Stations using directional antennas and employing holders of 2nd class operator's licenses or endorsed 3rd class permits, for routine operation of the transmitting system, must make skeleton proofs, and partial proofs per § 73.93 (e) (3). This requirement defines a skeleton proof as consisting of "at least three [measurements] on each of the radials . . . and include, on each radial, the point, if any, designated as a monitoring point in the station authorization." (§ 73.93—Note 3)

In the past stations using D.A.'s, operating remote control, received letters just prior to every triennial renewal of license, containing a special set of directions regarding skeleton proofs. This letter, from Chief, Renewal and Transfer Division, stated a minimum of five measurements should be made on each radial, including the monitoring point. Some 900 letters have been mailed by the Division over each three year period. This letter was revised 4-5-74, directing a minimum of three measurements on each radial.

(1) The contradiction contained in these three sets of directions is removed.

The new § 73.66(c)—the deleted § 73.68(b)—is modified to conform with Note 3, § 73.93.

One conformed requirement, for the making of skeleton proofs, will now be stated in §§ 73.66(c); 73.93(e) (3) and the letter from Chief, Renewal and Transfer Division.

(f) The rule regarding specified hours stations (§ 73.73), states two exceptions to adherence to the requirements therein. (The exceptions are in §§ 73.71 and 73.72). Two additional exceptions which should be stated in § 73.73 are found in §§ 73.23(e) and 73.98(d).

(1) These exceptions, in §§ 73.23 and 73.98 are added to § 73.73, Specified hours, to make the rule complete and clear.

(g) Clarification is made of the license posting requirements in §§ 73.92 (b); 73.264(b); 73.564(b) and 73.660—this last rule modified as detailed below in paragraph 3(1) of this Order.

(1) The posting of an operator license has commonly been accomplished by affixing it to the wall of the room considered to be the principal control point of the transmitter. Codification is made to allow the enclosing of the operator license in a binder or its insertion into a folder as an alternative to affixing it to the wall, so long as the license continues to be immediately and easily accessible at the control point.

In addition, it is made clear that operators' licenses (or FCC Form 759, Verification of Operator License or Permit) will be available at the control point during both on-duty and off-duty hours, so long as the operator is in the employ of the subject station, full time, part time or on a contract basis.

(h) In the AM operating log rules (§ 73.113), paragraph (a) (2) (ii) specifies certain indications be read on transmitting apparatus of stations with directional antennas not operated by remote control, one of which is "current radio indications".

(1) This is corrected to read "current ratio indications".

(i) The Commission Order adopted November 1, 1972, in the Matter of Regulation of radio and television broadcasting, modified the Operating log rule, § 73.113(a) (3). This amendment changed the entry of certain transmitter meter readings from every half hour to "an entry at the beginning of operation in each mode and at intervals not exceeding three hours \* \* \*". This change became effective December 15, 1972.

Subsequent to this change, the Commission adopted the Report and Order, finalizing Docket 18455, in the Matter of Amendment of Part 73 of the Rules and Regulations with respect to use of remote indicating phase monitors and the inspection requirements for remotely controlled directional stations. This proceeding changed certain provisions in § 73.113, and in writing the changes, log entry requirements adopted in the above-mentioned Order of November 1, 1972, were inadvertently omitted. In § 73.113 (a) (1) (iv) and (a) (3) the rule now states that entries must be made in

the operating log "at the time of commencement of operation and, thereafter, at successive intervals not exceeding three hours in duration."

The rule should properly and correctly state " \* \* \* at the time of commencement of operation in each mode and thereafter \* \* \*". The underlined addition in each mode is the omission made in the rewritten rule in Docket 18455.

(i) This correction appropriately states the operating log requirements.

(j) For SCA subcarriers, Section 73.319 (Subsidiary communications multiplex operations: engineering standards) specifies only the modulation limits for the SCA subcarriers, without specifying the frequency tolerance. Frequency tolerance is specified in § 73.295 (Operation under Subsidiary Communications Authorizations). The rule—§ 73.319—is now written to include these frequency tolerance specifications.

(k) Section 73.319 will be complete with the addition of these specifications. Furthermore, the licensee will benefit from this clarification. The inclusion will also be an aid to the F.O.B. in exercising precise enforcement of these requirements.

(l) Sections 73.572(a) (1) and (2), concerning remote control authorization for noncommercial educational FM stations, are amended to state the correct FCC form to be used in requesting such authorizations.

(m) The applicant is, under present rules, directed to use FCC Form 301. The proper form to use is FCC Form 340. Changes in the rule are made accordingly.

(n) In the AM, FM and noncommercial educational FM services, requirements concerning the posting of the station license and any other instrument of station authorization, and the posting of operator licenses, are stated in one section in each of the subparts of Part 73 designated for these three services. In the Television Broadcast Station rules (Subpart E of Part 73), the requirements pertaining to posting of station and operator licenses appear in two different sections: posting of station licenses in § 73.660; and posting of operator licenses in § 73.661, Operator requirements. Changes are made which will state the requirements for posting of TV station authorizations and the posting of operator licenses in one section in Subpart E, Part 73.

(o) The requirements for posting operator licenses are removed from § 73.661, Operator requirements, and added to § 73.660, Station license, posting of, which is re-titled "Station and operator licenses; posting of." This conformation of the TV rules will terminate an inconsistency in the rule formatting which has existed heretofore.

(p) A clarifying modification is made in the provisions in the TV rules (§ 73.661, Operator requirements), that an operator on duty must have ready access to and visibility of the transmitter or the remote control and monitoring equipment. The rule is rewritten to provide

that the transmitter be readily accessible and so located to the operating position that deviations from normal indications of the instruments can be observed.

(1) The AM and FM rules were clarified with respect to this ability to observe deviations from normal indications of the instruments in a Commission Order adopted December 20, 1972. This conforms the TV rules to the AM and FM rules in this regard.

(2) Paragraph (b) of § 74.661, Frequency tolerance, was amended by Commission Order dated December 1, 1972. That Order made a number of editorial changes in the Commission rules. Inadvertently, a substantive change was made in § 74.661(b), pertaining to frequency tolerance. The paragraph is rewritten and corrected.

(3) The paragraph now clearly states Commission requirements pertaining to the frequency tolerances of the aural portion of TV broadcast program material which is transmitted over aural broadcast STLs or intercity relays.

4. Amendments hereby adopted are editorial revisions, deletions, corrections and relaxations of existing rule provisions. They also conform language of certain rule provisions to established Commission policy and practice. We conclude that adoption of the amendments will better serve the public interest. Therefore, prior notice of rule making and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 533(b) (3) (B).

5. Therefore, *It is ordered*, That, pursuant to sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Parts 1, 13, 73, and 74 of the Commission's rules and regulations are amended as set forth below effective August 2, 1974.

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

Adopted: June 19, 1974.

Released: June 24, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,

Secretary.

#### PART I—PRACTICE AND PROCEDURE

1. Section 1.534 is revised to read as follows:

§ 1.534 Application for extension of construction permit or for construction permit to replace expired construction permit.

(a) Application for extension of time within which to construct a station shall be filed on FCC Form 701. The application shall be filed at least 30 days prior to the expiration date of the construction permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, an application will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 day prior to the expiration date. Such applications will

be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension. If approved, such extensions will be limited to periods of not more than 6 months.

(b) Application to replace an expired construction permit shall be made on FCC Form 321, "Application for Construction Permit to Replace Expired Permit." Such applications must be filed within 30 days of the expiration date of the authorization sought to be replaced. If approved, such authorization shall specify a period of not more than 6 months within which construction shall be completed and application for license filed.

2. Section 1.598 is revised to read as follows:

#### § 1.598 Period of construction.

(a) *Television broadcast stations.* Each original construction permit for the construction of a new television broadcast station, or to make changes in an existing station, shall specify a period of 18 months within which construction shall be completed and application for license filed. Permittees for new television stations shall file a report in the ninth month after the grant of the construction permit setting forth the progress made toward building the station. Such progress report shall be signed by the principal(s) of the permittee.

(b) *Other broadcast, auxiliary and instructional television fixed stations.* Each original construction permit for the construction of a new standard, FM, noncommercial educational FM, or international broadcast station and for television or FM translator or FM booster, broadcast auxiliary or instructional television fixed station (ITFS), or to make changes in such existing stations, shall specify a period of 12 months within which construction shall be completed and application for license be filed.

#### PART 13—COMMERCIAL RADIO OPERATORS

3. Section 13.74 is revised to read as follows:

§ 13.74 Posting requirements for operator licenses.

(a) Licensed commercial radio operators, on duty at a single transmitting system, shall post their radio operator license or permit in accordance with the rules governing that station when:

(1) Performing radio operating duties and in charge of the transmitting systems or,

(2) Supervising or performing service and maintenance or inspection duties at the transmitting systems.

(b) Licensed commercial radio operators, on duty at two or more transmitting systems, which are not co-located, shall post their radio operator license or permit at one of the stations, and a valid verified posting statement (FCC Form

759) at each other station in accordance with the rules governing those stations when:

(1) Performing radio operating duties and in charge of the transmitting systems or,

(2) Supervising or performing service and maintenance or inspection duties at the transmitting systems.

(c) In stations where rules for that service do not require posting, licensed commercial operators on duty and in charge of transmitting systems or performing service and maintenance or inspection duties of such transmitting systems, shall have on their person their radio operator license or permit, or a valid license verification card (FCC Form 758-F), which shall be available for inspection upon request by a Commission representative.

**PART 73—RADIO BROADCAST SERVICES**

4. Section 73.66 is amended to add new paragraph (c) to read as follows:

**§ 73.66 Remote control authorization.**

(c) Stations employing directional antennas and operated by remote control shall make a skeleton proof of performance each year. This skeleton proof shall consist of at least three field strength measurements on each of the radials established in the latest complete adjustment of the directional antenna system. These measurements shall be made at measurement locations utilized in such adjustment, and if the radial includes a monitoring point, as designated in the station authorization, one of the measurements shall be made at that point. The results of these measurements must be submitted with the station's license renewal application.

**§ 73.68 [Reserved]**

5. § 73.68 is Reserved.

6. Section 73.73 is revised to read as follows:

**§ 73.73 Specified hours.**

If the license of a station specifies the hours of operation, the schedule shall be adhered to except as provided in §§ 73.23(e); 73.71; 73.72 and 73.98(d).

7. Section 73.92(b) is revised to read as follows:

**§ 73.92 Station and operator licenses; posting of.**

(b) The operator license, or FCC Form 759 (Verification of Operator License or Permit), of each station operator employed fulltime, part time, or via contract, shall be permanently posted at the place where the operator is on duty and shall remain posted so long as the operator is employed by the licensee. The posting of the operator license shall be done in such a way as to comply with the following requisites:

(1) That operator licenses shall be posted at the place the licensee considers to be the principal control point of the transmitter;

(2) That operator licenses will be readily available and easily accessible at the posting location;

(3) That posting will be accomplished by affixing the license to the wall of the room of the control point of the transmitter, or enclosing in a binder or inserting into a folder and retaining at the principal control point.

8. In section 73.113 paragraphs (a) (1) (iv), (a) (2), (a) (2) (ii), and (a) (3) are revised to read as follows:

**§ 73.113 Operating log.**

(a) \* \* \*

(1) \* \* \*

(iv) The following indications shall be entered in the operating log at the time of commencement of operation in each mode and thereafter, at successive intervals not exceeding 3 hours in duration.

(2) For stations with directional antennas not operated by remote control, the following indications, in addition to those specified in subparagraph (1) of this paragraph, shall be read and entered in the operating log at the time of commencement of operation in each mode and thereafter, at successive intervals not exceeding 3 hours in duration. (This schedule shall apply, regardless of any provision in the station instrument of authorization requiring more frequent log entries.)

(ii) Remote antenna base current or antenna monitor sample current or current ratio indications.

(3) For stations with directional antennas operated by remote control, the following indications, in addition to those specified in subparagraph (1) of this paragraph, shall be read and entered in the operating log at the time of commencement of operation in each mode and thereafter, at successive intervals not exceeding 3 hours in duration. (This schedule shall apply, regardless of any provision in the station instrument of authorization requiring more frequent log entries.)

9. Section 73.264 is amended as follows:

**§ 73.264 Station and operator licenses; posting of.**

(b) The operator license, or FCC Form 759 (Verification of Operator License or Permit) of each station operator employed full time, part time, or via contract, shall be permanently posted at the place where the operator is on duty and shall remain posted so long as the operator is employed by the licensee. The posting of the operator license shall be done in such a way as to comply with the following requisites:

(1) That operator licenses shall be posted at the place the licensee considers to be the principal control point of the transmitter;

(2) That operator licenses will be readily available and easily accessible at the posting location;

(3) That posting will be accomplished by affixing the license to the wall of the room of the control point of the transmitter, or enclosing in a binder or inserting into a folder and retaining at the principal control point.

10. Section 73.319 is amended to add new paragraph (f) to read as follows:

**§ 73.319 Subsidiary communications multiplex operations; engineering standards.**

(f) The center frequency of each SCA subcarrier shall be kept at all times within 500 hertz of the authorized frequency.

11. Paragraph (b) of § 73.564 is revised to read as follows:

**§ 73.564 Station and operator licenses; posting of.**

(b) The operator license, or FCC Form 759 (Verification of Operator License or Permit), of each station operator employed fulltime, part time, or via contract, shall be permanently posted at the place where the operator is on duty and shall remain posted so long as the operator is employed by the licensee. The posting of the operator license shall be done in such a way as to comply with the following requisites:

(1) That operator licenses shall be posted at the place the licensee considers to be the principal control point of the transmitter;

(2) That operator licenses will be readily available and easily accessible at the posting location;

(3) That posting will be accomplished by affixing the license to the wall of the room of the control point of the transmitter, or enclosing in a binder or inserting into a folder and retaining at the principal control point.

12. In § 73.572 paragraphs (a) (1) and (2) are revised to read as follows:

**§ 73.572 Remote control authorization.**

(a) \* \* \*

(1) A request to operate a new station by remote control may be included in the application (FCC Form 340) for construction permit or modification of construction permit.

(2) A request to change a remote control point to a new studio location beyond the corporate limits of the community to which the station is assigned and at a point other than the authorized transmitter site may be included in the application (FCC Form 340) for authority to change the main studio location.

12. Section 73.660 is revised to read as follows:

**§ 73.660 Station and operator licenses; posting of.**

(a) The station license and any other instrument of station authorization shall be posted in a conspicuous place and in such manner that all terms are visible at the place the licensee considers to be the principal control point of the transmitter. At all other control points listed

on the station authorization, a photocopy of the station license and other instruments of station authorization shall be posted.

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed fulltime, part time or via contract, shall be permanently posted at the place where the operator is on duty and shall remain posted so long as the operator is employed by the licensee. The posting of the operator license shall be done in such a way as to comply with the following requisites:

(1) That operator licenses shall be posted at the place the licensee considers to be the principal control point of the transmitter;

(2) That operator licenses will be readily available and easily accessible at the posting location;

(3) That posting will be accomplished by affixing the license to the wall of the room of the control point of the transmitter, or enclosing in a binder or inserting into a folder and retaining at the principal control point.

14. Section 73.661 is revised to read as follows:

**§ 73.661 Operator requirements.**

One or more operators holding a valid radiotelephone first-class operator license shall be on duty at the place where the transmitting apparatus is located or at a remote control point established pursuant to the provisions of § 73.677 and in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. The licensed operator on duty and in charge of the television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such other duties shall in no wise impair or impede the required supervision of the television broadcast transmitter. If operation by remote control has not been authorized, the transmitter shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required instruments can be observed from that position. If operation by remote control is authorized, the control and monitoring equipment shall be readily accessible, and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required instruments can be observed from that position.

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

15. Paragraph (b) of § 74.661 is revised to read as follows:

**§ 74.661 Frequency tolerance.**

(b) Television STL stations transmitting the aural portion of television broadcast program material over an aural broadcast STL or intercity relay station licensed under the provisions of Subpart E of this part shall maintain the operating frequency of such aural broadcast STL or intercity relay station within 0.005 percent of the assigned frequency.

[FR Doc.74-15121 Filed 7-1-74; 8:45 am]

[Docket No. 19939; FCC 74-550; RM-2222]

**PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)**

**Signaling Communications**

*Correction*

In re the amendment of Part 21 of rules and regulations, applicable to domestic public land mobile radio service to allow "signaling communications" by subaudible means of information intended for reception at multipoint mobile and/or fixed points.

Section 21.1 as amended in Report and Order, FCC 74-550, Docket 19939, released June 4, 1974, and published June 12, 1974 at 39 FR 20600, is corrected by inserting commas before and after the phrase "or to multipoint mobile and/or fixed locations by subaudible means".

Released: June 27, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
*Secretary.*

[FR Doc.74-15122 Filed 7-1-74; 8:45 am]

[Docket No. 19990; FCC 74-638; RM-2210]

**PART 76—CABLE TELEVISION SERVICE**

**Report and Order on Market Designation of Newark, New Jersey**

In the matter of amendment to § 76.51 of the Commission's rules and regulations.

1. By notice of proposed rule making, FCC 74-321, 46 FCC 2d 172 (1974), the Commission instituted a rule making to ascertain whether Newark, New Jersey should, for purposes of the Cable Television Rules, be included in the New York, New York-Linden-Paterson, New Jersey designated television market (No. 1) (§ 76.51(a) of the Commission's rules).

2. The primary proponent of the subject rule change is Blonder-Tongue Broadcasting Corporation, permittee of subscription television Station WBTV-TV, Newark, New Jersey. Blonder points out that the 35-mile zones of the designated communities of the New York, New York-Linden-Paterson, New Jersey market totally encompass the 35-mile zone of Newark, which results in the anomaly of a smaller television market, Newark, wholly contained within the major market of New York-Linden-Paterson. This anomaly, Blonder asserts, will have serious economic and competitive effects

on Station WBTV-TV. Pursuant to the Rules, all Linden, Paterson and New York City television signals must be carried on any cable system located within the 35-mile zone of any one of these communities. However, since Newark is not designated as part of the New York-Linden-Paterson market, Station WBTV-TV will be entitled to carriage only on cable systems located within the 35-mile zone of Newark. Additionally, while the Rules confer syndicated programming exclusivity rights on the licensees of the New York City, Linden and Paterson television stations with respect to their non-network programming, such rights would not inure to Station WBTV-TV because it is not licensed to a designated major market community. Blonder submits that Newark qualifies for inclusion as a designated community in the number one television market and requests that the Commission amend § 76.51(a) of the rules to add Newark as one of the designated communities of the first television market.

3. The proposed addition of Newark to the New York-Linden-Paterson market is opposed by the New Jersey Coalition for Fair Broadcasting, a citizen group concerned with the needs and problems of New Jersey residents and with the performance of the broadcast media. The Coalition argues that before the subject proposed amendment is adopted by the Commission, consideration should be given to re-evaluating the present allocation scheme as it concerns broadcast stations in the Philadelphia-New Jersey-New York corridor and how Newark should fit within any adjustments which may be required.

4. Comments were also filed by Pay Television Corporation, an organization engaged in the promotion of the utilization of over-the-air subscription television and by Kenneth A. Gibson, Mayor of Newark, New Jersey. Pay Television requests the Commission to specifically confine its action to cable television and by express language exclude its applicability to over-the-air subscription television. Its concern is that this change, read in conjunction with the limitation in the subscription television rules that there be only one STV authorization granted "in any community" (§ 73.642), might preclude the licensing of additional STV stations to the New York television market. Mayor Gibson requests that the Commission require Station WBTV-TV to reaffirm its commitment to conduct local programming which was made a condition to the grant of the station's license.

5. In *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143, 176 (1972), the Commission defined a hyphenated television market as one characterized by more than one major population center supporting all stations in the market but with competing stations licensed to different cities within the market area. Based on these standards, we have determined that Newark qualifies for inclusion as a designated

community in the number one television market. The cities of New York, Linden, Paterson, and Newark comprise a single market in which television broadcast stations licensed to them must compete. Therefore, each of those cities should be designated to the same television market.

6. The objection of the New Jersey Coalition for Fair Broadcasting is without merit. In a separate proceeding the Coalition has petitioned the Commission to institute a public inquiry with regard to the need for adequate television service for the State of New Jersey and the means of obtaining such service (RM-2345). That forum, not the instant one, is the proper place to evaluate the present television station allocation scheme.

7. With regard to the comments of Pay Television Corporation and Mayor Gibson, we need merely point out that this action affects Part 76 of the Commission's rules only, and has no effect on Part 73 which deals with over-the-air subscription television service. Additionally, the conditions upon which the license of Station WBTV-TV were granted remain in effect, and we presume that the Station will abide by them.

8. Authority for the rule amendment adopted herein is contained in section 2, 3, 4(i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934 as amended.

Accordingly, it is ordered, That effective August 2, 1974, Part 76 of the Commission's rules and regulations is amended as set forth below. It is further ordered, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084 (47 U.S.C. 152, 153, 154, 301, 303, 307, 308.))

Adopted: June 19, 1974.

Released: June 24, 1974.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 76 of Title 47 of the Code of Federal Regulations is amended as follows:  
In § 76.51, paragraph (a) is amended, as follows:

§ 76.51 Major television markets.

(a) \* \* \*

(1) New York, New York-Linden-Paterson-Newark, New Jersey

[FR Doc.74-15119 Filed 7-1-74;8:45 am]

[Docket No. 19561; RM-1844, RM-1855, RM-1982; FCC 74-560]

**PART 73—RADIO BROADCAST SERVICES**  
Table of Assignments, FM Broadcast Stations  
Correction

In FR Doc. 74-13202, appearing at page 20377 in the issue of Monday, June 10, 1974, in paragraph 6, the figure under Channel No. should read "249A".

**Title 49—Transportation**  
**CHAPTER X—INTERSTATE COMMERCE COMMISSION**  
**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Amdt. 3 to S.O. 1139]

**PART 1033—CAR SERVICE**

**Atchison, Topeka and Santa Fe Railway Co.**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of June 1974.

Upon further consideration of Service Order No. 1139 (38 FR 14944, 27354, and 39 FR 1046), and good cause appearing therefor:

It is ordered, That:

Section 1033.1139 S.O. 1139 (The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of Union Pacific Railroad Company), Service Order No. 1139 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 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 30, 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.74-15152 Filed 7-1-74;8:45 am]

[Amdt. 2 to fifth rev. S.O. 1043]

**PART 1033—CAR SERVICE**

**Return of Hopper Cars**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of June 1974.

Upon further consideration of Fifth Revised Service Order No. 1043 (38 FR 18659 and 35001) and good cause appearing therefor:

It is ordered, That:  
Section 1033.1043 S.O. No. 1043 (Regulations for return of hopper cars) Fifth Revised Service Order No. 1043 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., June 30, 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 copies 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.74-15149 Filed 7-1-74;8:45 am]

[Amdt. 7 to S.O. 1083]

**PART 1033—CAR SERVICE**

**Southern Pacific Transportation Co.**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June 1974.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726; 38 FR 876, 19126, 29590, and 39 FR 14 595), good cause appearing therefor:

It is ordered, That:

Section 1033.1083 S.O. 1083 (Southern Pacific Transportation Company authorized to operate over tracks of the Texas and Pacific Railway Company), Service Order No. 1083 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 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 30, 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.74-15150 Filed 7-1-74;8:45 am]

[Amdt. 1 to S.O. 1164]

**PART 1033—CAR SERVICE**  
**Texas and Pacific Railway Co.**

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of June 1974.

Upon further consideration of Service Order No. 1164 (38 FR 34811), good cause appearing therefor:

*It is ordered*, That:

Section 1033.1164 S.O. 1164 (The Texas and Pacific Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company), Service Order No. 1164 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. This order shall expire at 11:59 p.m., December 31, 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 30, 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.74-15151 Filed 7-1-74;8:45 am]

**Title 50—Wildlife and Fisheries**

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

**PART 32—HUNTING**

**Crab Orchard National Wildlife Refuge, Ill.**

The following special regulation is issued and is effective July 2, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

**ILLINOIS**

**CRAB ORCHARD NATIONAL WILDLIFE REFUGE**

The public hunting of deer on the Crab Orchard National Wildlife Refuge on that portion of the refuge enclosed by a 5-strand barbed wire fence and designated as Area II is permitted with shot-

gun or single shot muzzle loading rifle, from 6:30 a.m. to 4 p.m. November 15, through November 17, 1974, and from December 13 through December 15, 1974. This area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, Carterville, Illinois, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal regulations, including State Administrative Orders, and subject to the following special conditions:

(1) Hunting is prohibited within 100 yards of existing roads and buildings.

(2) Hunters must be checked in at the Refuge fire station prior to their entry into the closed area.

(3) Hunters must wear the provided arm bands between the elbow and shoulder of each arm while hunting in the area.

(4) Hunters will be permitted use of the area only between the hours of 5 am and 5 pm on their assigned hunting day.

(5) Each hunter must possess the special permit, issued by the Illinois Conservation Department, showing the date he is to hunt on the refuge closed area.

(6) All deer taken on the refuge must be properly tagged and checked in at the refuge check station before being transported from Refuge property.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1974.

WAYNE D. ADAMS,  
Project Manager, Crab Orchard  
National Wildlife Refuge,  
Carterville, Illinois.

JUNE 24, 1974.

[FR Doc.74-15045 Filed 7-1-74;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

BONA FIDE SPOT MARKETS

Removal of Atlanta, Georgia

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service is considering amendment of § 27.93 of the regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, Subpart A) to remove Atlanta, Georgia from the list of bona fide spot markets, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582, 26 U.S.C. 4862, 4863).

*Statement of Considerations.* Cotton is no longer traded in such volume and under such conditions in the Atlanta, Georgia market as needed to reflect accurately the value of spot cotton according to information available to the Department. Declining market activity is reflected by the decrease in both the number of active traders and in the volume of price information available for use in establishing and maintaining price quotations. Atlanta is not one of the designated spot markets used for determining premiums and discounts for settlement purposes when cotton is delivered on futures contracts.

It is proposed that this amendment would be made effective August 1, 1974.

All persons who desire to submit written data, views, or arguments in connection with this proposal should do so by filing them in duplicate not later than July 18, 1974 with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the above office during regular business hours (7 CFR 1.27).

Dated: June 27, 1974.

E. L. PETERSON,  
Administrator.

[FR Doc.74-15159 Filed 7-1-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION BORROWERS

REA Reporting Requirements

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to modify the forms required of

borrowers in reporting to REA on their operations. The forms are REA Form 7, Financial and Statistical Report, and REA Form 7a, Annual Supplement to Financial and Statistical Report. The changes are being made to conform to new accounting requirements and provisions of the common mortgage on borrowers' property held by REA and supplemental lenders.

Persons interested in the proposed changes in the REA reporting forms may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, USDA-REA, Washington, D.C. 20250, on or before July 17, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

The substantive changes proposed to be made in REA Form 7, Financial and Statistical Report and REA Form 7a, Annual Supplement to Financial and Statistical Report are as follows:

1. Addition of two new items in Part A, REA Form 7, to provide for accounting changes recently adopted in the REA Uniform System of Accounts.

Item 14.1 Interest Charged to Construction—Credit.

Item 21.1 Capital Credits and Patronage Dividends.

2. A new requirement for the signature of the Treasurer in the Certification section of REA Form 7. This change is being made to conform with certain provisions of the common mortgage on borrowers' property held by REA and supplemental lenders.

3. Deletion of the items pertaining to accidents in Part I of REA Form 7a. This data is no longer needed by REA because it is reported to OSHA under their mandatory "record keeping requirements." There has been an addition of two new items in this part to report estimates of man years of work performed by contractor employees, to enable REA to evaluate overall labor requirements of REA borrowers.

4. Part J, REA Form 7a, has been revised to provide data on the sources, retirements and balances of patronage capital and other equities. This additional data is required for equity evaluations of the borrower and to ascertain compliance with provisions of the REA-CFC common mortgage with respect to the retirement of patronage capital.

5. Additions to Part R, REA Form 7a, to provide data for three consecutive years and a three year total to estab-

lish the current status of the borrowers' compliance with the Maintenance, Renewal and Replacement provisions of the common mortgage held by REA and supplemental lenders.

6. Addition of a new Part V—Long-Term Leases to provide data required for computation of the criterion for loan eligibility, Times Interest Earned Ratio in accordance with the provisions of the REA-CFC common mortgage.

Dated: June 26, 1974.

B. E. DAVIDSON,  
Acting Administrator.

[FR Doc.74-15062 Filed 7-1-74;8:45 am]

## DEPARTMENT OF COMMERCE

Patent Office

[37 CFR, Part 1]

INVENTOR'S CERTIFICATES IN OATH OR DECLARATION

Proposed Listing of Certain Prior Applications

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6) as amended October 5, 1971 (85 Stat. 364), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 1.65 and 1.67.

Interested persons are invited to present their views, objections, recommendations, or suggestions in writing in connection with the proposed changes to the Commissioner of Patents, Washington, D.C. 20231 on or before August 1, 1974. No oral hearings will be held. Written comments or suggestions will be available for examination by interested persons at Crystal Plaza Building 3, Room 11C17a, Arlington, Virginia.

The proposed rule change is intended to implement the enforcement of that portion of Pub. L. 92-358, dated July 28, 1972, which relates to 35 U.S.C. 102(d). The text of Pub. L. 92-358 was printed at 918 O.G. 19. This Public Law amended subsection 102(d) of Title 35 of the United States Code to prohibit granting of a patent if the invention "was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for \* \* \* inventor's certificate filed more than twelve months before the filing of the application in the United States". The amendment to 35 U.S.C. 102(d) became effective on February 25, 1974.

In order that all such prohibitions will be called to the attention of the Patent Office, it is proposed that §§ 1.65 and 1.67

of 37 CFR be amended to require the listing of certain prior applications for inventor's certificates in the same manner as certain prior applications for patents must be listed now.

The paragraphs, if amended as proposed, would read as follows:

**§ 1.65 Statement of applicant.**

(a)(1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or by his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country. (2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68. See § 1.153 for design cases and § 1.162 for plant cases.

**§ 1.67 Supplemental oath or declaration for matter not originally claimed.**

(a) When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statement of invention or claim originally presented, he shall file a supplemental oath or declaration to the effect that the subject matter of the proposed amendment was part of his invention; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, or patented or described in any printed publication in any country before

his invention or discovery thereof, or more than one year before his application, or in public use or on sale in the United States for more than one year before the date of his application, that said invention has not been patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application in this country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned. Such supplemental oath or declaration should accompany and properly identify the proposed amendment, otherwise the proposed amendment may be refused consideration.

Dated: June 26, 1974.

C. MARSHALL DANN,  
Commissioner of Patents.

Approved:

BETSY ANCKER-JOHNSON,  
Assistant Secretary for  
Science and Technology.

[FR Doc.74-15115 Filed 7-1-74; 8:45 am]

**DEPARTMENT OF LABOR**

Occupational Safety and Health  
Administration

[29 CFR Part 1952]

**SUPPLEMENT TO APPROVED COLORADO  
PLAN**

**Revised Developmental Schedule**

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order 12-71, 36 FR 8754, May 12, 1971) will review changes in a State plan which has been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On September 12, 1973, a notice was published in the FEDERAL REGISTER (38 FR 25173) of the approval of the Colorado plan and the adoption of Subpart M to Part 1952 containing the decision.

Section 1952.193 of Subpart M sets forth the developmental schedule under which the plan will meet criteria of section 18(c) of the Act and Part 1902 within three years following commencement of the plan's operations. By letter of April 10, 1974, from Gregory M. Rogers, Assistant Director, Colorado Department of Labor and Employment, to Curtis Foster, Assistant Regional Director for Occupational Safety and Health, incorporated as part of the plan, the State has submitted a supplement to the plan containing a revised developmental schedule. The developmental schedule has been revised because standards and regula-

tions have not been promulgated as soon as anticipated. The Colorado Occupational Safety and Health Standards Board, which is responsible for the development of standards, regulations concerning variances and rules of procedure for review and appeals of citations, was not appointed by the Governor until December 1973. Furthermore, as of this date, the proposed Colorado standards have not received approval by the Assistant Secretary. Fifty days after its first meeting the Board temporarily adopted all Federal standards in effect as of March 1, 1974. Accordingly, enforcement operations under the Colorado plan did not commence until March 1, 1974. As approved, the State plan contained a clarification dated February 16, 1973, that a decision concerning a Management Information System would be made by June 30, 1974, rather than January 1, 1974, as set out in § 1952.193(g) of this chapter. The State advises that the delay in enforcement operations has shortened the reporting experience upon which to develop the Management Information System and requests extension of the time to December 31, 1974. Colorado has also advised that it will submit a public employee plan June 1, 1974, with implementation within 45 days of approval, and has requested revision of its schedule to delay assuming jurisdiction over agriculture until after extensive state-wide hearings on a complete set of standards for agriculture and ranching. Pursuant to 29 CFR 1953.11(d)(1) preliminary examination discloses no cause for rejecting this supplement and its approval is under consideration.

2. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, N.W., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 15010, Post Office Box 3588, 1961 Stout Street, Denver, Colorado 80202; and the Office of the Director of Labor, Department of Labor and Employment, 200 East Ninth Avenue, Denver, Colorado 80203.

3. *Public participation.* Interested persons are hereby given until August 1, 1974, in which to submit written data, views, and arguments concerning the supplement. Such data, views, and arguments should discuss whether, in the context of the entire plan, there are reasonable expectations that the plan will meet the requirements of the Act and the criteria in Part 1902 within the three year developmental period. General comments unrelated to the plan changes described above are not appropriate. The submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at the address as set forth above where they will be available for inspection and copying.

Any interested person(s) may request an informal hearing concerning the proposed supplements, whenever particularized written objections thereto are filed within the time allowed for comments specified above. If, in the opinion of the Assistant Secretary, substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall thereafter consider all relevant comments and arguments and issue his decision as to approval or disapproval of the supplement and proposed amendment of Subpart M and its effect on the continued approval of the plan.

In accordance with the above, it is proposed to revise § 1952.193, Subpart M of Part 1952 to read as follows:

§ 1952.193 Developmental schedule.

The Colorado plan is developmental. The schedule of developmental steps as described in the plan is revised in a letter dated April 10, 1974, from Gregory M. Rogers, Assistant Director, to Curtis Foster, Assistant Regional Director for Occupational Safety and Health, and includes:

(a) Promulgation of permanent State safety and health standards within 90 days after approval of the proposed Colorado standards by the Assistant Secretary for Occupational Safety and Health. (Colorado has temporarily adopted all Federal standards, as of March 1, 1974 with the exception of maritime and agricultural standards.)

(b) Submission of a public employee occupational safety and health program to the Occupational Safety and Health Administration June 1, 1974, and implementation of the program within 45 days after approval.

(c) Operational funding of the plan and commencement of operations by October 1973 and commencement of enforcement of enforcement operations by March 1, 1974.

(d) Promulgation of temporary rules for variances by April 11, 1974; permanent variance regulations will be promulgated after hearings and upon approval by the Assistant Secretary for Occupational Safety and Health.

(e) Promulgation of temporary rules for review and appeals by April 11, 1974; permanent procedural rules will be promulgated after hearings and upon approval by the Assistant Secretary.

(f) Development and implementation of a management information system by December 31, 1974.

(g) Promulgation of agricultural standards after extensive state-wide hearings on coordinated standards for agriculture and ranching.

(Secs. 8(g), Pub. L. 91-596, 84 Stat 1600, 1608, (29 U.S.C. 657(g), 667)).

Signed at Washington, D.C. this 27th day of June, 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-15141 Filed 7-1-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[ 24 CFR Part 275 ]

[Docket No. R-74-267]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Per Unit Cost Schedule

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678) prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Phoenix Insuring Office indicates that the prototype costs for Keams Canyon, Arizona should be revised as set forth below in the proposed table, entitled Prototype Per Unit Cost Schedule.

Interested persons are invited to submit suggestions and data with respect to these proposed costs and all submittals received on or before August 1, 1974 will be considered before a final revision of the costs is adopted. Comments filed within that time will be without pre-

judice to the opportunity accorded all interested persons at any time to file information showing that a specific cost or costs may be inappropriate.

Written data, views or statements shall be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, D.C. 20410. Copies of comments received will be available for examination during business hours at the above address.

Accordingly, it is proposed to amend 24 CFR Part 275 as follows:

1. On page 17735, delete the existing costs for Keams Canyon, Arizona and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule

(Sec. 7(d) of Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., June 26, 1974.

SHELDON B. LUBAR,  
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION IX—Continued

	Number of bedrooms						
	0	1	2	3	4	5	6
<b>Arizona—Continued</b>							
<b>Kingman:</b>							
Detached and semidetached	10,750	12,950	16,000	19,050	22,950	25,500	26,750
Row dwellings	10,050	11,650	14,950	17,800	21,400	23,900	24,900
Walk-up	8,900	11,150	14,100	16,700	19,250	21,250	22,250
Elevator-structure	14,600	16,900	21,450				
<b>Sacaton:</b>							
Detached and semidetached	11,250	13,600	16,750	19,950	24,050	26,750	28,050
Row dwellings	10,550	12,750	15,700	18,700	22,450	25,100	26,200
Walk-up	9,800	11,700	14,750	17,450	20,150	22,250	23,300
Elevator-structure	15,600	18,100	22,950				
<b>San Carlo:</b>							
Detached and semidetached	11,350	13,700	16,950	20,100	24,250	27,000	28,300
Row dwellings	10,600	12,850	15,850	18,900	22,700	25,300	26,400
Walk-up	9,400	11,800	14,850	17,650	20,350	22,450	23,550
Elevator-structure	15,750	18,250	23,150				
<b>Sells:</b>							
Detached and semidetached	11,250	13,600	16,750	19,950	24,050	26,750	28,050
Row dwellings	10,550	12,750	15,700	18,700	22,450	25,100	26,200
Walk-up	9,800	11,700	14,750	17,450	20,150	22,250	23,300
Elevator-structure	15,600	18,100	22,950				
<b>White River:</b>							
Detached and semidetached	11,700	14,050	17,400	20,700	24,900	27,700	29,100
Row dwellings	10,950	13,200	16,300	19,400	23,300	26,050	27,150
Walk-up	9,650	12,100	15,250	18,100	20,900	23,050	24,150
Elevator-structure	16,200	18,800	23,750				
<b>Safford:</b>							
Detached and semidetached	10,900	13,050	16,200	19,250	23,150	25,850	27,100
Row dwellings	10,150	12,300	15,200	18,100	21,750	24,300	25,350
Walk-up	9,000	11,250	14,300	16,900	19,550	21,550	22,600
Elevator-structure	14,700	17,050	21,550				
<b>Camp Verde:</b>							
Detached and semidetached	10,950	13,200	16,300	19,350	23,350	26,000	27,250
Row dwellings	10,200	12,400	15,250	18,150	21,850	24,400	25,450
Walk-up	9,100	11,350	14,350	17,000	19,600	21,600	22,650
Elevator-structure	15,200	17,650	22,300				
<b>Keams Canyon:</b>							
Detached and semidetached	12,850	15,450	19,150	22,800	27,450	30,500	32,000
Row dwellings	12,000	14,500	17,950	21,350	25,600	28,600	29,800
Walk-up	10,650	13,300	16,800	19,900	22,950	25,300	26,600
Elevator-structure	17,050	19,700	24,900				
<b>Fort McDowell:</b>							
Detached and semidetached	10,850	13,050	16,200	19,200	23,100	25,800	27,050
Row dwellings	10,150	12,250	15,150	18,000	21,600	24,200	25,250
Walk-up	8,950	11,200	14,200	16,800	19,400	21,450	22,500
Elevator-structure	15,000	17,450	22,100				

[FR Doc.74-14998 Filed 7-1-74; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

## Coast Guard

## [ 33 CFR Part 110 ]

[CGD 74-104]

## SPECIAL ANCHORAGE AREA

Indian River, Sebastian, Florida

The Coast Guard is considering amending the anchorage regulations to establish a special anchorage area in the Indian River at Sebastian, Florida, east of the Sembler and Sembler Fish Company's dock. The area would be used primarily by commercial fishing vessels, however other type vessels would not be prohibited from using the anchorage. It is estimated that 35 vessels would utilize the area on an annual basis, with the possibility of 50 to 75 vessels using the anchorage during the winter months. The request for the establishment of the anchorage is sponsored by the Grant-Sebastian Chapter of the Organized Fishermen of Florida. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District, Federal Building, 51 SW 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the notice (CGD 74-104) and give any reasons for any recommended change in the proposal.

Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District will forward any comments received before August 5, 1974, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Part 110 of Title 33 of the Code of Federal Regulations by adding a new § 110.73a to read as follows:

§ 110.73a Indian River at Sebastian, Florida.

Beginning at a point on the shoreline at latitude 27°49'40" N., longitude 80°28'26" W.; thence 060° to latitude 27°49'46" N., longitude 80°28'13" W.; thence 156° to latitude 27°49'31" N., longitude 80°28'05" W.; thence 242° to latitude 27°49'25" N., longitude 80°28'18" W.; thence northerly along the shoreline to the point of beginning.

NOTE: This area is principally for use by commercial fishing vessels less than 65 feet in length.

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g) (1) (B), 80 Stat. 937 (33 U.S.C. 180), (49 U.S.C. 1655(g) (1) (B), 49 CFR 1.46(c) (2))

Dated: June 26, 1974.

R. I. PRICE,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of Marine  
Environment and Systems.

[FR Doc.74-15092 Filed 7-1-74;8:45 am]

## COST OF LIVING COUNCIL

[ 6 CFR Ch. 1 ]

[Notice No. 74-9]

## PHASE IV HEALTH CARE FORMS

Withdrawal of Notices of Proposed  
Rulemaking

The purpose of this notice is to withdraw various notices in which the Cost of Living Council solicited comments on proposed Phase IV health care forms. The reason for this withdrawal is that except with respect to pending proceedings and actions or proceedings based on acts committed prior to May 1, 1974, the authority to issue and enforce regulations under the Economic Stabilization Act of 1970, as amended (Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27) expired on April 30, 1974, at which time final rules had not been issued relating to these forms.

In view of the foregoing, rulemaking action on the following proposed forms is hereby withdrawn: Form CLC-71, the annual report for long term care institutions, and Form CLC-81, the monitoring record for medical practitioners and medical laboratories, both issued on March 6, 1974, at 39 FR 9768 (March 13, 1974) (however, Form CLC-61, the annual report for acute care hospitals, also issued in proposed form at that time, was published in final form on April 23, 1974, at 39 FR 14464); Forms CLC-101 and CLC-102, the Phase IV health insurance monitoring forms, and the Sample Price Schedule for Medical Practitioners and Medical Laboratories, all issued on March 30, 1974, at 39 FR 12534 (April 5, 1974); Forms CLC-62, CLC-72, and CLC-82, the forms to be used for requesting exceptions from the Phase IV health care regulations, issued on March 30, 1974, at 39 FR 12540 (April 5, 1974); Form CLC-27, relating to Health Maintenance Organization (HMO) prenotification and annual reports, issued on April 26, 1974, at 39 FR 15309 (May 2, 1974); and Form CLC-103, to be used by acute care hospitals and long term care institutions for requesting approval of capital expenditures under the Phase IV health care regulations, issued on April 29, 1974, at 39 FR 15488 (May 3, 1974).

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 14, 38 FR 1489)

Issued in Washington, D.C., June 27, 1974.

JAMES W. MCLANE,  
Deputy Director,  
Cost of Living Council.

[FR Doc.74-15182 Filed 7-1-74;8:45 am]

ENVIRONMENTAL PROTECTION  
AGENCY

[ 40 CFR Part 52 ]

ARIZONA

Approval and Promulgation of  
Implementation Plans

On May 31, 1972 (37 FR 10842) and July 27, 1972 (37 FR 15080), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Arizona Plan for the implementation of the national ambient air quality standards. On December 13, 1973, after notice and public hearings, the State of Arizona submitted to the Environmental Protection Agency compliance schedule revisions for Reidhead Lumber Company, Show Low, Arizona and Reidhead Lumber Company, Nutrioso, Arizona. These compliance schedules are submitted as revisions to the approved State Implementation Plan pursuant to § 51.6. Each of these compliance schedules satisfies the requirements of § 51.15 and is consistent with the approved control strategy. It is proposed that these revisions be approved pursuant to the provisions of 40 CFR 51.8.

Each proposed revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading, "Final Compliance Date."

Proposed compliance schedules are available for public inspection at the office of the State agency and at the office of Region IX, EPA. The addresses of these offices are as follows:

(1) Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111.

(2) Division of Air Pollution Control, Arizona State Department of Health, 1740 West Adams Street, Phoenix, Arizona 85007.

In addition, an evaluation of each schedule is available for public inspection at the Regional Office of the Environmental Protection Agency at the address noted above. In each case, the record of the appropriate public hearing has been reviewed and considered in the evaluation.

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration on or before August 1, 1974. Comments should be addressed to Paul De Falco, Jr., Regional Administrator, at the San Francisco address noted above. All com-

ments will be available for public inspection during business hours at the San Francisco office.

Dated: June 26, 1974.

JOHN QUARLES,  
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 52.134 is amended by adding a new paragraph (c) as follows:

§ 52.134 Compliance schedules.

(c) The compliance schedule for the sources identified below are approved as meeting the requirements § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Redhead Lumber Co.....	Nutriso.....	Regulation 7-1-3.3, 7-1-3.4.	May 25, 1972	Immediately..	Aug. 31, 1974
Do.....	Show Low.....	do.....	do.....	do.....	May 31, 1974

[FR Doc.74-15185 Filed 7-1-74;8:45 am]

[ 40 CFR Part 85 ]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND ENGINES

Exclusion of Methane from Hydrocarbon Exhaust Emission Standards and Test Procedures

Pursuant to sections 202, 206, and 301 (a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1(a)), the Environmental Protection Agency (EPA) published an Advance Notice of Proposed Rule Making on the possible exclusion of methane from motor vehicle hydrocarbon emission standards and test procedures on May 10, 1974 (39 FR 16904). In order to obtain further information needed to evaluate a number of technical issues relating to such regulatory change, EPA invited all interested parties to comment on the subject by July 9, 1974.

EPA has learned that certain test programs are in progress to develop information on the exclusion of methane from hydrocarbon exhaust emission standards and to investigate the possible consequences of such an exclusion upon test procedures. Completion of these programs is not possible by July 9, 1974. Since the information to be generated by the aforementioned test programs may contribute significantly to EDA's knowledge in this area and since EPA desires to have as much information as possible with which to judge the merits of such a regulatory change, the comment period for submitting relevant material is hereby extended to September 30, 1974.

Dated: June 27, 1974.

ROGER STRELOW,  
Acting Assistant Administrator  
for Air and Waste Management.

[FR Doc.74-15186 Filed 7-1-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 76 ]

[Docket Nos. 20018-20024]

CABLE TELEVISION TECHNICAL STANDARDS

Advisability of Federal Preemption and Imposition of Moratorium on Non-Federal Standards

In the matter of Amendment of Part 76 of the Commission's rules and regulations

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 20, 1974.

Released: June 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] DAVID D. KINLEY,  
Chief, Cable Television Bureau.

[FR Doc.74-15120 Filed 7-1-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 210 ]

[Release Nos. 33-5505, 34-10872]

COMPANIES OTHER THAN PUBLIC UTILITIES

Proposal Relating to Capitalization of Interest

The Commission has noted with concern an increase in the number of non-utility companies changing their accounting method to a policy of capitalizing interest cost. The Commission proposes to issue the following accounting series release discussing the problem and adopting an accounting policy and amendments to Regulation S-X [17 CFR Part 210].

A. *Commentary.* The conventional accounting model applicable to companies other than public utilities has not traditionally treated the cost of capital as part of the cost of an asset, although no authoritative statement on this subject presently exists. Interest cost on debt is generally treated as a period expense of the period during which debt capital is used, while the cost of equity capital is reflected neither in asset cost nor in the income statement.

This approach has been adopted for a number of reasons. First, it is impossible to follow cash once it has been invested in a firm. Even when a loan is made for a designated purpose and secured by a lien on specific assets, it can be argued that capital made available for one purpose frees other capital for other purposes, and it is therefore unrealistic to allocate the cost of any particular financing to any particular asset. Thus, any allocation of capital cost to particular assets is based on allocation decisions which are inherently arbitrary.

Second, the cost of capital is extremely difficult to measure. While interest rates may be associated with borrowings, any debt normally rests in part on the existence of an equity base which provides borrowing capacity. Suppliers of debt capital almost inevitably look to a borrower's overall economic position in making credit granting decisions. In addition, restrictive covenants and other terms such as compensating balance requirements may make the stated interest rate an unrealistic measure of capital. The cost of common equity capital is even more difficult to measure since it represents the cost of sharing an uncertain future earnings stream rather than a contractual out-of-pocket payment.

relative to the advisability of Federal preemption of cable television technical standards or the imposition of a moratorium on non-Federal standards.

1. On April 17, 1974, the Commission released its Clarification of the Cable Television rules and notice of proposed rule making and inquiry (46 FCC 2d 175). The FEDERAL REGISTER publication date was April 22, 1974, (39 FR 14288).

2. Individual petitions for Reconsideration were filed on May 22, 1974, by GT&E Service Corporation, Henry Geller, and the Black Media Coalition. Further filings were made by J. W. Hurd, Acting Coordinator for the City of Seattle, Board of Public Works, and Maurice Jacobsen for the Los Angeles Public Access Project. These filings were placed on public notice on June 10 and 18, 1974, respectively.

3. Now before us is a Petition for Extension of Time to File Opposition, filed on June 20, 1974, by the National Cable Television Association, Inc. (NCTA), requesting that the deadline for filing comments on this matter be extended to at least July 10, 1974. NCTA argues that the issues, both legal and philosophical, raised by the requests for Reconsideration require careful consideration. This set of comments according to NCTA, when added to the schedule of rule makings announced in the Clarification, places an undue burden on it to respond adequately to the issues raised.

4. The Commission recognizes that the matters under consideration in this proceeding, particularly the legal and jurisdictional issues raised, are complex and require considerable expenditure of time to adequately address. This is especially true here, where seven separate rule making schedules also coincide with the petitions for Reconsideration. It would, therefore, appear that good cause exists to provide a reasonable time for the filing of reply comments in this proceeding.

Accordingly, it is ordered, That the Petition for Extension of Time to File Opposition filed on June 20, 1974, by the National Cable Television Association, Inc., is granted to the extent indicated below.

It is further ordered, That the time for filing reply comments on reconsideration of the above captioned proceeding is extended until July 10, 1974.

Third, it has been felt that interest costs were generally costs of a continuing nature, usually fixed by contract, and that deferral of certain of these costs might leave an erroneous impression as to the level of interest expense (and the cash outlay for interest) that might be expected in the future. Interest would not halt, for example, when an asset constructed with the use of capital funds was completed and placed in service.

For these reasons, interest cost has generally been reflected as an expense of the period during which capital was used rather than associated with the assets acquired by the use of the capital, even though it can be argued that interest cost is a cost which should be allocated to assets like other costs and that expensing interest as accrued is not consistent with the matching model in general use.

The Commission has recently noted, however, an increasing number of cases where interest has been capitalized by registrants other than electric, gas and water utilities. This has created a source of incomparability between financial statements of companies following different practices in this respect.

While the Commission recognizes that arguments can be made for each of the accounting practices in this area, it does not seem desirable to have an alternative practice grow up through selective adoption by individual companies without careful consideration of such a change by the Financial Accounting Standards Board, including the development of systematic criteria as to when, if ever, capitalization of interest is desirable.

Accordingly, the Commission concludes that companies other than electric, gas and water utilities which had not, as of June 21, 1974, publicly disclosed an accounting policy of capitalizing interest costs shall not adopt such a policy. At such time as the Financial Accounting Standards Board develops standards for accounting for interest cost, the Commission expects to reconsider this conclusion. Until such time, companies which do have such a policy may continue to apply it on a consistent basis, but not extend it to new types of assets. Such companies shall make full disclosure of the amount capitalized both cumulatively on the balance sheet and in any year for which an income statement is presented; in addition, the effect on net income of this accounting policy as compared to a policy of expensing interest as accrued shall be disclosed. Capital costs other than interest (such as a return on equity invested) shall not be capitalized by companies other than electric, gas and water utilities.

Since capitalization of capital costs of funds used in construction by electric, gas and water utilities is based on rate making considerations, no change in accounting for such costs is proposed herein.

**B. Commission action.** The Commission hereby proposes to amend Part 210 of Chapter II of Title 17 of the Code of Federal Regulations by reserving paragraphs (r) and (s) of § 210.3-16 and adding a new paragraph (t) as follows:

§ 210.3-16 General Notes to Financial Statements (See Release No. AS-4.)

\* \* \* \* \*

(r) and (s) [Reserved]

(t) *Interest capitalized.* Companies other than electric, gas and water utilities which prior to June 21, 1974 had adopted a policy of capitalizing interest cost shall make the following disclosures:

(1) The amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement;

(2) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined;

(3) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred; and

(4) The amount of interest capitalized in any balance sheets presented, including the asset categories in which interest is included and the amount of interest in each.

\* \* \* \* \*

The above proposals would be adopted pursuant to authority conferred on the Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j and 77s) thereof; and the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78l, 78m, 78o(d) and 78w) thereof.

It is anticipated that the proposed amendments, if adopted, will be made applicable to all financial statements filed on or after December 31, 1974.

With respect to registration statements and reports filed subsequent to the publication of these proposals, where financial statements reflect capitalization of interest the staff will through the comment process request registrants to report the total interest capitalized for each period as a separate line item in the statements of income and operations. In the past, interest capitalized has customarily been disclosed in notes to financial statements except for electric, gas, and water utilities that have disclosed interest capitalized as a separate line item in statements of income and operations. However, a registrant that adopts an interest capitalization policy that would have to be changed if this proposal is adopted will be required to disclose the proposal and the effect that retroactive application to June 21, 1974 will have on reported net income.

All interested persons are invited to submit their views and comments with respect to the foregoing release and proposals on or before August 31, 1974. All such views and comments should be sub-

mitted to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such communications should refer to File No. S7-527. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

JUNE 21, 1974.

[FR Doc.74-15181 Filed 7-1-74;8:45 am]

VETERANS ADMINISTRATION

[ 38 CFR Part 1 ]

RULES OF THE CONTRACT APPEALS BOARD

Optional Accelerated Procedure—Small Appeals

It is proposed to revise § 1.774(1) (Rule 12) to liberalize the rules of the Veterans Administration Contract Appeals Board with respect to optional accelerated procedure for small claims. The proposed amendment increases the amount of a claim eligible for accelerated consideration from \$10,000 to \$25,000 and modifies the procedure to enable the Board to expedite final disposition of appeals in cases subject to the optional expedited procedure.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before August 1, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed that, if adopted, the regulation will be effective the date of final approval.

In § 1.774, paragraph (1) is amended to read as follows:

§ 1.774 Rules of the Board.

\* \* \* \* \*

(1) *Rule 12; optional accelerated procedure—(1) Application.* Where the amount actually in dispute, or the dollar value of the relief sought, is \$25,000 or less, either party may elect, by Notice of Appeal, Complaint, Answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal considered and decided under this paragraph. For application of this paragraph, the amount in controversy will be

determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this paragraph if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed \$25,000. Upon such election, a case shall then be processed under this paragraph unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman or a designated Reviewing Member, sustains such objection.

(2) *Procedure.* In cases proceeding under this paragraph, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery and briefs, and to cooperate in eliminating time lapses in

presentations and responses thereto. Hearings, where required, will be conducted by a single Hearing Member, and will be advanced on the hearing calendar of the Board to the greatest extent possible.

(3) *Decisions.* (i) Written decision by the Board in cases proceeding under this paragraph normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman or a designated Reviewing Member. In the event agreement cannot be reached, an additional Reviewing Member will be assigned to the panel, and the decision of the majority of the members of the panel shall constitute the final decision of the Board.

(ii) In cases involving \$5,000 or less where there has been a hearing, the sin-

gle Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. The Board will subsequently issue an order confirming such oral decision for the record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under paragraph (cc) of this section (Rule 29) commences.

(4) *Scope.* Except as herein modified, the rules in this section otherwise apply in all respects.

\* \* \* \* \*  
Approved: June 26, 1974.

By direction of the Administrator:

[SEAL]

R. L. ROUDEBUSH,  
Deputy Administrator.

[FR Doc.74-15123 Filed 7-1-74;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

### Customs Service

[T.D. 74-178]

#### CERTAIN STAINLESS STEEL DRUMS Instruments of International Traffic

JUNE 25, 1974.

It has been established to the satisfaction of the U.S. Customs Service that stainless steel drums marked "DOT-5C-304," "DOT-5C-316," and "DOT-5C-347," with a steel plate welded to the drums which states the name of the owner, Pike Chemicals, Inc., are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic for the transportation of various chemicals.

Under the authority of § 10.41a(a) (1), Customs Regulations (19 CFR 10.41a) (1), I hereby designate the stainless steel drums so marked as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs Regulations.

[SEAL]

VERNON D. ACREE,  
Commissioner of Customs.

[FR Doc.74-15128 Filed 7-1-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### EASTERN POWDER RIVER COAL BASIN, WYOMING

#### Draft Environmental Statement; Comment Deadline Extended

JUNE 24, 1974.

The Bureau of Land Management, Department of the Interior, has extended the deadline for receipt of comments on the draft environmental impact statement "Development of Coal Resources in the Eastern Powder River Coal Basin of Wyoming." Comments will now be accepted until August 2, 1974, although they should be submitted as early as possible.

The statement describes proposals for development of coal resources in Campbell and Converse Counties, Wyoming, and construction of a 113-mile railroad line to serve the proposed developments. The statement examines expected cumulative impacts from a regional viewpoint as well as those resulting from the development of four specific mine sites and construction of the railroad.

Written comments should be submitted to the State Director, Bureau of Land

Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

JESSE R. LOWE,  
Acting State Director.

[FR Doc.74-15046 Filed 7-1-74;8:45 am]

[Serial No. I-6318 et al.]

### IDAHO

#### Classification of Public Lands for Disposal

Pursuant to section 7 of the Taylor Grazing Act of June 28, 1934, as amended [43 U.S.C. 315(f)], the lands described below are hereby classified for disposal through State Indemnity Lieu Selection [43 CFR 2620]. The lands affected by this classification are located in Benewah, Shoshone, Latah and Lewis Counties and are described as follows:

#### BOISE MERIDIAN, IDAHO

- T. 45 N., R. 1 W.,  
Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 26, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 44 N., R. 1 W.,  
Sec. 30, lots 3 and 4 inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 45 N., R. 1 E.,  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, all;  
Sec. 23, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 25, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, all;  
Sec. 30, lots 1, 2, 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 44 N., R. 1 E.,  
Sec. 4, lot 4, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 6, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ ;  
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 43 N., R. 1 E.,  
Sec. 2, S $\frac{1}{2}$ N $\frac{1}{2}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
Sec. 32, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ .
- T. 42 N., R. 1 E.,  
Sec. 15, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 21, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 41 N., R. 1 E.,  
Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 5, lots 1 and 2 inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ ;  
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

- T. 45 N., R. 2 E.,  
Sec. 8, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, NW $\frac{1}{4}$ ;  
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 18, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 24, lots 1 through 7 inclusive, S $\frac{1}{2}$   
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 26, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ , NE $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 29, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 44 N., R. 2 E.,  
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 30, lots 1, 2, 3, E $\frac{1}{2}$ NW $\frac{1}{4}$ .
- T. 42 N., R. 2 E.,  
Sec. 8, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, all;  
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 30, lots 1, 2, 3, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 31, lot 3.
- T. 45 N., R. 3 E.,  
Sec. 18, Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, Lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains approximately 11,415.70 acres of national resource lands.

No protests were received to the notice of proposed classification published on April 18, 1974 (39 FR 13902).

On or before August 1, 1974, all persons may submit comments, suggestions or objections in connection with the classification to the Secretary of the Interior, LLM 320, Washington, D.C. 20240. (43 CFR 2462.3)

WM. L. MATHEWS,  
State Director.

JUNE 21, 1974.

[FR Doc.74-15050 Filed 7-1-74;8:45 am]

[NM 21705, 21818, 21824 and 21826]

### NEW MEXICO Notice of Applications

JUNE 21, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4 $\frac{1}{2}$ -inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO  
T. 28 N., R. 7 W.,

Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 25, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

These pipelines will convey natural gas across .222 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.74-15079 Filed 7-1-74;8:45 am]

[New Mexico 21820, 21821, 21823 and 21827]

**NEW MEXICO**  
Notice of Applications

JUNE 21, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4 $\frac{1}{2}$ -inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 5 W.,  
Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 28 N., R. 5 W.,  
Sec. 24, Lots 1 and 2;  
Sec. 25, Lot 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

These pipelines will convey natural gas across 1.030 miles of national resource land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.74-15080 Filed 7-1-74;8:45 am]

[INT FES 74-37]

**OSCEOLA NATIONAL FOREST, FLA.**

Final Environmental Impact Statement Regarding Proposed Phosphate Leasing and Mining

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969, the Department of the Interior in cooperation with the Department of Agriculture has prepared a final environmental impact statement relating to the proposed issuance of forty-one (41) phosphate preference right leases on 52,000 acres, and the extraction of government-owned phosphate on 28,000 of these acres located in the Osceola National Forest, Florida.

The final statement reflects various comments and new information pertinent to the proposal, submitted by interested parties during the review period. All review comments by Federal and State agencies and by interested groups are included as attachments to the final statement.

The final impact statement is available for public review at the following locations:

Office of Communications, Room 7218, Department of the Interior, Washington, D.C. 20240

Office of Public Affairs, Room 5643, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240

Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910

Regional Forester's Office, U.S. Forest Service, 1720 Peachtree Road, NW, Atlanta, Georgia 30309

Forest Supervisor's Office, U.S. Forest Service, 214 South Bronough, Tallahassee, Florida 32302

District Ranger's Office, U.S. Forest Service, Osceola National Forest, Lake City, Florida 32055

State Library, Supreme Court Building, Tallahassee, Florida 32304

University of Florida Library, University Station, Gainesville, Florida 32601

Hayden Burns Public Library, 123 North Ocean, Jacksonville, Florida 32202

Suwanee River Regional Library, 111 North Columbia, Lake City, Florida 32055

Individual copies may be obtained by writing the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

GEORGE L. TURCOTT,  
Acting Director,  
Bureau of Land Management.

Approved: June 27, 1974.

BRAD E. HAINSWORTH,  
Deputy Assistant Secretary,  
Land and Water Resources.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary,  
Program Development and  
Budget.

[FR Doc.74-15203 Filed 7-1-74;8:45 am]

**National Park Service**

[INT DES 74-70]

**CANYONLANDS NATIONAL PARK, UTAH**  
Availability of Draft Environmental  
Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Canyonlands National Park, Utah.

The statement considers establishment of 251,240 acres of wilderness in seven units within Canyonlands National Park, Utah. Also considered are 29,920 acres of potential wilderness additions to be added by the Secretary of the Interior at such time he determines they qualify.

Written comments on the environmental statement are invited and will be accepted for a period of forty-five (45) days following publication of this notice. Comments should be addressed to the Superintendent, Canyonlands National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Salt Lake City Office  
National Park Service  
125 S. State Street, Room 2207  
Salt Lake City, Utah 84111  
Rocky Mountain Regional Office  
National Park Service  
655 Parfet Street  
Lakewood, Colorado 80215  
Superintendent  
Canyonlands National Park  
Moab, Utah 84532

Dated: June 17, 1974.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.74-15126 Filed 7-1-74;8:45 am]

**NATIONAL REGISTER OF HISTORIC  
PLACES**

**Additions, Deletions, and Corrections**

By notice in the FEDERAL REGISTER of February 19, 1974, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 5 (pp. 8357-8362), April 2 (pp. 12042-12046), May 7 (pp. 16173-16177), and June 4 (pp. 19791-19796). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since June 4, 1974:

**Alabama**

*Russell County*

Seale, *Russell County Courthouse at Seale, Courthouse Square (5-23-74).*

**Alaska**

*Northwestern District*

\*Cape Krusenstern Archeological District, northeast of the Seward Peninsula.

## NOTICES

## Arizona

## Gila County

Kohl's Ranch vicinity, *Zane Grey Lodge*, north of Kohl's Ranch off Arizona. 260 (5-31-74).

## Arkansas

## Faulkner County

Conway vicinity, *Cadron Settlement*, west of Conway on Arkansas River (5-17-74).

## Jefferson County

Redfield vicinity, *Dollarway Road*, south of Redfield off U.S. 65 (5-17-74).

## California

## Monterey County

Jolon, *Gil, Jose Mario, Adobe*, Hunter Liggett Military Reservation (6-7-74).

## San Diego County

San Diego, *California Quadrangle (Panama-California International Exposition)*, Balboa Park (5-17-74).

## Colorado

## Gunnison County

Crested Butte, *Town of Crested Butte*, roughly bounded by White Rock Avenue, First Street, Maroon Avenue, and Eighth Street (5-29-74).

## Florida

## Hillsborough County

Tampa, *Federal Building, U.S. Courthouse, Downtown Postal Station*, 601 Florida Avenue (6-7-74).

Tampa, *Union Railroad Station*, 601 North Nebraska Street (6-5-74).

## Jackson County

Greenwood, *Erwin House*, Fort Road, east of Florida 71 (6-5-74).

## Georgia

## Bibb County

Macon, *Villa Albicini*, 150 Tucker Road (5-16-74).

## Chatham County

Savannah, *Federal Building and U.S. Courthouse*, Wright Square (6-7-74).

Savannah, *U.S. Customhouse*, 1-3 East Bay Street (5-29-74).

## Fulton County

Atlanta, *Fox Theater*, 660 Peachtree Street NE. (5-17-74).

Atlanta, *Habersham Memorial Hall*, 15th Street, north of intersection with Piedmont Avenue (6-7-74).

## Haralson County

Buchanan, *Haralson County Courthouse*, Courthouse Square (6-7-74).

## Pickens County

Tate vicinity, *Tate House*, east of Tate on Georgia 53 (5-17-74).

## Wilkes County

Washington, *Old Jail*, 103 Court Street (6-5-74).

## Hawaii

## Hawaii County

Honaunau, Kona, *City of Refuge National Historical Park*, off Hawaii 11 (6-7-74).

## Idaho

## Bonneville County

Idaho Falls vicinity, *Eagle Rock Ferry*, north of Idaho Falls on Snake River (6-7-74).

## Power County

American Falls vicinity, *Oregon Trail Historic District (Register Rock area)*, west of American Falls (6-7-74).

## Illinois

## McLean County

Bloomington, *Stevenson House*, 1316 East Washington Street (5-24-74).

## Iowa

## Johnson County

Iowa City, *Close House*, 938 South Gilbert Street (5-31-74).

## Kansas

## Harvey County

Newton, *Carnegie Library*, 203 Main Street (5-31-74).

## Kentucky

## Estill County

Fitchburg, *Fitchburg Iron Furnace*, Kentucky 975 in the Daniel Boone National Forest (5-17-74).

## Louisiana

## Natchitoches Parish

Natchitoches, *Natchitoches Historic District*, roughly bounded by Texas Street on the north, Second and Third on the west, Texas & Pacific RR. on the south, and Cane River and East Second Street on the east (6-5-74).

## Maine

## Cumberland County

Brunswick, *Richardson House*, 11 Lincoln Street (5-16-74).

## Penobscot County

Bangor, *Farrar, Samuel, House*, 123 Court Street (5-23-74).

## York County

Kennebunk, *Kennebunk Historic District*, both sides of Maine 35 from Kennebunk River to U.S. 1, radiating streets at intersection (6-5-74).

Kittery vicinity, *Isles of Shoals*, on Appledore Island, southeast of Kittery (5-16-74).

## Maryland

## Cecil County

Earleville vicinity, *Mount Harmon*, southwest of Earleville (6-5-74).

## Frederick County

Frederick vicinity, *Nallin Farm House*, Fort Detrick, north of Frederick (5-23-74).

## Harford County

Aberdeen Proving Ground, *Gunpowder Meetinghouse*, Magnolia Road (6-5-74).

Aberdeen Proving Ground, *Presbury Meetinghouse*, Austin and Parrish Roads (5-23-74).

## Worcester County

Berlin, *Burley Manor*, 3 South Main Street (6-7-74).

## Michigan

## Menominee County

Menominee vicinity, *Alvin Clark* (sailing ship), Mystery Ship Seaport, Lake Michigan (5-16-74).

## Minnesota

## Grant County

Ashby vicinity, *Fort Pomme de Terre*, southwest of Ashby (5-23-74).

## Missouri

## Jackson County

Kansas City, *Standard Theatre*, 300 West 12th Street (6-5-74).

## New Jersey

## Camden County

Haddonfield, *Greenfield Hall*, 343 Kings Highway East (6-5-74).

## Mercer County

Trenton, *Dickinson, General Philemon, House (The Hermitage)*, 46 Colonial Avenue (5-17-74).

## New York

## Allegany County

Belvidere vicinity, *Christ Episcopal Church*, west of Belvidere on Gibson Hill Road (New York 408) (5-17-74).

## Chenango County

New Berlin, *Moss, Horace O., House*, 45 South Main Street (5-17-74).

## Jefferson County

Adams vicinity, *Telecott Falls Site*, north of Adams on U.S. 11 (6-5-74).

Watertown, *Jefferson County Courthouse Complex*, southeast corner of Arsenal and Sherman Streets (6-7-74).

## Monroe County

Rochester, *Leopold Street Shule*, 30 Leopold Street (6-7-74).

## Nassau County

Oyster Bay, *Raynham Hall*, 20 West Main Street (6-5-74).

## Niagara County

Niagara Falls, *DeVeaux School Complex*, 2900 Lewiston Road (6-5-74).

Niagara Falls, *Niagara Falls Public Library*, 1022 Main Street (6-5-74).

## Orange County

Campbell Hall vicinity, *Bull-Jackson House (Hillhold)*, northwest of Campbell Hall, on New York 416 (5-17-74).

## Otsego County

Gilbertsville, *Gilbertsville Historic District*, bounded roughly by Marion Avenue, Cliff and Green Streets, Grover and Sylvan Streets (5-17-74).

## Schuyler County

Watkins Glenn, *Schuyler County Courthouse Complex*, Franklin Street (6-5-74).

## Ulster County

New Paltz vicinity, *Locust Lawn Estate*, New York 32, south of New Paltz (5-17-74).

## Wayne County

Ontario, *Brick Church Corners*, intersection of Brick Church and Ontario Center Roads (6-5-74).

## Westchester County

Yonkers, *Untermyer Park*, between Warburton Avenue and North Broadway (5-31-74).

## North Carolina

## Brunswick County

Southport, *Fort Johnston*, Moore Street (6-7-74).

## Cabarrus County

Concord, *Cabarrus County Courthouse*, south Union Street (6-5-74).

**Nash County**

Battleboro vicinity, *The Meadows*, northwest of Battleboro on State Road 1510 (5-16-74).

**Pender County**

Burgaw vicinity, *Bannerman House*, northeast of Burgaw off North Carolina 53 on State Road 1520 (5-31-74).

**Perquimans County**

Woodville vicinity, *Stockton*, south of Woodville on State Road 1329 (6-7-74).

**Ohio****Athens County**

Athens vicinity, *The Wolf Plains*, northwest of Athens on U.S. 33 (5-31-74).

**Columbiana County**

East Liverpool vicinity, *Gaston's Mill-Lock No. 36, Sandy and Beaver Canal District*, northwest of East Liverpool in Beaver Creek State Forest (5-23-74).

**Cuyahoga County**

Cleveland, *Miles Park*, Miles Park Avenue (5-17-74).

**Pickaway County**

Williamsport vicinity, *The Shack*, northwest of Williamsport off County Road 34 (5-23-74).

**Summit County**

Peninsula vicinity, *Everett Road Covered Bridge*, southwest of Peninsula, Everett Road at Furnace Creek (5-23-74).

**Warren County**

Harveysburg vicinity, *Lukins-Plummer House*, west of Harveysburg off Middletown Road (6-5-74).

**Oklahoma****Beaver County**

Beaver City, *Lane Cabin*, Main Street and Avenue C (6-5-74).  
Beaver City, *Presbyterian Church*, Third Street and Second Avenue East (5-16-74).

**Hughes County**

Wetumka vicinity, *Levering Mission*, northeast of Wetumka (5-16-74).

**Osage County**

Pawhuska, *Osage Agency*, Agency Hill (5-17-74).

**Pottawatomie County**

Shawnee, *Santa Fe Depot*, Main Street and Minnesota Avenue (6-5-74).

**Pennsylvania****Allegheny County**

Pittsburgh, *Main Building, U.S. Bureau of Mines*, 4800 Forbes Avenue (5-24-74).

**Blair County**

Culp vicinity, *Fort Roberdeau*, west of Culp off U.S. 220 (5-29-74).

**Cumberland County**

Carlisle, *Hessian Guardhouse*, corner of Guardhouse and Garrison Lanes (5-17-74).

**Rhode Island****Providence County**

Johnston, *Farnum, Edwin H., House*, U.S. 44 and Collins Street (5-17-74).  
Lincoln, *Limerock Village Historic District*, in irregular pattern along Smith, Wilbur, and Great Roads, and Old Louisquisset Pike (5-23-74).

**Washington County**

New Shoreham, *Block Island North Light*, Sandy Point, off Corn Neck Road (5-23-74).

**South Carolina****Aiken County**

Aiken, *Phelps House*, Barnwell Avenue (6-10-74).

**Barnwell County**

Barnwell, *Banksia Hall*, 2108 Reynolds Road (5-31-74).

**South Dakota****Minnehaha County**

Sioux Falls, *Sioux Falls Historic District*, bounded by West Fourth Street, Spring, Prairie, and Summit Avenues and West 10th Street (6-5-74).

**Tennessee****Rutherford County**

Murfreesboro vicinity, *Fortress Rosecrans Site*, west of Murfreesboro at Stones River (6-7-74).

**Texas****Bexar County**

Fort Sam Houston, *Post Chapel, Fort Sam Houston*, Building 2200, Wilson Street (5-17-74).

**Caldwell County**

Lockhart, *Emmanuel Episcopal Church*, southeast corner of North Church and Walnut Streets (6-5-74).

**Hood County**

Granbury, *Hood County Courthouse Historic District*, Courthouse Square, bounded by Bridge, Crockett, Pearl, and Houston Streets (6-5-74).

**Lamar County**

Faulkner Vicinity, *Mackin, A. C. Archeological Site*, southwest of Faulkner (5-16-74).

**Vermont****Windham County**

Brattleboro, *Union Station*, junction of Bridge Street and the Boston & Maine RR. tracks (6-7-74).

**Windsor County**

Chester, *Stone Village Historic District*, both sides of Vermont 103 (5-17-74).

**Virginia****Henry County**

Ridgeway vicinity, *Belleview*, northwest of Ridgeway, south of Virginia 641 (6-10-74).

**Lee County**

Jonesville vicinity, *Jonesville Methodist Campground*, west of Jonesville at junction Virginia 652 and U.S. 58 (5-16-74).

**Newport News (independent city)**

Newport News, *Fort Crafford*, Fort Eustis Military Reservation (5-17-74).

**Wise County**

Big Stone Gap, *Fox, John Jr., House*, 117 Shawnee Avenue (6-7-74).

**Washington****Chelan County**

Stehekin, *Buckner Cabin*, Lake Chelan National Recreation Area (5-17-74).  
Stehekin, *Courtney Cabin*, Lake Chelan National Recreation Area (5-31-74).  
Stehekin, *Stehekin School*, Lake Chelan National Recreation Area (5-31-74).

**King County**

Seattle, *Washington Street Public Boat Landing Facility*, South Washington Street, west of Alaskan Way (6-10-74).

**Pierce County**

Tacoma, *Old City Hall*, Seventh Avenue between Commerce and Pacific (5-17-74).  
Wilkeson vicinity, *Coke Ovens*, southeast of Wilkeson at railroad tracks (6-10-74).

**Spokane County**

Spokane, *Campbell House*, West 2316 First Avenue (5-31-74).  
Spokane, *Strahorn Pines*, West 2216 First Avenue (5-31-74).

**Stevens County**

Chewelah, *Old Indian Agency*, Third Street (5-17-74).

**Whatcom County**

Newhalem vicinity, *Devil's Corner*, north of Newhalem along Skagit River (6-7-74).

**West Virginia****Greenbrier County**

Lewisburg, *John Wesley Methodist Church*, East Foster Street (6-5-74).

**Harrison County**

Clarksburg vicinity, *Smith, Watters, Farm on Duck Creek*, west of Lost Creek, off U.S. 19 in Watters Smith Memorial State Park (5-16-74).

The following property has been removed from the National Register:

**New Hampshire****Merrimack County**

Concord, *Pierce, Franklin, Manse*, 18 Penacook Street (1-28-69).

The following were omitted from the February 19, 1974 FEDERAL REGISTER:

**Michigan****Mackinac County**

Mackinac Island, *Fort Mackinac*, Huron Road (7-8-70).

**Pennsylvania****Philadelphia County**

Philadelphia, *Woodford*, East Fairmount Park (12-24-67).

**Tennessee****Hamilton County**

Chattanooga, *Terminal Station*, 1434 Market Street (2-20-73).

The following are corrections to previous listings in the FEDERAL REGISTER:

**Alabama****Mobile County**

Mobile, *Oakleigh*, 350 Oakleigh Place (5-27-71).  
Mobile, *Oakleigh Garden Historic District (Washington Square)* (4-13-72).

**Arkansas****Ouachita County**

Camden, *Elliott-Meek House*, 761 Washington Street (3-1-74).

**Delaware****Kent County**

Kenton vicinity, *Cheyney Clow's Rebellion (Scene of)*, west of Kenton on Delaware 300 (1-14-74).

**Florida****Baker County**

Olustee vicinity, *Olustee Battlefield*, 2 miles east of Olustee on U.S. 90 (8-12-70).

*Escambia County*

Pensacola, \**Plaza Ferdinand VII*, Palafox Street between Government and Zarragossa Streets.

*Okaloosa County*

Fort Walton Beach, \**Fort Walton Mound*, U.S. 98.

*St. Johns County*

St. Augustine, *Ximenez-Fatio House*, 20 Aviles Street (7-25-73).

**Hawaii***Honolulu County*

Waianae vicinity, *Waianae District*, north of Waianae off Farrington Highway (1-21-74).

**Indiana***St. Joseph County*

South Bend, *Oliver, Joseph D., House (Cophaholm)*, 808 West Washington Avenue (8-28-73).

**Maine***Franklin County*

Farmington Falls, *Old Union Meetinghouse (Union Baptist Church)*, U.S. 2 (10-30-73).

**Maryland***Carroll County*

Unlontown, *Unlontown Academy*, Unlontown Rd. (8-14-73).

**Massachusetts***Essex County*

Ipswich, \**Whipple, John, House*, 53 South Main Street.

*Suffolk County*

Boston, Otis, (First) *Harrison Gray, House*, 141 Cambridge Street.

**Montana***Meagher County*

White Sulphur Springs vicinity, *Fort Logan and Blockhouse*, 17 miles northwest of White Sulphur Springs (10-6-70).

**New York***Monroe County*

Rochester, *Ely, Hervey, House*, 138 Troup Street (8-12-71).

*Rensselaer County*

Troy, *Bussey, Esek, Firehouse*, 302 10th Street (7-16-73).

**Pennsylvania***Philadelphia County*

Philadelphia, \**Old Fort Mifflin*, Marina and Penrose Ferry Roads (9-29-69).

**South Carolina***Georgetown County*

Georgetown, *Old Market Building (Georgetown County Rice Museum)*, Front and Screven Streets (12-3-69).

**Virginia***New Kent County*

New Kent, *St. Peter's Church*, north side of Route 642, northeast of intersection of Routes 642 and 609 (10-1-69).

*Richmond (independent city)*

*St. John's Church Historic District*, bounded roughly by 22d, Marshall, 32d, Williamsburg Avenue, Main, and Franklin Streets (9-15-70).

Historic properties which are either (1) eligible for nomination to the Na-

tional Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorization for such comment are in section 1(3) and section 2(b) of Executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593 and other applicable Federal legislation. All determinations of eligibility are made under the Secretary of the Interior's authorities in sections 2(b) and 3(f) of Executive Order 11593. This list is not complete. As required by Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

**Alabama***Dallas County*

Selma, *Gill House*, 1109 Selma Avenue.

*Madison County*

Huntsville, *Lee House*, Red Stone Arsenal.

**Alaska***Northwestern District*

Little Diomed Island, *Iyapana, John, House*.

**Arizona***Cochise County*

Sierra Vista, *Garden Canyon Petroglyphs*, Garden Canyon Road.  
Sierra Vista vicinity, *Old Fort Huachuca*, west of Sierra Vista.

*Yuma County*

Yuma, *Southern Pacific Depot*.

**Arkansas***Ouachita County*

Camden, *Old Post Office*, Washington Street.

**California***Imperial County*

Glamis vicinity, *Chocolate Mountain Archeological District*.

*Marin County*

Point Reyes, *Point Reyes Light Station*.

*Modoc County*

Canby vicinity, *Cuppy Cave*, near Pit River in Modoc National Forest.  
Alturas, *Rail Spring*, about 30 miles north of Alturas in Modoc National Forest.

*Monterey County*

Big Sur, *Point Sur Light Station*.  
Pacific Grove, *Point Pinos Light Station*.

*San Luis Obispo County*

San Luis Obispo, *San Luis Obispo Light Station*.

*San Mateo County*

Ano Nuevo vicinity, *Pigeon Point Light Station*.

Hillsborough, *Point Montara Light Station*.

*Sonoma County*

*Dry Creek-Warm Springs Valley Archeological District*.

Santa Rosa, *Santa Rosa Post Office*.

**Colorado***Denver County*

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves Street, on Lowry AFB.

**Connecticut***Hartford County*

Hartford, *Church of the Good Shepherd and Parish House*, intersection of Wyllys Street and Van Block Avenue.

Hartford, *Colt Factory Housing*, Huyshope Avenue between Sequassen and Weehasset streets.

Hartford, *Colt Factory Housing ("Potsdam Village")*, Curcombe Street between Hendrixsen Avenue and Locust Street.

Hartford, *Colt Park*, bounded by Wethersfield Avenue, Stonington Street, Wawarme, Curcombe, and Marseek Streets, and by Huyshope and Van Block Avenues.

Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Avenue.

Hartford, *Flat-iron Building (Motto Building)*, intersection of Congress Street and Maple Avenue.

Hartford, *Houses on both sides of Congress Street*.

Hartford, *Houses on Charter Oak Place*.

Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Streets, particularly Nos. 97-81, 65.

*Middlesex County*

Middletown, *Mather-Douglas-Santangelo House*, 11 South Main Street.

*New London County*

New London, *Thames Shipyards*, west bank of Thames River north of the U.S. Coast Guard Academy.

**Delaware***Suffolk County*

Lewes, *Delaware Breakwater*.  
Lewes, *Harbor of Refuge Breakwater*.

**District of Columbia**

Riggs Bank, 800 17th Street NW.

**Florida***Hillsborough County*

Tampa, *Federal Building, U.S. Courthouse, Downtown Postal Station*, 601 Florida Avenue.

Tampa, *Firehouse No. 10*, Ybor City.

**Georgia***Chatham County*

*Archeological Site*, north end of Skidway Island.

*Clay County*

*Archeological Site WGC-73*, downstream from Walter F. George Dam.

*Heard County*

*Philpott Homesite and Cemetery*, on bluff above Chattahoochee River where Grayson Trail leads into river.

*Stewart County*

*Rood Mounds*.

*Sumter County*

Americus, *Aboriginal Chert Quarry*, South Field.

**Hawaii**

Moanalua Valley.

**Idaho***Ada County*

Boise, *Ada Theater*, 700 Main Street.  
 Boise, *Alexanders*, 826 Main Street.  
 Boise, *Falks Department Store*, 100 North Eighth Street.  
 Boise, *Idaho Building*, 216 North Eighth Street.  
 Boise, *Idanha Hotel*, 928 Main Street.  
 Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho Street.  
 Boise, *Union Building*, 712½ Idaho Street.

**Illinois***Cook County*

Chicago, *Delaware Building*, 155 North Dearborn.  
 Chicago, *McCarthy Building (Landfield Building)*, northeast corner of Dearborn and Washington.  
 Chicago, *Methodist Book Concern (later Stop and Shop warehouse)*, 12 West Washington.  
 Chicago, *Ogden Building*, 130 West Lake Street.  
 Chicago, *Oliver Building*, 159 North Dearborn Street.  
 Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126-148 North State.  
 Chicago, *Unity Building*, 127 North Dearborn Street.

*De Kalb County*

De Kalb, *Haish Barbed Wire Factory*, corner of Sixth and Lincoln Streets.

*Lake County*

Fort Sheridan, *Water Tower*, Building 49, Leonard Wood Avenue.

**Indiana***Monroe County*

Bloomington, *Carnegie Library*.

**Kentucky***Jefferson County*

Louisville, *Old Louisville Historic District*, bounded on north by Broadway; on the west by Seventh and the Louisville/Nashville RR. tracks; on the east by Interstate 65 and Brook Street; on the south by Eastern Parkway and Gaulbert Avenue.

**Maryland***Anne Arundel County*

Annapolis, *Thomas Point Shoals Light Station*, on Kent Island in Chesapeake Bay.  
 Chestertown, *Bloody Point Bar Light*, on Chesapeake Bay.  
 Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

*Baltimore County*

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.  
 Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

*Cecil County*

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

*Dorchester County*

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

*Harford County*

Havre De Grace, *Havre De Grace Light*.

*St. Mary's County*

Piney Point, *Piney Point Light Station*.  
 St. Ingoes, *Manor House*, Naval Electronic Systems Test and Evaluation Facility.  
 St. Marys City, *Point No Point Light*, on Chesapeake Bay.

**Talbot County**

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay.

**Michigan***Livingston County*

Fenton, *Fenton Downtown Historic District*, east and west sides of Leroy Street in two blocks bounded by Ellen on the south and Silver Lake on the north, north side of Caroline Street and east side of River Street.

**Missouri***Jackson County*

Kansas City, *Folly's (Standard) Theater*, 12th and Central Streets.

**Montana***Lewis and Clark County*

Marysville, *Marysville Historic District*.

*Park County*

Mammoth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

**Nebraska***Madison County*

Norfolk, *Federal Building (U.S. Post Office and Courthouse)*, corner of Fourth Street and Madison Avenue.

**Nevada***Nye County*

Emigrant's Trail, about 75 miles northwest of Las Vegas on U.S. 95.

*Storey County (also in Washoe County)*

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 miles east of Sparks, along Interstate 80.

**New Hampshire***Grafton County*

Bedell Covered Bridge.

**New Jersey***Warren County (also in Sussex County)*

Old Mine Road Historic District.

**New York***Bronx County*

New York, *North Brothers Island Light Station*, in center of East River.

*Greene County*

New York, *Hudson City Light Station*, in center of Hudson River.

*Richmond County*

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

*Suffolk County*

New York, *Fire Island Light Station*, U.S. Coast Guard Station.

New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.

New York, *Plum Island Light Station*, off Orient Point, Long Island.

New York, *Race Rock Light Station*, located south of Fishers Island, 10 miles north of Orient Point.

*Ulster County*

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.

New York, *Rondout North Dike Light*, center of Hudson River at junction of Rondout Creek and Hudson River.

New York, *Saugerties Light Station*, Hudson River.

**Westchester County**

Port Washington vicinity, *Execution Rocks Light Station*, lower southwest portion of Long Island Sound.  
 White Plains, *Westchester County Courthouse Complex*, corner of Main and Court Streets.

**North Carolina**

U.S.S. *Monitor*, Outer Continental Shelf, about 15 miles off coast of North Carolina.

*Brunswick County*

Southport, *Fort Johnston*, Moore Street.

*Cumberland County*

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey Street.

*Dare County*

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

*Hyde County*

Ocracoke, *Ocracoke Lighthouse*.

*Jones County*

Trenton, *Trenton Historic District*, bounded by Trent, Weber, and Jones Streets, the cemetery, Lake View and Market Street, Brock Mill Pond, Pollock, Jones, and King Streets.

*New Hanover County*

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th Streets.

**Ohio***Clermont County*

Neville vicinity, *Maynard House*, 2 miles east of Neville off U.S. 52.

*Pickaway County*

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 miles northwest of Williamsport.

**Oregon***Coos County*

Charleston, *Cape Arago Light Station*.

*Curry County*

Port Orford, *Cape Blanco Light Station*.

*Douglas County*

Winchester Bay, *Umpqua River Light House*.

*Klamath County*

Crater Lake National Park, *Crater Lake Lodge*.

*Lane County*

Roosevelt Beach, *Heceta Head Light House*.  
 Roosevelt Beach, *Heceta Head Light Station*.

*Lincoln County*

Agate Beach, *Yaquina Head Lighthouse*.

*Tillamook County*

Tillamook, *Cape Meares Lighthouse*.

**Pennsylvania**

Brumbaugh Homestead, Raystown Lake Project.

*Adams County*

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Gettysburg, *Gettysburg Battlefield Historic District*.

*Allegheny County*

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.

**Clinton County**

Lockhaven, *Apsley House*, 302 East Church Street.  
 Lockhaven, *Harvey, Judge, House*, 29 North Jay Street.  
 Lockhaven, *McCormick, Robert, House*, 234 East Church Street.  
 Lockhaven, *Mussina, Lyons, House*, 23 North Jay Street.

**Mercer County**

Greenville vicinity, *Kidd's Mills Historical Area* (Shenago River Lake), via 58 and Township Road 653.  
 Greenville vicinity, *New Hamburg Historical Area*, south of Greenville on both banks of the Shenago River, off Pennsylvania 58.

**Northampton County**

Dorneyville, *King George Inn and two other stone houses*, intersection of Hamilton and Cedar Crest Boulevards.

**Westmoreland County**

Blairsville vicinity, *Western Division-Pennsylvania Canal* (Conemaugh River Lake), east of Blairsville.

**Tennessee****Gibson County**

Milan, *Browning House*, Line "Z," Milan Army Ammunition Plant.

**Jackson County**

Gainesboro vicinity, *Ft. Blount-Williamsburg Site*, on Cumberland River.

**Texas****Bexar County**

Fort Sam Houston, *Pershing House*, Quarters No. 6, Staff Post Road.  
 Fort Sam Houston, *The Quadrangle*, Building 16, Grayson Street.

**Galveston County**

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th streets.

**Vermont****Windsor County**

Windsor, *Post Office Building*.

**Washington****Clallam County**

Seguin, *New Dungeness Light Station*.

**Clark County**

Vancouver, *Officers Row*, Fort Vancouver Barracks.

**Grays Harbor County**

Westport, *Grays Harbor Light Station*.

**King County**

Burton, *Point Robinson Light Station*.  
 Seattle, *Alki Point Light Station*.  
 Seattle, *West Point Light Station*.

**Kitsap County**

Hansville, *Point No Point Light Station*.

**Kittitas County**

CleElum vicinity, *Salmon la Sac Guard Station*, 18 miles north of CleElum on County Highway 9235.

**Pacific County**

Iiwaco, *Cape Disappointment Light Station*.  
 Iiwaco, *North Head Light Station*.

**Pierce County**

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site*.

**San Juan County**

San Juan Islands, *Patos Island Light Station*.

**Snohomish County**

Mukilteo, *Mukilteo Light Station*.

**West Virginia****Cabell County**

Huntington, *Old Bank Building*, 1208 Third Avenue.

**Wood County**

Parkersburg, *Wood County Courthouse*.

**Wisconsin****Door County**

Chambers Island, *Chambers Island Light-house Dwelling*, northern tip, Chambers Island in Green Bay, Lake Michigan.

**Wyoming****Goshen County**

Torrington, *Union Pacific Depot*.

**Puerto Rico**

Mona Island, *Sardinero Site and Ball Courts*.

ERNEST A. CONNALLY,  
 Associate Director,  
 Professional Services.

[FR Doc.74-14785 Filed 7-1-74;8:45 am]

**DEPARTMENT OF AGRICULTURE****Forest Service****TIMBER MANAGEMENT PLAN, KOOTENAI NATIONAL FOREST****Availability of Final Environmental Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Kootenai National Forest, Forest Service Report Number USDA-FS-FES (Adm) 73-56.

The environmental statement concerns a proposed implementation of a revised timber management plan for the Kootenai National Forest covering portions of Lincoln, Flathead, and Sanders Counties in Montana; and Boundary and Bonner Counties in Idaho.

This final environmental statement was filed with CEQ on June 25, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service  
 South Agriculture Bldg., Room 3231  
 12th St. and Independence Ave., SW  
 Washington, DC 20250

USDA Forest Service  
 Northern Region  
 Federal Building  
 Missoula, MT 59801

USDA Forest Service  
 Kootenai National Forest  
 418 Mineral Avenue  
 Libby, MT 59923

A limited number of single copies are available upon request to Forest Supervisor Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State,

and local agencies as outlined in the CEQ guidelines.

Dated: June 25, 1974.

KEITH M. THOMPSON,  
 Acting Regional Forester,  
 Northern Region, Forest Service.

[FR Doc.74-15078 Filed 7-1-74;8:45 am]

**Rural Electrification Administration**  
**DAIRYLAND POWER COOPERATIVE**  
**Draft Environmental Impact Statement**

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee and insured loan funds from the Rural Electrification Administration for Dairyland Power Cooperative of LaCrosse, Wisconsin. The requested financing will provide funds for the purchase and installation of a 70 percent share of a 350 MW steam generating plant near Alma, Wisconsin, and related 161 kV transmission facilities. Northern States Power Company of Minnesota will provide the remaining 30 percent share of funds.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before September 3, 1974, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of June, 1974.

B. E. DAVIDSON,  
Acting Administrator,  
Rural Electrification Administration.  
[FR Doc.74-15063 Filed 7-1-74; 8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business Administration

### FORT SANDERS PRESBYTERIAN HOSPITAL ET AL.

#### Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems, pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00353-33-90000. Applicant: Fort Sanders Presbyterian Hospital, 1909 Clinch Avenue, SW., Knoxville, Tennessee 37916. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a clinical tool for the study of the brain. The major applications will be geographic in delineating vascular insults, neoplasia, and hydrocephalus. Vascular insults will be further defined as to hemorrhagic with clot or occlusive. Results will be correlated with the presently available x-rays studies, including tomography pneumoencephalography and arteriography, radio-isotope scans, and flow studies.

Application received by Commissioner of Customs: February 20, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 6, 1974.

Docket Number: 74-00365-33-90000. Applicant: Emory University School of Medicine, 1360 South Oxford Road, Atlanta, Georgia 30322. Article: EMI Scanner Computerized Axial Tomographic System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to identify brain tumors, strokes, ventricular size and intracranial hemorrhage in living patients. In addition, the article will be used in teaching anatomy of the brain to medical students and residents. Application received by Commissioner of Customs: March 4, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 7, 1974.

Docket Number: 74-00374-33-90000. Applicant: Stanford University, Stanford University Hospital, 820 Quarry

Road, Palo Alto, California 94304. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigation to determine its usefulness for the study of brain diseases as compared to conventional x-ray examinations. Patients having various central nervous system problems will be studied with this instrument and with other techniques.

The article will also be used in a University teaching hospital for the education of medical students and post-graduate students by contributing otherwise unobtainable information about the brain in patients with various diseases. Application received by Commissioner of Customs: March 8, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 7, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the speed and/or sensitivity of each article is pertinent to the purposes for which each of the foreign articles cited above is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,  
Special Import Program Division.

[FR Doc.74-15108 Filed 7-1-74; 8:45 am]

### NATIONAL INSTITUTES OF HEALTH, ET AL.

#### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether

an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 22, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00508-33-46040. Applicant: National Institutes of Health, Hematology Service, Clinical Pathology Department, Bldg. 10, Rm. 5N-242, Bethesda, Maryland 20014. Article: Electron Microscope, Model EM-10. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article is intended to be used in conducting research on hematopoietic cells with primary concentration on structure and function of normal and abnormal human cells lines. The studies being conducted analyze the external and internal membrane alteration in human disease states. Specifically these studies subdivide into those concerned with (1) normal membrane changes associated with developing cell lines in normal marrow environment, (2) membrane changes and associated ultrastructural alterations seen in hematologic disease states, and (3) antigen site mapping studies on the cell membrane of platelets and lymphocytes in human peripheral blood and marrow. Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00510-33-46500. Applicant: University of Wisconsin, Department of Ophthalmology, School of Medicine, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to prepare tissue for electron microscopic study of its ultrastructure in experiments to identify various disease processes in tissue of patients, and to characterize the nature of these disorders through studies of tissue from experimental animals. Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00511-33-46040. Applicant: University of Cincinnati Medical Center, Department of Pathology, Medical Science Building, Cincinnati General Hospital, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the following courses and other educational activities: 26-955-971—Research in pathology to provide an opportunity for actual research work by graduate students under the guidance of

a senior faculty member; 26-955-972—Electron Microscopy Technique providing the basic introduction to the various skills employed in electron microscopy. It is intended primarily for graduate students and consists of lectures and laboratory work. Small Biopsy Service—Involving teaching residents the basics of fixing and processing surgical specimens for electron microscopy as well as the elementary aspects of operating the microscope. Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00512-33-77030. Applicant: Stanford University, 820 Quarry Road, Palo Alto, California 94304. Article: NMR Spectrometer, Model HX-360. Manufacturer: Spectrospin AG, Switzerland. Intended use of article: The article is intended to be used for the study of molecules through interaction with a large magnetic field and radio frequency irradiation. Investigations are to be conducted with the article to determine mechanisms of drug action, mechanisms of control of transcription of genetic information and the function of biological membranes. The article will be used only for highly specialized training at the postdoctoral level as it requires a very high degree of expert knowledge and skill. Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00513-33-46040. Applicant: University of Chicago, Pritzker School of Medicine, 5801 Ellis Avenue, Chicago, Illinois 60637. Article: Electron Microscope, Model Corinth 275. Manufacturer: A.E.I. Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used by several investigators on a variety of specimens, including (a) skeletal muscle tissue from patients with psychiatric illness and from normal volunteer control; (b) skeletal muscle from animals treated with psychotomimetic drugs, pharmacologic regimens which manipulate central and peripheral levels of various biogenic amines and neurotransmitters, and other procedures which in one way or another simulate the neuromuscular pathology accompanying psychotic behavior; (c) nerve tissue from sources as in (a) and (b) above and (d) subcellular fractions isolated from skeletal muscle of human and animal sources, including mitochondrial, sarcolemmal, and membrane fragment fractions.

The article will also be used to teach students the techniques of tissue preparations for electron microscopy, use and maintenance of the electron microscope, the production and integration of electron micrographs, and finally, a course entitled, "Histochemistry and Electron Microscopic Effects of Drugs on Muscle and Nerve." Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00516-33-46500. Applicant: University of California at San Diego, Department of Biology, P.O. Box 109, La Jolla, California 92037. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to

be used for studies of biological, mainly mammalian tissues. The experiments to be conducted include experiments on the behavior of plasma membranes and membranes of various organelles in regard to such phenomena as the immune response, pinocytosis and phagocytosis, secretion, ion pumping, and the movement of proteins within and across membranes. In addition, the modification of these phenomena under the influence of various chemicals will be studied. Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00517-33-46040. Applicant: The University of Texas Health Science Center at San Antonio, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, Netherlands. Intended use of article: The article is intended to be used for studies of biological specimens from experimental animals and clinical specimens. The experiments to be conducted deal with:

(a) Changes in the motor and endplate region of frog skeletal muscle associated with desensitization of the muscle membrane.

(b) Studies of cultivated vascular smooth muscle cells for the onset of synthetic activity of mucopolysaccharides, elastin and collagen.

(c) Sampling of various points along the lining of respirator epithelium in baboons habituated to inhalation of tobacco smoke after different periods of exposure. Any changes noted will be compared to the functional studies also performed in these animals.

The article will also be used in the teaching of resident and graduate students in pathology and physiology and for the training of postdoctoral fellows in specialized techniques related to studies on ultrastructure and for the required skills for the electron microscope course offered to Histology students and others taking the course. Application received by Commissioner of Customs: June 4, 1974.

Docket Number: 74-00519-00-46070. Applicant: University of Wisconsin, Department of Geology and Geophysics, Science Hall, Madison, Wisconsin 53706. Article: Beam Stabilizer Accessory for Scanning Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to quantitatively analyze rocks, minerals and metals. Application received by Commissioner of Customs: June 7, 1974.

Docket Number: 74-00520-33-46040. Applicant: University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of materials which will include a wide variety of tissues from humans and experimental animals. These tissues will

be obtained at necropsy or biopsy and will be prepared in various ways.

The experiments to be conducted include the following:

(1) Investigation of channels formed by groups of microtubules within the axon,

(2) Investigation of the detailed ultrastructure of the microtubule using antibody reagents to identify specific microtubule components,

(3) Examination of lung ultrastructure in response to various experimental manipulations of the inhaled atmosphere, and

(4) Examination of the intercalated disks which joins myocardial cells to each other.

The objectives of these investigations are to understand at a structural level the phenomena which occur in these tissues. The article will also be used in several educational courses including:

General pathology for sophomore medical students to provide a background of the existing knowledge of disease processes in the human body and to provide a basis for understanding future progress which will be made in the diagnosis and treatment of these diseases. Residency training in pathology to produce trained specialists of the highest quality for clinical practice and academic medicine. Graduate study in comparative pathology and microbiology to provide an introduction to the use of sophisticated scientific instruments in the study of experimental diseases. Application received by Commissioner of Customs: June 11, 1974.

Docket Number: 74-00521-33-46040. Applicant: National Institutes of Health, Building 7, Room 12, Bethesda, Maryland 20014. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the identification and characterization of a number of viruses and virus-like antigens, including hepatitis A virus, hepatitis B virus, other hepatitis associated antigens, coronaviruses, rhinoviruses and gastroenteritis viruses, as well as antibodies specific for these viruses. The technique of immune electron microscopy, a method by which reactions between viruses and their antibodies can be detected, will be one of the principal uses of the article. Application received by Commissioner of Customs: June 11, 1974.

Docket Number: 74-00522-33-46040. Applicant: Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Room 527, Post Office Building, Fifth & Walnut Streets, Cincinnati, Ohio 45202. Article: Electron Microscope, Model JEM 100B and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a multi-phase study of industrial talk exposure and related asbestos exposure potential. Other projects will include further evaluation of the present asbestos sampling procedure and studies of exposure to other respirable mineral fibers

such as fibrous glass, mineral wool, carbon and graphite fibers, etc. Application received by Commissioner of Customs: June 10, 1974.

Docket Number: 74-00525-33-46040. Applicant: National Institutes of Health, Laboratory of Biological Structure, National Institute of Dental Research, 9000 Rockville Pike, Bethesda, Maryland 20014. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine biological materials consisting of tissue cells, cell organelles, cell extracts, extracellular materials, microorganisms and viruses. The article will be used to study the morphology of the mineral constituents and their relationship to the organic framework. In-vitro and in-vivo studies are to be conducted to determine the relationship of at least 2 mineral phases in bone to each other in the presence or absence of various organic structures. Another project involves the study of the distribution of the 2 collagen types in different tissues and to gain an insight into their relative origins and function. Application received by Commissioner of Customs: June 14, 1974.

Docket Number: 74-00526-33-46040. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Virginia 22901. Article: Electron Microscope, Model JEM 100C and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research concerned with the structure of the intimate molecular interactions between proteins and nucleic acids during the processes of gene action and the replication of hereditary material in cells. A variety of cell types and organisms will be used to investigate the following interactions in normal cells: (1) the relation of nascent ribonucleic acid (RNA) molecules to the deoxyribonucleic acid (DNA) duplex within RNA polymerase molecules during gene activations and steady-state transcription (amphibian oocyte ribosomal RNA genes); (2) the association of protein with elongating nascent RNA molecules at transcription junctions (amphibian rRNA genes and HeLa cell heterogenous nuclear RNA); and (3) the relation of DNA to the enzymes and other proteins associated with replication forks and the association of histones with newly replicate DNA duplexes (*Drosophila* embryos).

In addition, research is to be done at protein-nucleic acid interactions during adeno-2 virus infection of HeLa cells (viral replication and transcription) and during polio virus infection of HeLa cells (viral replication and translation). Application received by Commissioner of Customs: June 14, 1974.

Docket Number: 74-00527-80-60060. Applicant: Michigan Technological University, Houghton, Michigan 49931. Article: Electric Reflectance Photometer. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for educational purposes in the following courses:

**Pulping Processes.** Chemistry, mechanisms and variables in pulping and bleaching processes. Influence of raw material and processing variables on pulp properties. Laboratory analysis of the various pulping and bleaching processes, with special emphasis on the effect of processing variables on pulp properties.

**Fiber Properties.** Anatomical, chemical, physical and mechanical properties of pulpmaking fibers. Their response to pulping and papermaking processes.

**Paper Properties I.** Application to pulps of rosin and wax sizes, starches, fillers, wet strength resin and other additives. Evaluation of their effect on paper properties. Surface coating of paper and its effect on paper properties. Evaluation of chemical, physical and optical properties of paper and their significance to marketing the product.

**Paper Properties II.** Continuation of Paper Properties I. Research Problems. Problem-solving assignments in pulping, bleaching, heating, sizing, coloring, Mathematical prediction of paper properties from a set pulp bleaching problem. Application received by Commissioner of Customs: June 14, 1974.

Docket Number: 74-00528-01-74600. Applicant: U.S. Department of Commerce, National Bureau of Standards, Institute for Basic Standards, 325 Broadway, Boulder, CO. 80302. Article: Digital Correlator with probability Analyser System. Manufacturer: Precision Devices & Systems, United Kingdom. Intended use of article: The article is intended to be used for studies of compressed and liquefied gases and their mixtures at low temperature. Studies on light scattered from these fluids will be conducted to obtain information on the density and composition fluctuations and determine the dynamics of these fluctuations. The spectral distribution (linewidths) of light scattered from various fluctuations will be measured to determine technically important thermophysical properties of the fluids. Application received by Commissioner of Customs: June 14, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director Special Import  
Programs Division.

[FR Doc. 74-15113 Filed 7-1-74; 8:45 am]

#### OHIO STATE UNIVERSITY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00145-92-46070. Applicant: The Ohio State University, Department of Entomology, 190 North Oval Drive, Columbus, OH 43210. Article: Scanning Electron Microscope, Model MSM-2. Manufacturer: Akashi-Seisakusho, Ltd., Japan. Intended use of article: The article is intended to be used for studies of the changes in the fine structure of exposed surfaces of Acari and other arthropods of medical importance as they are related to developmental times and environmental variables. The article will also be used to train research scientists in the use of the scope and the pictures of the fine structure of exposed surfaces will be used to teach research scientists about the biological variability of the Acari and the effects of developmental and environmental modifications on this variability.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 73-00449-92-46070 which was denied without prejudice to resubmission on July 19, 1973 for informational deficiencies. Upon resubmission the applicant alleges in his reply to question 7 that the thermionic source of the article is pertinent to his purposes. Additionally, in response to question 8, the applicant alleges that pertinent features of the foreign article are low cost and simplicity. Moreover, the applicant states in response to question 8 that "for our purposes the output of the Coates and Welter instrument is as satisfactory as the output of the Mini-SEM."

The Department of Health, Education, and Welfare (HEW) received this application and compared the article with a domestic Model 100 scanning electron microscope manufactured by Coates and Welter Instrument Corporation (CWIK).

HEW notes in its memorandum dated January 11, 1974 that the application cites size, convenience and cost-related factors which are not "pertinent specifications" under section 701.2(n) of the regulations, 15 CFR (1974), and, therefore, establishes no bases upon which the foreign article may be distinguished from domestic instruments with respect to scientific equivalency (section 701.11). HEW further advises that the applicant admits in the application that the CWIK Model 100 is equivalent to the foreign article with respect to accommodation of materials to be studied and "output." We conclude, then, that the application establishes no pertinent specification upon which duty-free entry could be based.

For these reasons we find that the Coates and Welter Model 100 is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special Import Programs Division.

[FR Doc. 74-15109 Filed 7-1-74; 8:45 am]

#### UNIVERSITY OF CALIFORNIA, ET AL.

##### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 22, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00456-33-46070. Applicant: University of California, Department of Botany, Davis, California 95616. Article: Scanning Electron Microscope, Model S4. Manufacturer: Cambridge Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine biological material, viz: pollen, leaf tissue, thin sections of plastic embedded cells, lung tissue, bone, herbicide dispersal patterns on leaves, algal morphology, shoot tip developmental patterns, fungal micromorphology, and insects.

In addition (1) energy-dispersive x-ray analysis will be used in conjunction with the microscope to explore the elemental distribution patterns of various biologically important elements. (2) specimen cathodoluminescence will be observed to examine herbicide fluorescence patterns on lead surfaces. (3) X-ray analysis will be performed on thin sectioned biological materials in conjunction with scanning transmission electron imaging.

The article will also be used in the following courses designed to acquaint students with the basic concepts concerning plant and animal tissue morphology:

Plant cytology—Botany 130  
Organization and phylogeny of vascular plants—Botany 116  
Phycology—Botany 118  
Plant anatomy—Botany 105  
Biological evaluation of herbicides—Botany 180  
Biological electron microscopy—Botany 231  
Insect classification—Entomology 105  
Systematic anatomy—Anatomy 100  
Diseases of crop plants—Plant Pathology 206A  
Introduction of plant pathology—Plant Pathology 120

Application received by Commissioner of Customs: May 8, 1974.

Docket Number: 74-00466-33-46500. Applicant: Colgate University, Hamilton, New York 13346. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in the course Biology 412-Ultrastructural Cytology designed to familiarize the students with modern concepts of plant and animal cellular ultrastructure through electron microscopy. The main objective of the laboratory portion of the course is to provide training in the use of the electron microscope and the techniques employed in preparing tissue for examination with this instrument. Application received by Commissioner of Customs: May 13, 1974.

Docket Number: 74-00485-33-46500. Applicant: University of Texas Medical Branch, Marine Biomedical Institute, 200 University Boulevard, Galveston, Texas 77550. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in medical and marine science research projects. Ultrathin sections are made of embryonic marine fish larvae particularly the leptocephalous larvae of eels and related fishes and the cellular structure of the larvae will be studied in tracing the development of embryonic cells as they transform to adult organs with specific functions. Application received by Commissioner of Customs: May 20, 1974.

Docket Number: 74-00486-99-46040. Applicant: University of South Carolina, Columbia, South Carolina 29208. Article: Electron Microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the training of undergraduate students in biology and health science in elemental electron microscopy during the course entitled "Cell Biology" (Course #Bio. 340; 340L) to be taught every fall semester. The course is designed to give students higher level concepts of chemical organization, structure and ultrastructure of the cell in living organisms. Application received by Commissioner of Customs: May 20, 1974.

Docket Number: 74-00490-99-46040. Applicant: Middle Tennessee State University, Department of Biology, Mur-

reesboro, Tennessee 37130. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in teaching courses entitled, "Cell Physiology, Advanced Bacteriology, Virology and Electron Microscopy and Biology." The article will be used in the "Cell Physiology" course to study the effects of various poisons, such as, insecticides on cellular organelles and to determine the purity of homogenized samples following centrifugation. The article will also be used in the "Advanced Bacteriology" and "Virology" courses to study viruses, in the "Cell Physiology" course to teach the interpretation of electron micrographs and in the course "Electron Microscopy and Biology" to teach electron microscopy. Application received by Commissioner of Customs: May 22, 1974.

Docket Number: 74-00491-00-46040. Applicant: Rutgers Medical School, College of Medicine and Dentistry of New Jersey, Hoes Lane, Piscataway, New Jersey 08854. Article: High Resolution Universal Goniometer, Model IB 1003. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope to permit the viewing of one specimen from different tilt angles (45°) and the rotation of a specimen up to 360°. The article will greatly enhance the usefulness of the electron microscope in interpreting the ultrastructure of cells and subcellular fractions. Medical students enrolled in special summer sessions will be instructed in the use of one or more of the capabilities of the electron microscope equipped with the high resolution goniometer. Application received by Commissioner of Customs: May 22, 1974.

Docket Number: 74-00492-01-77095. Applicant: Texas A & M University, Department of Chemistry, College Station, Texas 77840. Article: Photoelectron Spectrometer, PS-18. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for basic research on the electronic structure of organic molecules and transition metal complexes. Among the systems to be studied are the non-conjugated dienes and polyenes, transition metal carbonyl complexes, *alternato* cubane molecules, and unusual metalloporphyrins. The experiments to be conducted are measurements of the photoelectron spectra of gas phase molecules. The article is to be used with a heated probe to measure gaseous photoelectron spectra of molecules many of which are solids at room temperature. The article will also be used by graduate students in basic research as partial fulfillment of the requirements for a Master of Science or Doctor of Philosophy Degree in Chemistry. The students will be instructed in the operation and use of the article and will be encouraged to use it in solving specific research problems. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00493-01-68495. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Pump: Electric Drive, Model 9512. Manufacturer: Stansted Engineering Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used for the scientific study conducted on the equation of the state of various gases including particularly nitrogen, hydrogen and argon. The study is performed by means of a specially adapted test cell or pressure vessel. The article is to be used to power pressure that is applied to the test cell. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00494-33-77040. Applicant: Harvard University, Purchasing Department, 74 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Double Beam Mass Spectrometer with GC System. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used for the separation and identification of complex mixtures of biological origin—identification of prostaglandins, insect pheromones, fatty acids (both natural, chemically and biologically labeled), steroids, environmental pollutants, constituents of plants and animals, etc. In addition, there will be the commonplace studies of reaction mixtures from organic synthesis, free radical reaction products, isotopic labelings in the gas/solid phase, etc. A few physical chemical studies are being considered which will utilize the double beam feature of the spectrometer in that compounds will be exposed to radiation (UV, visible and i.r. laser, etc.) and the products directly compared to those without any radiation—the changes often will be subtle and the direct comparison will be important, especially when mixtures are involved. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00495-00-46040. Applicant: National Bureau of Standards, Institute for Materials/Polymers Division, National Bureau of Standards, Wash., D.C. 20234. Article: Scanning Attachment (PW6570/00). Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the investigation of synthetic organic polymers. The properties and phenomena to be investigated will include:

(1) The fine structure of polymers crystallized under a variety of conditions—studies are aimed at characterizing the nature of the molecular organization and the nature of disorder in such objects.

(2) The mechanisms of deformation of polymeric materials—studies involve the examination of how single polymer crystals and spherulites deform and what are the morphological changes which occur on a fine scale at different strain levels.

(3) Polymer surfaces—studies include the examination of a variety of samples such as synthetic fibers, films, synthetic polymer implants, permeation tubes, and

polymer surfaces which have been exposed to radiofrequency gas discharges. The overall objectives of these various investigations are, the detailed characterization of the fine structure of polymers, the manner in which they deform, the dependence of mechanical properties upon fine structure, and the modification of surfaces and surface properties. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00496-10-47295. Applicant: National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135. Article: Aircraft Nitric Oxide Monitor. Manufacturer: York University, Canada. Intended use of article: The article is intended to be used for monitoring ambient concentrations of nitric oxide in the atmosphere from an aircraft in the altitude range from 20,000 to 40,000 feet. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00497-00-46040. Applicant: USDA-ARS, Southern Regional Research Center, 1100 Robert E. Lee Blvd., New Orleans, La. 70179. Article: Goniometer Stage. Manufacturer: Philips Analytical Equipment, The Netherlands. Intended use of article: The article is intended to be used with an existing electron microscope for the purposes of studying ultrastructural morphology of agricultural commodities as well as an interface between said microscope and an energy dispersive x-ray analyzer which will allow essential elemental analysis of said commodities. In particular, the combination microscope, goniometer stage and energy dispersive x-ray analyzer will be used in a research effort to ascertain the location and amount of chemical reactants in microsamples of cotton fibers which have been removed from fabrics chemically modified to instill flame retardancy. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00498-33-90000. Applicant: Loyola University Medical Center, Foster G. McGaw Hospital, 2160 South First Avenue, Maywood, Illinois 60153. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a research tool for screening patients with mental disorders to exclude organic disease, as well as for those patients who have minimal symptoms such as non-specific headaches. Application received by Commissioner of Customs: May 29, 1974.

Docket Number: 74-00500-00-90000. Applicant: Ralph K. Davies Medical Center, Franklin Hospital, Castro & Duboce Streets, San Francisco, Calif. 94114. Article: EMI Scanner High Resolution Option-Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is an accessory to be used with an existing EMI Scanner which is being used to investigate and diagnose a large variety of neurologic disorders, the most common of which are cerebral vascular accident (stroke), and

brain tumors. Application received by Commissioner of Customs: May 30, 1974.

Docket Number: 74-00501-33-46070. Applicant: University of Rhode Island, Kingston, Rhode Island 02881. Article: Scanning Electron Microscope, Model S4. Manufacturer: Cambridge Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for a wide range of research in the areas of micropaleontology, bacteriology, phycology, marine microbiology, invertebrate and vertebrate zoology, sedimentation, particulate chemistry and botany. More specifically some of the research activities for which the article is to be used are:

1. The study of the surfaces and ultrastructure of recent and fossil Foraminifera, Radiolaria and sediment grain surface related to paleoecological and paleoenvironmental studies.

2. The examination in detail of the surface characteristics of a wide variety of both hard and soft animal and plant tissues. These will include pelagic larval stages of invertebrates, mollusca and crustacea, fungi (Hypomycetes), fish olfactory and sound apparatus and epiphytic bacterial colonies living on surfaces of marine algae and invertebrates. Studies are being carried out on the detailed surface ornamentation and structure of *Equisetum* for which many species have siliceous ornamentation on the stem surfaces. A general study of nematode morphology is planned including forms in soil, in fresh water, and in the marine environment.

3. The study of the taxonomy life cycles of marine phytoplankton, including coccolithophorids, diatoms, and sili-coflagellates. The article will also be used to provide information and teaching materials which are to be used in the following courses:

Ocean 694 Marine Paleocology.  
Ocean 567 Marine Bacteriology.  
Ocean 647 Recent Sedimentary Environments.  
Ocean 661 Phytoplankton Taxonomy.  
Ocean 664 Phytoplankton Ecology.  
Ocean 666 Zooplankton.  
Ocean 672 Marine Invertebrates and Environment.  
Geol 225 Animal Micropaleontology.  
Bot 116 Phycology  
Bot 111 Plant Anatomy  
Plant Path 182 Plant Nematology.

Furthermore, the article forms an integral part of the education of many graduate students especially those in biological and geological oceanography. Application received by Commissioner of Customs: May 30, 1974.

Docket Number: 74-00502-50-44630. Applicant: University of Virginia, Environmental Sciences, Brooks Hall, Charlottesville, Va. 22903. Article: Balloon-Borne Radio Altimeter. Manufacturer: Meeda Scientific Instrumentation Ltd., Israel. Intended use of Article: The article is intended to be used to measure the altitude of instruments attached to the tether of a large balloon during investigations of the air flow regime in and

around convective cumulus clouds. Application received by Commissioner of Customs: May 30, 1974.

Docket Number: 74-00503-33-46040. Applicant: New York State Veterinary College, Cornell University, Anatomy Department, MRW Building, Room 412B. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the following:

(a) Normal fine structure of animal organs, tissue, and cells—especially elements of nervous and digestive systems,

(b) Cellular mechanisms of immunoglobulin transport in the small intestine of healthy and diseased subjects,

(c) Fine structural studies of changes and pathogenesis of peripheral and central nervous system disease of comparative medical significance,

(d) Mitochondrial modifications in hepatoid glandular epithelium of the dog.

The article will also be used in the course Microscopic Anatomy—*Vet. Anat.* 502-503, the study of the cell, tissues, and organs of domestic animals, to instruct veterinary students in normal light- and electron microscopic structure, and thus prepare them for subsequent studies in pathology, microbiology, physiology, etc. Graduate students will be instructed in fine structural anatomy and comparative neuropathology. Application received by Commissioner of Customs: May 31, 1974.

Docket Number: 74-00504-33-46040. Applicant: New York State Veterinary College, Cornell University, Pathology Department, MRW Building, Room 310, Ithaca, NY. 14850. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in cancer research involving a study of the viruses that cause cancer in experimental animals, feline leukemia and sarcoma viruses, as well as the search for cancer viruses in tissues and cells from various domestic animals and man. The article will also be used for educational purposes in the following courses to provide an understanding of the basic processes of disease, especially cancer:

VM742 Ultrastructural Pathology  
VM739 Advanced Work in Pathology  
VM635 Special Problems in Pathology

Application received by Commissioner of Customs: May 31, 1974.

Docket Number: 74-00505-33-46040. Applicant: New York State Veterinary College, Cornell University, Microbiology Department, MRW Building, Room 503B, Ithaca, New York 14850. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research projects:

(1) Virology involving:

(a) Fine structure of animal viruses.

(b) Fine structure of subviral antigens ("soluble antigens").

(c) Morphological alterations in virus-infected cells under varying physiological conditions.

(d) Pathogenesis of viral diseases—ultrastructural pathogenesis of viral hepatitis, nephritis, encephalitis and other viral diseases.

(e) Viral isolation and identification using immune electron microscopy.

(2) Bacteriology involving the fine structure of cell wall and microcapsular material of bacteria,

(3) Immunology involving the fine structure of T and B cells and Ferretin tagged immunoglobulin studies.

The article will also be used to train graduate students in veterinary medicine in (a) the operation and uses of high resolution electron microscopy, (b) identification of pathogenic viruses, and (c) pathogenic process in viral diseases. Application Received by Commissioner of Customs: May 31, 1974.

Docket Number: 74-00506-99-46040. Applicant: Montefiore Hospital & Medical Center, 111 East 210th Street, Bronx, New York 10467. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching purposes in a basic science course in the Department of Ophthalmology. Ocular tissues, primarily retina, but including lens, cornea, ciliary body and all other ophthalmic structures will be studied. Individual ophthalmology residents are taught ocular pathology by examination of material in the department's files, discussions with the ocular pathologist, and reading of ophthalmological literature, much of which is based on electron microscopy. Application received by Commissioner of Customs: May 31, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director,

Special Import Programs Division.

[FR Doc. 74-15110 Filed 7-1-74; 8:45 am]

#### VETERANS ADMINISTRATION HOSPITAL

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00362-33-46040. Applicant: Veterans Administration Hospital, 2500 Overlook Terrace, Madison, Wisconsin 53705. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD,

The Netherlands. Intended use of article: The article is intended to be used by several research laboratories at the Veterans Administration Hospital. Specific projects include:

(1) Studies concerned with subcellular structures including plasma membranes of cells and the receptor sites for various materials, particularly the hormones; i.e., insulin, glucose, and the secondarily-involved cyclic AMP system.

(2) Studies of the nature of various secretory granules of hormonal tissues and their relationship to the plasma membrane where they are released as well as the origin of granules from endoplasmic reticulum and golgi.

(3) Studies of microfilaments, microtubules, and virus particules in tumors.

(4) Studies of the process of gastrointestinal absorption and the effect of various diseases, particularly diabetes mellitus, on this absorption.

(5) Studies of the internal structure of bone marrow cells and lymphocytes.

(6) Studies of tumor morphology in the prostate and bladder region with collateral studies involving tissue culture.

(7) Renal studies involving various structures seen in the glomerulus.

(8) Studies of peripheral nerve, which involves the internal structure of the individual nerve fibers.

The article will also be used to teach medical students, graduate students, physicians and scientists in the courses Pathology of Diabetes Mellitus with emphasis on on-going research and newer concepts, as evidenced by this research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (December 19, 1973). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope currently being supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 7, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being

manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director, Special  
Import Programs Division.

[FR Doc.74-15112 Filed 7-1-74; 8:45 am]

**WESTERN MICHIGAN UNIVERSITY**  
**Decision on Application for Duty-Free**  
**Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00358-82-61000.  
Applicant: Western Michigan University, Department of Paper Science & Engr. Kalamazoo, Michigan 49007. Article: Pulmac Zero Span Tester. Manufacturer: Pulmac Industries, Ltd., Canada. Intended use of article: The article is intended to be used to investigate the properties of paper and the fibers from which the paper is made. The article will also be used by graduate and undergraduate students to study structure in connection with various research problems on which the students will be working. These projects will be useful in developing paper with greater strength and durability.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for adjustment of the distance between its jaws precisely at very small distances, approaching zero distance. The National Bureau of Standards (NBS) advised in its memorandum dated June 13, 1974 that the capability described above is pertinent to the applicant's purposes. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Acting Director, Special  
Import Programs.

[FR Doc.74-15111 Filed 7-1-74; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Food and Drug Administration**

[FAP 4B3013]

**BASF WYANDOTTE CORP.**

**Filing of Petition for Food Additive**

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 4B3013) has been filed by BASF Wyandotte Corp., Wyandotte, MI 48192, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to broaden the molecular weight range and the polypropylene glycol specifications for the item "Polypropylene glycol (3-4 moles) triether with 2-ethyl-2-(hydroxymethyl-1,3-propanediol, average molecular weight 730" and also to change the identification of the item to the preferred chemical nomenclature, "α,α',α''-[Propylidynetris (methylene) tris-[omega-hydroxypoly(oxypropylene) (1.5 moles minimum)]], minimum molecular weight 400."

The environmental impact analysis report and other relevant materials have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42, or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15073 Filed 7-1-74; 8:45 am]

[FAP 4B3015]

**DIAMOND SHAMROCK CHEMICAL CO.**

**Filing of Petition for Food Additive**

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 4B3015) has been filed by Nopco Chemical Division, Diamond Shamrock Chemical Co., P.O. Box 2386R, Morristown, NJ 07960, proposing that § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 121.2519) be amended to provide for safe use of tetrahydrofurfuryl alcohol as a defoaming agent in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environ-

mental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15072 Filed 7-1-74; 8:45 am]

[FAP 4B2994]

**DOW CHEMICAL CO.**

**Filing of Petition for Food Additive**

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 4B2994) has been filed by The Dow Chemical Co., 2030 Dow Center, Midland, MI 48640, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for safe use of styrene-butadiene copolymers with 2-hydroxyethyl acrylate and acrylic acid containing not more than 15 weight percent acrylic acid and a combined total of not more than 20 weight percent as components of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15068 Filed 7-1-74; 8:45 am]

[FAP 4B2979]

**DREW CHEMICAL CORP.**

**Filing of Petition for Food Additive**

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 4B2979) has been filed by Drew Chemical Co., Subsidiary of United States Filter Corp., P.O. Box 248, Parsippany, NJ 07054, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for safe use of tributyltin chloride complex of ethylene oxide condensate of dehydroabietylamine as a component of food-packaging adhesives intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15070 Filed 7-1-74; 8:45 am]

[FAP 4B3008]

#### EMERY INDUSTRIES, INC.

##### Filing of Petition for Food Additive

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 4B3008) has been filed by Emery Industries, Inc., 3200 Carew Tower, Cincinnati, OH 45232, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of polyhydric alcohol esters produced by esterification of monobasic acids obtained from the ozonization of long chain *alpha*-olefins with either ethylene glycol or glycerol as lubricants in the fabrication of vinyl chloride plastic food-contact articles.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15067 Filed 7-1-74; 8:45 am]

[FAP 3B2823]

#### UNION CARBIDE CORP.

##### Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Union Carbide Corp., River Road, Bound Brook, NJ 08805, has withdrawn its petition (FAP 3B2823) no-

tice of which was published in the FEDERAL REGISTER of September 1, 1972 (37 FR 17861) proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for safe use of ethylene-acrylic acid copolymers and/or their partial ammonium salts as components of resinous and polymeric coatings in contact with food.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15069 Filed 7-1-74; 8:45 am]

[FAP 4B3016]

#### WITCO CHEMICAL CORP.

##### Filing of Petition for Food Additive

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 4B3016) has been filed by Witco Chemical Corp., 400 North Michigan Ave., Chicago, IL 60611, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for safe use of stannous 2-ethylhexanoate as a catalyst in the manufacture of polyurethane resins used in food-packaging adhesives.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: June 25, 1974.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.74-15071 Filed 7-1-74; 8:45 am]

#### NATIONAL ADVISORY COUNCIL OF THE EDUCATION OF DISADVANTAGED CHILDREN

##### Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on July 12, 1974 from 9:30 a.m.-4:30 p.m. and July 13, 1974 from 9 a.m.-2 p.m. The meeting will be held at 425 Thirteenth Street, NW, Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting of July 12, 1974 will entail a session on Education Programs for

Neglected, Dependent & Delinquent children with representatives from various agencies; and the meeting of July 13, 1974 will be centered around the report of the committee on special programs and approval of criteria and the scheduling and assigning of on-site visits to the individual Council members.

Because of limited space for the meeting of July 12 through 13, all persons wishing to attend should call for reservations at Area Code 202/382-6945 by July 5, 1974.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW, Suite 1012, Washington, D.C.

Signed at Washington, D.C. on June 27, 1974.

ROBERTA LOVENHEIM,  
Executive Director.

[FR Doc.74-15118 Filed 7-1-74; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Federal Disaster Assistance Administration

[FDAA-439-DR; Docket No. NFD-219]

#### MISSOURI

##### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated June 10, 1974, is hereby amended to include the following counties adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 10, 1974:

The Counties of:

Audrain	Newton
Barry	Pike
Clark	Ralls
Greene	Scotland

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 26, 1974.

WILLIAM E. CROCKETT,  
Acting Administrator, Federal  
Disaster Assistance Administration.

[FR Doc.74-15075 Filed 7-1-74; 8:45 am]

##### Assistant Secretary for Policy Development and Research

[Docket No. N-74-238]

#### COMMUNITY DEVELOPMENT CORPORATION

##### Review and Evaluation of New Communities Program

Notice is given that the Department is conducting a review and evaluation of the New Communities program to determine:

1. The effectiveness of the new community system of development as a means of achieving orderly growth and other goals stated in Title VII of the Housing Act of 1970;

2. The impact of the current New Communities program in HUD on those goals;

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 74-146]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 4, 1974 to March 20, 1974 (List No. 4-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

#### LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/120/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective March 4, 1974. (It is an extension of Approval No. 160.002/120/0 dated May 8, 1969.)

Approval No. 160.002/121/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, for Red Head Brand Corporation, 4100 Platinum Way, Dallas,

Texas 75237, effective March 4, 1974. (It is an extension of Approval No. 160.002/121/0 dated May 8, 1969.)

#### SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/11/0, Bristol marine hand red flare distress signal, 500 candlepower, 2 minutes burning time, Bristol dwg. No. 506, revised May 14, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Kilgore Corporation, Toone, Tennessee 38381, effective March 4, 1974. (It is an extension of Approval No. 160.021/11/0 dated May 26, 1969.)

#### WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED (CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/32/1, container for emergency provisions for lifeboats and life rafts, dwg. No. RF-3 dated July 15, 1964, Markings: ¼ Ration for lifeboats, ½ Ration for inflatable life rafts, manufactured by H & M Packing Corporation, 915 Ruberta Avenue, Glendale, California 91201, effective March 4, 1974. (It is an extension of Approval No. 160.026/32/1 dated June 3, 1969.)

#### SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/6/0, Bristol Marine Hand Orange Smoke Distress Signal, Bristol dwg. No. 600, revised June 2, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Kilgore Corporation, Toone, Tennessee 38381, effective March 4, 1974. (It is an extension of Approval No. 160.027/6/0 dated May 26, 1969.)

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/2/5, Model WV-3, unicellular plastic foam work vest, Canandaigua Plastic dwg. No. WV-3 dated November 29, 1967, Type V PFD, manufactured by Sparkle Star, Inc., 135 Mill Street, Canandaigua, New York 14424, formerly Canandaigua Plastics Division of Vogt Manufacturing Corporation, for Protection Equipment, Sales Division of Vogt Manufacturing Corporation, 100 Fernwood Avenue, Rochester, New York 14621, effective March 4, 1974. (It supersedes Approval No. 160.053/2/5 dated September 25, 1972 to show change of name and address of manufacturer.)

Approval No. 160.053/21/0, Model WV-2, unicellular plastic foam work vest, Vogt dwg. No. WV-2, revision 1 dated November 18, 1965, Type V PFD, manufactured by Sparkle Star, Inc., 135 Mill Street, Canandaigua, New York 14424, effective March 4, 1974. (It supersedes Approval No. 160.053/21/0, dated April 27, 1971 to show change of name and address of manufacturer.)

3. The appropriate Federal, State, local, and private roles in new community development; and

4. The changes in policies and programs required to achieve the goals and appropriate roles.

HUD is soliciting from all interested organizations and individuals any comments or information which they consider to be pertinent to this study, especially with respect to the items described above. All such comments and information must be submitted in writing on or before July 22, 1974 and addressed to the New Communities Study Group, Department of Housing and Urban Development, Room 7148, Washington, D.C. 20410. All comments and information submitted will be subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552.

Issued at Washington, D.C., June 26, 1974.

ALBERTO F. TREVINO, Jr.,  
Administrator and General  
Manager, Community Development  
Corporation.

MICHAEL H. MOSKOW,  
Assistant Secretary for Policy  
Development and Research.

[FR Doc.74-15074 Filed 7-1-74;8:45 am]

### ACTING AREA DIRECTOR

#### Designation

The listed officials are designated to serve as Acting Area Director, Washington, D.C. Area Office, in the order named, with all the powers, functions, and duties redelegated or assigned to the Area Director: *Provided*, That no official here listed is authorized to serve as Acting Area Director unless and until all the officials listed before him in this designation are unable to act by reason of absence:

1. Deputy Director, Washington, D.C. Area Office.

2. Area Counsel, Washington, D.C. Area Office.

3. Director, Operations Division, Washington, D.C. Area Office.

4. Director, Housing Management Division, Washington, D.C. Area Office.

(The authority for this designation is set forth in 36 FR 3389, February 23, 1971, sec. B.1; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

*Effective date.* This designation is effective June 30, 1974.

HARRY W. STALLER,  
Area Director,  
Washington, D.C., Area Office.

[FR Doc.74-15107 Filed 7-1-74;8:45 am]

**SAFETY RELIEF VALVES, LIQUEFIED  
COMPRESSED GAS**

Approval No. 162.018/70/0, 2600 Series pop safety relief valve, liquefied compressed gas service, full nozzle type, metal-to-metal seat, type Nos. 26DA10-120 through 26RA10-120; 26DA11-120 through 26RA11-120; 26DA12-120 through 26RA12-120; 26DA60-120 through 26RA60-120; 26DA61-120 through 26RA61-120; 26DA62-120 through 26RA62-120; 26FB10-120 through 26RB10-120; 26FB11-120 through 26RB11-120; 26FB12-120 through 26RB12-120; 26FB60-120 through 26RB60-120; 26FB61-120 through 26RB61-120; 26FB62-120 through 26RB62-120; 26DA70-120 through 26RA70-120; 26DA71-120 through 26RA71-120; 26DA72-120 through 26RA72-120; 26FB70-120 through 26RB70-120; 26FB71-120 through 26RB71-120; 26FB72-120 through 26RB72-120; 26DA80-120 through 26RA80-120; 26DA81-120 through 26RA81-120; 26DA82-120 through 26RA82-120; 26FB80-120 through 26RB80-120; 26FB81-120 through 26RB81-120; 26FB82-120 through 26RB82-120, identical to 162.018/56/2 except for plain caps, manufactured by Teledyne Farris Engineering, 400 Commercial Avenue, Palisades Park, New Jersey 07650, effective March 20, 1974. (It supersedes Approval No. 162.018/70/0 dated February 24, 1969.)

**BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS**

Approval No. 162.041/168/0, Model 980032 backfire flame arrester, "Lyfanite" finished aluminum body and elements, 2<sup>1</sup>/<sub>16</sub>" diameter base, surface finish has been changed from anodized gold to "Lyfanite", manufactured by Outboard Marine Corporation, 3145 Central Avenue, Waukegan, Illinois 60085, effective March 8, 1974. (It supersedes Approval No. 162.041/168/0 dated January 31, 1973.)

Approval No. 162.041/169/0, Model 980033 backfire flame arrester, "Lyfanite" finished aluminum body and elements, 5<sup>1</sup>/<sub>16</sub>" diameter base, surface finish has been changed from anodized gold to "Lyfanite", manufactured by Outboard Marine Corporation, 3145 Central Avenue, Waukegan, Illinois 60085, effective March 8, 1974. (It supersedes Approval No. 162.041/169/0 dated January 31, 1973.)

**INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS**

Approval No. 164.009/135/1, "Thermal Insulating Wool (TIW), Type 1", fibrous glass insulation incombustible material

identical to that described in National Bureau of Standards Test Report No. TG10210-2197:FR3734 dated September 22, 1970 and Owens-Corning letter dated May 15, 1970, approved in a density of 1.08 pounds per cubic foot and a thickness of 1-4 inches inclusive, changed name from "M-100, Type 1", manufactured by Owens-Corning Fiberglass Corporation, Toledo, Ohio 43659, effective March 6, 1974. (It supersedes Approval No. 164.009/135/0 dated December 3, 1970.)

Approval No. 164.009/136/1, "Thermal Insulating Wool (TIW), Type 2", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2197:FR3734 dated September 22, 1970 and Owens-Corning letter dated September 17, 1971 approved in a density of .1 pound per cubic foot to 2.4 pounds per cubic foot and thickness from 1-3 inches inclusive, changed name from "M-1000, Type 2", manufactured by Owens-Corning Fiberglass Corporation, Toledo, Ohio 43659, effective March 6, 1974. (It supersedes Approval No. 164.009/136/0 dated October 26, 1971.)

Approval No. 164.009/165/1, "Flexible Hull Insulation", foil faced and unfaced fibrous glass type incombustible material, identical to that described in National Bureau of Standards Test Report No. FR 3850 dated July 17, 1973, approved for 1" through 2" thickness in a nominal density of 0.75 pounds per cubic foot, 1" 1.15 #/cu. ft.<sup>3</sup> nominal density, 1<sup>1</sup>/<sub>2</sub>" .75 #/cu. ft.<sup>3</sup> nominal density, 2" .75 #/cu. ft.<sup>3</sup> nominal density, change in description, manufactured by Owens-Corning Fiberglass Corporation, Toledo, Ohio 43659, effective March 6, 1974. (It supersedes Approval No. 164.009/165/0 dated September 17, 1973.)

Approval No. 164.009/177/0, Porter Style RWL/AG woven combination Grade AA asbestos and fibrous glass (2.5% lubricant or less) cloth type incombustible material identical to that described in H. K. Porter letter dated March 13, 1974, approved in weights 1.5 through 2.5 pounds per square yard, manufactured by H. K. Porter Company, Inc., Thermoid Division, Porter Building, Pittsburgh, Pennsylvania 15219, effective March 15, 1974.

**INTERIOR FINISHES FOR MERCHANT VESSELS**

Approval No. 164.012/10/0, Foster Vinyl Vapor Barrier 30-42, vinyl based coating, identical to that described in Amchem Products, Inc. letter of February 20, 1974 and Underwriters' Laboratories, Inc. report R3593 assignment 66K292 and 66K529 dated September 26, 1966, manufactured by Foster Division, Amchem Products, Inc., Ambler, Pennsylvania 19002, effective March 14, 1974.

Approval No. 164.012/11/0, Foster SEALFAS Coating 30-36, general purpose coating, identical to that described in Underwriters' Laboratories, Inc. report R3593/68NK3054 dated November 29, 1968, manufactured by Foster Division, Amchem Products, Inc., Ambler, Pennsylvania 19002, effective March 14, 1974.

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of Mer-  
chant Marine Safety.

[FR Doc.74-15095 Filed 7-1-74; 8:45 am]

[CGD 74-149]

**EQUIPMENT, CONSTRUCTION, AND MATERIALS**

**Termination of Approval Notice**

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 29, 1972 to April 22, 1974 (List No. 6-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and servicable condition.

**SAFETY VALVES (POWER BOILERS)**

The Farris Engineering Corporation, Palisades Park, New Jersey 07650, Approval No. 162.001/71/1 expired and was terminated effective January 29, 1973.

## SAFETY VALVES (STEAM HEATING BOILERS)

The J. E. Lonergan Company, P.O. Box 6167, Philadelphia, Pennsylvania 19115, no longer manufactures certain safety valves and Approval No. 162.012/24/0 was therefore terminated April 16, 1974.

## PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

The GPE Controls, Inc., 6511 Oakton Street, Morton Grove, Illinois 60053, Approval Nos. 162.017/23/3 and 162.017/78/0 expired and were terminated effective April 22, 1974.

The Mechanical Marine Company, Inc., 45-15 Thirty-seventh Street, Long Island City, New York 11105, Approval Nos. 162.017/79/0, 162.017/80/0 and 162.017/83/0 expired and were terminated effective April 9, 1974.

## CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

The Norris Industries, Fire & Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, Approval No. 162.038/2/0 expired and was terminated December 29, 1972.

## DECK COVERINGS FOR MERCHANT VESSELS

The Marbleloid, Inc., 2040 88th Street, North Bergen, New Jersey 07304, Approval No. 164.006/38/0 expired and was terminated effective March 13, 1974.

## STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

The Sprayon Research Corporation, 1101 NE 110th Street, Miami, Florida 33161, no longer manufactures certain structural insulations and Approval No. 164.007/37/0 was therefore terminated effective April 17, 1974.

## INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Pittsburgh Corning Corporation, One Gateway Center, Pittsburgh, Pennsylvania 15222, Approval No. 164.009/79/0 expired and was terminated effective March 13, 1974.

The Owens-Corning Fiberglas Corporation, Toledo, Ohio 43601, no longer manufactures certain incombustible materials and Approval Nos. 164.009/87/0 and 164.009/89/0 were therefore terminated effective March 6, 1974.

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Marine Safety.

[FR Doc.74-15094 Filed 7-1-74;8:45 am]

[CGD 74-150]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

## Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational ves-

sels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 3, 1974 through April 11, 1974 (List No. 5-74). These actions were taken in accordance with the procedures as set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

## LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/96/0, Type CW-75-M lifeboat winch; approval limited to mechanical components only, and for a maximum working load of 7,500 lbs. pull at the drums (3,750 lbs. per fall); identified by general arrangement drawing WA-9230 dated August 21, 1967, and drawing list dated May 28, 1969, approval is limited for use with Type CG-150-P gravity davit (Approval 160.032/182/0), manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective April 3, 1974. (It is an extension of Approval No. 160.015/96/0 dated June 20, 1969.)

## DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/181/2, mechanical davit, steel straight boom-sheath screw, Type 22-31, MK III; approved for a maximum working load of 9,300 pounds per set (4,650 pounds per arm); identified by general arrangement dwg. DB-111R, revision B dated December 6, 1973, and drawing list dated December 12, 1973, manufactured by Marine Safety Equipment Corporation, Farmingdale, New Jersey 07727, effective April 4, 1974. (It supersedes Approval No. 160.032/181/1 dated December 4, 1973 to show change of design.)

Approval No. 160.032/182/0, gravity davit, Type CG-150-P; approved for a maximum working load of 15,000 lbs. per set (7,500 lbs. per arm) using 2-part falls; identified by general arrangement drawing DA-9234 dated July 23, 1968, and drawing list dated May 28, 1969, approval is limited for use with Type CW-75-M lifeboat winch (Approval 160.015/

96/0), manufactured by Carroll Engineering Company, 313 State Street, Box 711, Perth Amboy, New Jersey 08862, effective April 3, 1974. (It is an extension of Approval No. 160.032/182/0 dated June 20, 1969.)

## MECHANICAL DISENGAGING APPARATUS, LIFEBOAT FOR MERCHANT VESSELS

Approval No. 160.033/61/1, Rottmar type releasing gear, approved for maximum working load of 9,466 pounds per hook, identified by disengaging apparatus dwg. No. 500-111, Rev. D dated February 8, 1974 and drawing list MDA-500-111, Rev. B dated February 14, 1974, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective April 9, 1974. (It supersedes Approval No. 160.033/61/0 dated December 19, 1973 to show change in construction.)

## SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/16/0, 18-inch, Model No. 501 or 601, vinyl coated unicellular plastic foam "ring life buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 15, Type IV PFD, manufactured by Crawford Manufacturing Company, 3rd & Decatur Streets, Richmond, Virginia 23212, effective April 10, 1974. (It reinstates and supersedes Approval No. 160.064/16/0 terminated August 4, 1972.)

Approval No. 160.064/118/1, adult small, Model Helmsman I, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, effective April 10, 1974. (It supersedes Approval No. 160.064/118/0 dated May 30, 1972 to show major revision in construction.)

Approval No. 160.064/119/1, adult medium, Model Helmsman I, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, effective April 10, 1974. (It supersedes Approval No. 160.064/119/0 dated May 30, 1972 to show major revision in construction.)

Approval No. 160.064/120/1, adult large, Model Helmsman I, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, effective April 10, 1974. (It supersedes Approval No. 160.064/120/0 dated May 30, 1972 to show major revision in construction.)

Approval No. 160.064/189/1, adult X-small, Model Helmsman I, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with

U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, effective April 10, 1974. (It supersedes Approval No. 160.064/189/0 dated May 30, 1972 to show major revision in construction.)

Approval No. 160.064/275/1, adult small, Model Helmsman II, cloth covered unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 714 West Monroe Street, Chicago, Illinois 60606, effective April 10, 1974. (It supersedes Approval No. 160.064/275/0 dated August 1, 1972 to show major revision in construction.)

Approval No. 160.064/276/1, adult medium, Model Helmsman II, cloth covered unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 714 West Monroe Street, Chicago, Illinois 60606, effective April 10, 1974. (It supersedes Approval No. 160.064/276/0 dated August 1, 1972 to show major revision in construction.)

Approval No. 160.064/277/1, adult large, Model Helmsman II, cloth covered unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 714 West Monroe Street, Chicago, Illinois 60606, effective April 10, 1974. (It supersedes Approval No. 160.064/277/0 dated August 1, 1972 to show major revision in construction.)

Approval No. 160.064/404/1, child medium, Model Helmsman I, cloth covered unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, effective April 10, 1974. (It supersedes Approval No. 160.064/404/0 dated November 6, 1972 to show major revision in construction.)

Approval No. 160.064/405/1, adult X-large, Model Helmsman I, cloth covered unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, effective April 10, 1974. (It supersedes Approval No. 160.064/405/0 dated November 6, 1972 to show major revision in construction.)

Approval No. 160.064/539/0, adult small, Model No. 1100 or 404, cloth covered unicellular plastic foam, "Yachting Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by Gaylord

Horr, Inc., 1109 South Fremont, Alhambra, California 91803, effective April 10, 1974.

Approval No. 160.064/573/0, adult small, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/574/0, adult medium, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/575/0, adult large, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/576/0, child medium, Model Sailguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/577/0, adult, Model Sailguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/578/0, adult X-large, Model Guardian or Sportguard, cloth covered unicellular plastic foam "Utility Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/579/0, adult small, Model Twinguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/580/0, adult medium, Model Twinguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/581/0, adult large, Model Twinguard, cloth covered

unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 10, 1974.

Approval No. 160.064/582/0, adult large, Model No. CGJ-800, vinyl dipped unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type II PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective April 10, 1974.

Approval No. 160.064/583/0, adult medium, Model CGJ-800, vinyl dipped unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type II PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective April 10, 1974.

Approval No. 160.064/584/0, child large, Model No. CGJ-800, vinyl dipped unicellular plastic foam, "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type II PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective April 10, 1974.

Approval No. 160.064/585/0, child small, Model No. HP-J, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls Texas 76307, effective April 10, 1974.

Approval No. 160.064/586/0, adult, Model HP-XS, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective April 10, 1974.

Approval No. 160.064/587/0, adult, Model JVA, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective April 10, 1974.

Approval No. 160.064/588/0, adult, Model No. BZ-SM, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective April 10, 1974.

Approval No. 160.064/589/0, adult, Model No. BZ-ML, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective April 10, 1974.

Approval No. 160.064/590/0, adult, Model No. BZ-LXL, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307, effective April 10, 1974.

Approval No. 160.064/609/0, child small, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/610/0, child medium, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/611/0, adult small, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/612/0, adult medium, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/613/0, adult large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/614/0, adult X-large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy

Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/615/0, adult XX-large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 28, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/616/0, child small, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/617/0, child medium, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/618/0, adult small, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/619/0, adult medium, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/620/0, adult large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/621/0, adult X-large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Corporation, 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/622/0, adult XX-large, Model No. BV-1, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 27, Type III PFD, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, effective April 11, 1974.

Approval No. 160.064/640/0, adult XX-large, Model No. 1100 or 404, cloth covered unicellular plastic foam, "Yachting Jacket," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by Gaylord Horr, Inc., 1109 South Fremont, Alhambra, California 91803, effective April 10, 1974.

#### HALON 1301 FIXED FIRE EXTINGUISHING SYSTEM

Approval No. 162.029/3/0, FiQuench Model 10-BC1301-M, pre-engineered Halon 1301 extinguishing system unit, stored pressure type, identical to that described in Underwriters' Laboratories, Inc. report file EX2828, Project 73NK 1169 dated July 30, 1973, approved for use on recreational boats and certain other uninspected vessels, manufactured by Fike Metal Products Corporation, 704 S. 10th Street, Blue Springs, Missouri 64015, effective April 11, 1974.

Approval No. 162.029/4/0, FiQuench Model 20-BC1301-M, pre-engineered Halon 1301 extinguishing system unit, stored pressure type, identical to that described in Underwriters' Laboratories, Inc. report file EX2828, Project 73NK 5723 dated November 15, 1973, approved for use on recreational boats and certain other uninspected vessels, manufactured by Fike Metal Products Corporation, 704 S. 10th Street, Blue Springs, Missouri 64015, effective April 11, 1974.

#### INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/10/1, Foster INSULFAS Vapor Barrier Coating 57-70, vinyl based coating, identical to that described in Amchem Products, Inc. letter of February 20, 1974 and March 29, 1974 and Underwriters' Laboratories, Inc. report R3593 assignment 66K292 and 66K529 dated September 26, 1966, manufactured by Foster Division, Amchem Products, Inc., Ambler, Pennsylvania 19002, effective April 4, 1974. (It supercedes Approval No. 164.012/10/0 dated March 14, 1974 to show change in designation.)

Approval No. 164.012/11/1, Foster INSULFAS Coating 31-31, general purpose coating, identical to that described in Amchem Products, Inc. letter of March 29, 1974 and Underwriters' Laboratories, Inc. report R3593/68NK3054 dated November 29, 1968, manufactured by Foster Division, Amchem Products,

Inc., Ambler, Pennsylvania 19002, effective April 4, 1974. (It supersedes Approval No. 164.012/11/0 dated March 14, 1974 to show change in designation.)

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

[FR Doc. 74-15097 Filed 7-1-74; 8:45 am]

[CGD 74-151]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 16, 1974 to April 25, 1974 (List No. 7-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

### KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/3/0, First-Aid Kit, Model No. 600 M, identified by dwg. No. 100A dated February 25, 1952 and dwg. No. 83 dated March 26, 1974, manufactured and packed by Marion Health and Safety, Inc., for Marion Health and Safety, Inc., UNI/FLEX First Aid Division, 1515 Elmwood Road, Rockford, Illinois 61101, formerly Medical Supply Company, effective April 22, 1974. (It supersedes Approval No. 160.041/3/0 dated March 1, 1972 to show change in name and address of company.)

Approval No. 160.041/8/0, First-Aid Kit, Model No. 600 M, identified by dwg. No. 100A dated February 25, 1952 and dwg. No. 553 dated March 26, 1974, manu-

factured and packed by Marion Health and Safety, Inc., 1515 Elmwood Road, Rockford, Illinois 61101, for Marion Laboratories, Inc., Pharmaceutical Division, Kansas City, Missouri 64137, effective April 22, 1974.

### BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/641/0, adult, Model AK-1, kapok buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 195, Type II PFD, manufactured by Sherbrooke Sporting Goods, Inc., North Street, E. Douglas, Massachusetts 01516, effective April 25, 1974.

Approval No. 160.047/642/0, child medium, Model CKM-1, kapok buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 195, Type II PFD, manufactured by Sherbrooke Sporting Goods, Inc., North Street, E. Douglas, Massachusetts 01516, effective April 25, 1974.

Approval No. 160.047/643/0, child small, Model CKS-1, kapok buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 195, manufactured by Sherbrooke Sporting Goods, Inc., North Street, E. Douglas, Massachusetts 01516, effective April 25, 1974.

### BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/1/2, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, dwg. Nos. 12874, Rev. 2 dated July 15, 1959, and 12988, Rev. 3 dated January 13, 1960, Type IV PFD, manufactured by Sponge Rubber Products, Division of Grand Sheet Metal Prod. Company, 37 Canal Street, Shelton, Connecticut 06484, formerly B. F. Goodrich Sponge Products, Division of the B. F. Goodrich Company, effective April 25, 1974. (It supersedes Approval No. 160.050/1/2 dated May 6, 1970 to show change of name and address of manufacturer.)

Approval No. 160.050/2/2, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, dwg. Nos. 12874, Rev. 2 dated July 15, 1959, and 12988, Rev. 3 dated January 13, 1960, Type IV PFD, manufactured by Sponge Rubber Products, Division of Grand Sheet Metal Prod. Company, 37 Canal Street, Shelton, Connecticut 06484, formerly B. F. Goodrich Sponge Products, Division of the B. F. Goodrich Company, effective April 25, 1974. (It supersedes Approval No. 160.050/2/2 dated May 6, 1970 to show change of name and address of manufacturer.)

Approval No. 160.050/3/2, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, dwg. Nos. 12874, Rev. 2 dated July 15, 1959, and 12988, Rev. 3 dated January 13, 1960, Type IV PFD, manufactured by Sponge Rubber Products, Division of Grand Sheet Metal Prod. Company, 37 Canal Street, Shelton, Connecticut 06484, for-

merly B. F. Goodrich Sponge Products, Division of the B. F. Goodrich Company, effective April 25, 1974. (It supersedes Approval No. 160.050/3/2 dated May 6, 1970 to show change of name and address of manufacturer.)

### BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/190/1, adult Model 4155, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 129, Type II PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective April 17, 1974. (It supersedes Approval No. 160.052/190/1 dated November 15, 1972.)

Approval No. 160.052/191/1, child medium, Model 4160, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 129, Type II PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective April 17, 1974. (It supersedes Approval No. 160.052/191/1 dated November 15, 1972.)

Approval No. 160.052/192/1, child small, Model 4165, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 129, Type II PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective April 17, 1974. (It supersedes Approval No. 160.052/192/1 dated November 15, 1972.)

### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/121/1, adult small, Model No. 63215 SML, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/121/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/122/1, adult medium, Model No. 63215 Med, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specifications Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/122/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/123/1, adult large, Model No. 63215 LGE, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart

160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/123/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/190/1, adult X-small, Model No. 63215 XSML, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. MQ 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/190/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/226/0, adult, Model No. 211-VF-17.5, cloth covered unicellular plastic foam "Work Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type II PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 19407, effective April 17, 1974. (It supersedes Approval No. 160.064/226/0 dated May 23, 1972.)

Approval No. 160.064/234/0, child medium, Model CDV-4 or 8208, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/234/0 dated March 22, 1972.)

Approval No. 160.064/235/0, adult, Model CDV-5 or 8209, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/235/0 dated March 22, 1972.)

Approval No. 160.064/236/0, adult Model CDV-6 or 8210, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/236/0 dated March 22, 1972.)

Approval No. 160.064/237/0, adult, Model CDV-7 or 8211, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/237/0 dated March 22, 1972.)

Approval No. 160.064/238/0, adult, Model CDV-8 or 8212, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/238/0 dated March 22, 1972.)

Approval No. 160.064/239/0, adult ladies, Model CLV-5 or 8213, vinyl dipped PVC foam, water ski vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/239/0 dated March 22, 1972.)

Approval No. 160.064/278/1, adult small, Model No. 63226 Small, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/278/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/279/1, adult medium, Model No. 63226 MED, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/279/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/280/1, adult large, Model No. 63226 LGE, cloth covered unicellular plastic foam "Yachtsman's Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL report file No. 48, Type III PFD, manufactured by Ero Industries, Inc., 308 S. William Street, Hazlehurst, Georgia 31539, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/280/0 dated May 31, 1972 to show major revision.)

Approval No. 160.064/394/0, adult S/M, Model No. 100D or 8219, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/394/0 dated June 19, 1973.)

Approval No. 160.064/396/0, adult L/XL, Model No. 100F or 8220, cloth

covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/396/0 dated June 19, 1973.)

Approval No. 160.064/397/0, adult S/M, Model No. 200H or 8221, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/397/0 dated December 7, 1972.)

Approval No. 160.064/398/0, adult L/XL, Model No. 200J or 8222, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/398/0 dated December 7, 1972.)

Approval No. 160.064/406/1, child medium, Cat. No. 63215, cloth covered unicellular plastic foam "Yachtsman's Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/406/0 dated February 27, 1973 to show major revision.)

Approval No. 160.064/407/1, adult X-large, Cat. No. 63215, cloth covered unicellular plastic foam "Yachtsman's Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, for Sears, Roebuck and Company, 925 S. Homan Avenue, Chicago, Illinois 60607, effective April 19, 1974. (It supersedes Approval No. 160.064/407/0 dated February 27, 1973 to show major revision.)

Approval No. 160.064/451/0, child X-small, Model No. CGSV-P or 8214, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/451/0 dated February 9, 1973.)

Approval No. 160.064/452/0, child X-small, Model No. CGSV-J or 8215, vinyl dipped unicellular plastic foam "Life Jacket and Swim Vest", manufactured

in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 16, 1974. (It supersedes Approval No. 160.064/452/0 dated February 9, 1973.)

Approval No. 160.064/523/0, adult large, Model No. A, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 186, Type III PFD, manufactured by Stebcos Industries, Inc., 1020 W. 40th Street, Chicago, Illinois 60609, effective April 23, 1974.

Approval No. 160.064/524/0, adult medium, Model No. B, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 186, Type III PFD, manufactured by Stebcos Industries, Inc., 1020 W. 40th Street, Chicago, Illinois 60609, effective April 23, 1974.

Approval No. 160.064/525/0, adult small, Model No. C, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 186, Type III PFD, manufactured by Stebcos Industries, Inc., 1020 W. 40th Street, Chicago, Illinois 60609, effective April 23, 1974.

Approval No. 160.064/537/0, child medium, Model No. 5030 (small), cloth covered unicellular plastic foam, "Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 26, Type III PFD, manufactured by Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective April 23, 1974.

Approval No. 160.064/538/0, child medium, Model No. 5030 (large), cloth covered unicellular plastic foam "Sailing Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 26, Type III PFD, manufactured by Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective April 23, 1974.

Approval No. 160.064/550/0, adult super, Model No. FJ55, cloth covered unicellular plastic foam, "Camouflage Hunter Coat", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report No. MQ 29, Type III PFD, manufactured by Stearns Manufacturing Company, Division Street at Thirtieth St. Cloud, Minnesota 56301, effective April 23, 1974.

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant Marine Safety.

[FR Doc. 74-15096 Filed 7-1-74; 8:45 am]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 3, 1974 to May 8, 1974 (List No. 10-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

### LIFEBOATS

Approval No. 160.035/91/4, 18.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 13-person capacity, identified by general arrangement dwg. No. 49R 1815 Rev. A dated January 17, 1974, \*Approved for 18-person capacity for replacement lifeboats, 46 CFR 160.035(c), Marking. Weights: Condition "A"=1,550 pounds; Condition "B"=4,292 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective May 3, 1974. (It reinstates and supersedes Approval No. 160.035/91/3 terminated August 8, 1973.)

### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/552/0, child medium, Model No. 7201, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/553/0, adult, Model No. 7202, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/554/0, adult, Model No. 7203, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/555/0, adult, Model No. 7204, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/556/0, adult Model No. 7205, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/557/0, adult ladies, Model No. 7206, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/558/0, child small, Model No. 7207, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/559/0, child small, Model No. 7208, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121

for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/560/0, adult S/M, Model No. 7219, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/561/0, adult L/XL, Model No. 7220, cloth covered unicellular plastic foam "Sailor's Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/562/0, adult S/M, Model No. 7221, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/563/0, adult L/XL, Model No. 7222, cloth covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 UL/MD report file No. MQ 189, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

Approval No. 160.064/564/0, 18-inch, Model No. CG-18, vinyl dipped unicellular plastic foam "Ring Buoy", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 189, Type IV PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for Medalist Industries, Inc., San Diego, California 92121, effective May 3, 1974.

**LIGHTS (WATER); ELECTRIC FLOATING (WITH BRACKET FOR MOUNTING) FOR MERCHANT VESSELS**

Approval No. 161.010/2/1, Neo-Flasher Model CG 161.010/2/1 floating electric water light (with mounting bracket); light assembly drawing number CG 161.010/1/1 Revision C dated March 11, 1974, manufactured by Neo-Flasher Electronics, Inc., 11975 Sherman Road, North Hollywood, California 91605, effective May 8, 1974. (It supersedes Approval No. 161.010/2/0 dated September 1, 1971.)

**BULKHEAD PANELS FOR MERCHANT VESSELS**

Approval No. 164.008/12/2, Marinite-36, incombustible binder board type bulk-

head panel identical to that described in National Bureau of Standards Test Report No. TG3619-23; FR1274 dated March 21, 1939; approved as meeting Class B-15 requirements in a 3/4-inch thickness, formerly J-M Marinite, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective May 7, 1974. (It supersedes Approval No. 164.008/12/1 dated August 2, 1972 to show wording change.)

Approval No. 164.008/13/2, Marinite-30, incombustible binder board type bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946; approved as meeting Class B-15 requirements in a 3/4-inch thickness, formerly J-M Light Weight Marinite, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective May 7, 1974. (It supersedes Approval No. 164.008/13/1 dated August 2, 1972 to show wording change.)

Approval No. 164.008/14/2, Marinite-65, incombustible binder board type bulkhead panel identical to that described in Johns-Manville letter of March 6, 1947; approved as meeting Class B-15 requirements in a 3/4-inch thickness, formerly J-M Marine Sheathing, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective May 7, 1974. (It supersedes Approval No. 164.008/14/1 dated August 2, 1972 to show wording change.)

Approval No. 164.008/15/1, Marine Veneer, an inorganic heavy density panel identical to that described in Johns-Manville letter of March 3, 1947, approved as meeting Class B-15 requirements on an inch for inch basis with 1/2" minimum Marinite 23 or 36 core, formerly J-M Marine Veneer, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective May 7, 1974. (It supersedes Approval No. 164.008/15/1 dated August 2, 1972.)

Approval No. 164.008/54/1, Marinite ABK, Hollow, ribbed, incombustible binder board type bulkhead panel identical to that described in the National Bureau of Standards Test Report No. TG10210-2182; FR 3719 dated August 21, 1969 approved as meeting Class B-15 requirements in a 2" thickness, the board may be only installed in the approved 2" thickness, for use as a portion of the insulation of an "A" class division as described in NVIC 10-63, the approved board may be considered as having insulation value equivalent to 1 1/2" P, approved drawings 1-3, 4-4, 5-4, and 6-4 dated April 24, 1970 form a part of this certificate, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, plants located at Manville, New Jersey and Billerica, Massachusetts, effective May 7, 1974. (It supersedes Approval No. 164.008/54/0 dated August 2, 1972 to show change in wording of description.)

**INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS**

Approval No. 164.009/16/1, "No. 100 Ultralite MC Insulation," glass wool in-

sulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1519; FR 2622 dated May 19, 1948, approved in a one-pound per cubic foot density, product manufactured by Gustin Bacon Division, Certain-Teed Products Corporation at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Certain-Teed/Saint Gobain Insulation Corporation, 100 Presidential Boulevard, Bala-Cynwyd, Pennsylvania 19004, effective May 7, 1974. (It is an extension of Approval No. 164.009/16/1 dated July 18, 1969.)

Approval No. 164.009/23/0, "No. 75 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG 10210-1656; FP 2855 (Test No. 122822) dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, product manufactured by Gustin Bacon Division, Certain-Teed Products Corporation at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Certain-Teed/Saint Gobain Insulation Corporation, 100 Presidential Boulevard, Bala-Cynwyd, Pennsylvania 19004, effective May 7, 1974. (It is an extension of Approval No. 164.009/23/0 dated July 18, 1969.)

Approval No. 164.009/24/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656; FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, product manufactured by Gustin Bacon Division, Certain-Teed Products Corporation at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Certain-Teed/Saint Gobain Insulation Corporation, 100 Presidential Boulevard, Bala-Cynwyd, Pennsylvania 19004, effective May 7, 1974. (It is an extension of Approval No. 164.009/24/0 dated July 18, 1969.)

Approval No. 164.009/126/0, "Reef Hullboard" fibrous glass cloth faced thermal insulation board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2185; FR 3722 dated October 21, 1969 and Reef Industries, Inc. letter dated June 6, 1969, approved in a density of 4.48 pounds per cubic foot, manufactured by New Orleans Division of Shook & Fletcher Insulation Company, 4735 River Road, P.O. Box 10564, Jefferson, Louisiana 70181, formerly Reef Industries, Inc., effective May 7, 1974. (It supersedes Approval No. 164.009/126/0 dated October 28, 1969 to show change of name of manufacturer.)

Approval No. 164.009/127/0, "No. 75 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656; FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, manufactured at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Gustin-Bacon Division, Certain-Teed Products

Corporation, P.O. Box 15079, Kansas City, Kansas 66115, effective May 7, 1974. (It is an extension of Approval No. 164-009/127/0 dated July 18, 1969.)

Approval No. 164.009/128/0, "No. 100 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG3610-1519:FP2622 dated May 19, 1948, approved in a one-pound per cubic foot density, manufactured at Plant #5, 300 Fairfax Road, Kansas City, Kansas for Gustin-Bacon Division, Certain-Teed Products Corporation, P.O. Box 15079, Kansas City, Kansas 66115, effective May 7, 1974. (It is an extension of Approval No. 164.009/128/0 dated July 18, 1969.)

Approval No. 164.009/129/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-1656:FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, manufactured at Plant #5, 3000 Fairfax Road, Kansas City, Kansas for Gustin Bacon Division, Certain-Teed Products Corporation, P.O. Box 15079, Kansas City, Kansas 66115, effective May 7, 1974. (It is an extension of Approval No. 164.009/129/0 dated July 18, 1969.)

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

[FR Doc. 74-15093 Filed 7-1-74; 8:45 am]

[CGD 74-161]

## EQUIPMENT, CONSTRUCTION, AND MATERIALS

### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 10, 1974 to May 1, 1974 (List No. 9-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The speci-

fications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

### LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/102/2, Models LS-111D and LS-111E survival capsule launching winch; approval limited to mechanical components only, and for a maximum working load of 11,000 pounds on a single fall; identified by assembly drawing 56834 revision G dated June 7, 1973, and drawing list revision A dated April 8, 1974, approved for use on non-self-propelled drilling rigs, artificial islands, and fixed structures for the Whittaker Survival Capsule, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective April 30, 1974. (It supersedes Approval No. 160.015/102/2 dated October 31, 1973 to show minor revisions.)

### WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/37/0, container for emergency provisions for lifeboats and life rafts, dwg. No. 1367 dated June 22, 1964, and revised June 30, 1964, Marking:  $\frac{1}{4}$  Ration for lifeboats,  $\frac{1}{2}$  Ration for inflatable life rafts, manufactured by Globe Equipment Corporation, 257 Water Street, Brooklyn, New York 11201, effective April 26, 1974. (It is an extension of Approval No. 160.026/37/0 dated June 3, 1969.)

### DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/192/1, Type 20-1100-01 small survival capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 6,000 pounds on a single fall; identified by general arrangement drawing 20-1100-01 dated November 21, 1973 and drawing list dated April 15, 1974, system does not comprise an installation suitable or acceptable for use in a hazardous location as defined by 46 CFR 111.8-5, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective April 30, 1974. (It supersedes Approval No. 160.032/192/0 dated September 26, 1973 to show change of designation and design revisions.)

### LIFEBOATS

Approval No. 160.035/474/0, 11.2' diameter x 3.33' depth, fibrous glass reinforced plastic (FRP) motor-propelled, totally enclosed Model 1000 survival capsule, 14-person capacity, as an alternate for lifeboat, inflatable life raft or life float, identified by general arrangement dwg. No. 1000-101, Rev. C dated February 11, 1974 and drawing list No. Model 1000, Rev. A dated April 17, 1974, approved for Subchapter N, artificial islands and fixed structures on the outer

Continental Shelf, for use in the Gulf of Mexico only, manufactured by Whittaker Corporation, Survival Systems Division, 5159 Baltimore Drive, La Mesa, California 92041, effective April 24, 1974.

### BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/74/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by Sponge Rubber Products, Div. of Grand Sheet Metal Prod. Company, Shelton, Connecticut as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1961, materials as per Tuffy Products Bill of Materials dated March 21, 1970, manufactured by Tuffy Products, Inc., 540 W. Third Street, Bloomsburg, Pennsylvania 17815, effective May 1, 1974. (It supersedes Approval No. 160.050/74/0 dated April 17, 1970.)

Approval No. 160.050/75/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by Sponge Rubber Products, Div. of Grand Sheet Metal Prod. Company, Shelton, Connecticut as per B. F. Goodrich Sponge Products Division dwg. 12988, revision 3 dated January 13, 1960, materials as per Tuffy Products Bill of Materials dated March 21, 1970, manufactured by Tuffy Products, Inc., 540 W. Third Street, Bloomsburg, Pennsylvania 17815, effective May 1, 1974. (It supersedes Approval No. 160.050/75/0 dated April 17, 1970.)

Approval No. 160.050/76/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050, Type IV PFD, buoy bodies made by Sponge Rubber Products, Div. of Grand Sheet Metal Prod. Company, Shelton, Connecticut as per B. F. Goodrich Sronge Products Division dwg. 12988, revision 3 dated January 13, 1960, materials as per Tuffy Products Bill of Materials dated March 21, 1970, manufactured by Tuffy Products, Inc., 540 W. Third Street, Bloomsburg, Pennsylvania 17815, effective May 1, 1974. (It supersedes Approval No. 160.050/76/0 dated April 17, 1970.)

### INFLATABLE LIFE RAFTS

Approval No. 160.051/33/0, davit-launched inflatable life raft, 25-person capacity, Type MCMK3; identified by general arrangement drawing RFD-US-1120 dated April 12, 1974 and Specification RFD-US-500, revision 2 dated April 1974, single-point suspension raft, packed in a fabric valise, manufactured by R.F.D., Inc., Richwood, West Virginia 26685, effective April 10, 1974.

### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/540/0, child small, Model No. VX75CGP, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for

AMF Voit, Inc., Santa Ana, California 92702, effective May 1, 1974.

Approval No. 160.064/541/0, child small, Model No. VX75 CG J, vinyl dipped unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for AMF Voit, Inc., Santa Ana, California 92702, effective May 1, 1974.

Approval No. 160.064/565/0, child small, Model No. 200 PW, cloth covered unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/566/0, child medium, Model No. 200 J, cloth covered unicellular plastic foam "Swim Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/567/0, child medium, Model No. 200XS, cloth covered unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/568/0, child large, Model No. 200 S, cloth covered unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/569/0, adult small, Model No. 200 M, cloth covered unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/570/0, adult medium, Model No. 200 L, cloth covered unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective April 30, 1974.

Approval No. 160.064/571/0, adult large, Model No. 200 XL, cloth covered unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/572/0, adult X-large, Model No. 200 XXL, cloth covered unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 164, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, P.O. Drawer 539, Wichita Falls, Texas 76307 for O'Brien Manufacturing Corporation, 14615 NE 91st Street, Redmond, Washington 98052, effective May 1, 1974.

Approval No. 160.064/669/0, child small, Model No. S9756, vinyl dipped unicellular plastic foam "Ski, Swim & Jump Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 106, Type III PFD, manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Georgia 30650, effective April 30, 1974.

Approval No. 160.064/670/0, adult small, Model No. S9791, cloth covered unicellular plastic foam "Watersports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 106, Type III PFD, manufactured by Wellington Puritan Mills, Inc., Monticello Highway, Madison, Georgia 30650, effective April 30, 1974.

#### TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/69/0, sound-powered telephone station, console mounted, selective ringing, common talking, 8, 17 and 23 stations maximum, Type 1R and 2RL, dwg. 70-541-7 dated April 23, 1971, manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective April 30, 1974. (It supersedes Approval No. 161.005/69/0 dated June 16, 1971 to show correction in drawing number.)

#### SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/205/1, style HNB-MS-25 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F.,

approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/205/1 dated June 10, 1969.)

Approval No. 162.001/206/1, style HNB-MS-35-6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/206/1 dated June 10, 1969.)

Approval No. 162.001/207/1, style HNB-MS-35 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/207/1 dated June 10, 1969.)

Approval No. 162.001/208/1, style HNB-MS-26 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 750° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/208/1 dated June 10, 1969.)

Approval No. 162.001/209/1, style HNB-MS-36-6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/209/1 dated June 10, 1969.)

Approval No. 162.001/210/1, style HNB-MS-36 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/210/1 dated June 10, 1969.)

Approval No. 162.001/211/1, style HNB-MS-27 drum pilot actuated safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/211/1 dated June 10, 1969.)

Approval No. 162.001/212/1, style HNB-MS-37-6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2",

2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/212/1 dated June 10, 1969.)

Approval No. 162.001/213/1, style HNB-MS-37 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/213/1 dated June 10, 1969.)

Approval No. 162.001/214/1, style HNB-MS-28 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1000° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/214/1 dated June 10, 1969.)

Approval No. 162.001/215/1, style HNB-MS-38-6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1000° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/215/1 dated June 10, 1969.)

Approval No. 162.001/216/1, style HNB-MS-38 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1000° F., approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Company, 43 Kendrick Street, Wrentham, Massachusetts 02093, effective April 26, 1974. (It supersedes Approval No. 162.001/216/1 dated June 10, 1969.)

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant Marine Safety.

[FR Doc.74-15091 Filed 7-1-74;8:45 am]

[CGD 74-165]

#### EQUIPMENT, CONSTRUCTION, AND MATERIALS

##### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals

have been granted as herein described during the period from April 3, 1974 to April 25, 1974 (List No. 8-74.). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

#### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/602/0, adult X-large, Model No. FLV-70, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective April 25, 1974.

Approval No. 160.064/603/0, adult large, Model No. FLV-60, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective April 25, 1974.

Approval No. 160.064/604/0, adult medium, Model No. FLV-50, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective April 25, 1974.

Approval No. 160.064/605/0, child medium, Model No. FLV-40, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective April 25, 1974.

Approval No. 160.064/606/0, child medium, Model No. FLV-30, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega

Marketing, Inc., P.O. Box 487, Marblehead, Massachusetts 01945, effective April 25, 1974.

Approval No. 160.064/623/0, adult, Model No. 4156, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type II PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective April 23, 1974.

Approval No. 160.064/624/0, child medium, Model No. 4161, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type II PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective April 23, 1974.

Approval No. 160.064/625/0, child small, Model No. 4166, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type II PFD, manufactured by Ero Industries, Inc., 1924-34 N. Washtenaw Avenue, Chicago, Illinois 60647, effective April 23, 1974.

Approval No. 160.064/626/0, child medium, Model No. KSY, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III PFD, manufactured by Goodenow Manufacturing Company, 1363 West 6th Street, Erie, Pennsylvania 16505, effective April 23, 1974.

Approval No. 160.064/627/0, adult, Model KSA, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III PFD, manufactured by Goodenow Manufacturing Company, 1363 West 6th Street, Erie, Pennsylvania 16505, effective April 23, 1974.

Approval No. 160.064/628/0, adult large, Model No. KSAL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III PFD, manufactured by Goodenow Manufacturing Company, 1363 West 6th Street, Erie, Pennsylvania 16505, effective April 23, 1974.

Approval No. 160.064/629/0, adult X-large, Model No. KSAXL, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 8, Type III PFD, manufactured by Goodenow Manufacturing Company, 1363 West 6th Street, Erie, Pennsylvania 16505, effective April 23, 1974.

Approval No. 160.064/633/0, adult small, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with

U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by Gaylord Horr, Inc., 1109 South Fremont, Alhambra, California 91803, effective April 24, 1974.

Approval No. 160.064/634/0, adult medium, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by Gaylord Horr, Inc., 1109 South Fremont, Alhambra, California 91803, effective April 24, 1974.

Approval No. 160.064/635/0, adult large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by Gaylord Horr, Inc., 1109 South Fremont, Alhambra, California 91803, effective April 24, 1974.

Approval No. 160.064/641/0, child medium, Model No. 8207, vinyl dipped unicellular plastic foam, "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 47, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, effective April 23, 1974.

Approval No. 160.064/647/0, adult large, Style Seamaster, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 24, 1974.

Approval No. 160.064/648/0, adult medium, Style Seamaster, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 24, 1974.

Approval No. 160.064/649/0, adult small, Style Seamaster, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 24, 1974.

Approval No. 160.064/650/0, child medium, Style Seamaster, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective April 24, 1974.

Approval No. 160.064/651/0, adult small, Model No. CGJ-900, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8,

Cypress Gardens, Florida 33880, effective April 24, 1974.

Approval No. 160.064/652/0, adult medium, Model CGJ-900, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III, PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective April 24, 1974.

Approval No. 160.064/653/0, adult large, Model No. CGJ-900, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III, PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective April 24, 1974.

Approval No. 160.064/654/0, adult X-large, Model No. CGJ-900, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 18, Type III, PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, effective April 24, 1974.

Approval No. 160.064/656/0, adult medium, Model No. 1000, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 78, Type III PFD, manufactured by American Cotton Yarns, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, factory location is 1514 E. Chestnut Avenue, Trenton, New Jersey 08611, effective April 25, 1974.

Approval No. 160.064/657/0, adult large, Model No. 2000, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 78, Type III PFD, manufactured by American Cotton Yarns, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, factory location is 1514 E. Chestnut Avenue, Trenton, New Jersey 08611, effective April 25, 1974.

#### SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/9/2, style HN-MS-26, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/9/2 dated April 16, 1969.)

Approval No. 162.001/10/2, style HNA-MS-27, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/10/2 dated April 16, 1969.)

Approval No. 162.001/11/2, style HNA-MS-37, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/11/2 dated April 16, 1969.)

Approval No. 162.001/12/2, style HNA-MS-28, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 1000° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/12/2 dated April 16, 1969.)

Approval No. 162.001/13/2, style HNA-MS-38, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 1000° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/13/2 dated April 16, 1969.)

Approval No. 162.001/17/2, style HN-MS-36, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 750° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/17/2 dated April 16, 1969.)

Approval No. 162.001/104/1, style HN-MS-25, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/104/1 dated April 16, 1969.)

Approval No. 162.001/105/1, style HN-MS-35, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Company, Wrentham, Massachusetts 02093, effective April 3, 1974. (It is an extension of Approval No. 162.001/105/1 dated April 16, 1969.)

#### SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/22/0, Types 1541-M & 1543-M safety valves, brass body, for steam heating boilers, unfired steam generators and reduced-pressure steam lines, approved for a maximum pressure of 30 p.s.i. for sizes ¾", 1", 1¼", 1½", 2", and 2½" in the capacities shown below:

Capacity (pounds/hour) at 30 p.s.i.:

Orifice:	Designation
DRL	75
D	226
E	403
F	632
G	1035
H	1615
J	2650

manufactured by Dresser Industrial Valve & Instrument Division, Box 1430, Alexandria, Louisiana 71301, effective April 4, 1974. (It supersedes Approval No. 162.012/22/0 dated September 23, 1968.)

#### RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/19/0, McDonnell No. 230-1" relief valve for hot water heating boiler, relieving capacity 743,400 B.t.u. per hour, at maximum pressure of 30 p.s.i., dwg. No. MA230-1", dated October 20, 1952, approved for 1" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Illinois 60618, effective April 16, 1974. (It is an extension of Approval No. 162.013/19/0 dated April 22, 1969.)

Approval No. 162.013/20/0, McDonnell No. 230-1½" relief valve for hot water heating boiler, relieving capacity 1,025,100 B.t.u. per hour, at maximum set pressure of 30 p.s.i., dwg. No. MA230-1½", dated August 14, 1952, approved for 1½" inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Illinois 60618, effective April 16, 1974. (It is an extension of Approval No. 162.013/20/0 dated April 22, 1969.)

Approval No. 162.013/38/0, McDonnell 240 Series, relief valve for hot water relieving boilers, sizes and capacities as listed below:

Inlet Size	Capacity (BTU per hour)
¾"	513,000
1"	910,000
1½"	1,560,000

manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago, Illinois 60618, effective April 17, 1974.

#### INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/125/1, "Spray-Don" sprayed fiber type incombustible material identical to that described in Sprayon Research Corporation letter dated March 3, 1969; approved without adhesive in a density of 11 through 15 pounds per cubic foot, manufactured for Sprayon Research Corporation, 5701 Bayview Drive, Fort Lauderdale, Florida 33308 by U.S. Gypsum Company; Plant locations: Plainfield, New Jersey, Wabash, Indiana, Torrance, California, effective April 19, 1974. (It supersedes Approval No. 164.009/125/0 dated May 14, 1969.)

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant Marine Safety.

[FR Doc.74-15099 Filed 7-1-74; 8:45 am]

[CGD 74-166]

#### EQUIPMENT, CONSTRUCTION, AND MATERIALS

##### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various

items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 13, 1974 to May 20, 1974. (List No. 11-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

#### WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/42/0, container for emergency provisions, dwg. dated February 15, 1974, manufactured by H & M Packing Corporation, 913 Ruberta Avenue, Glendale, California 91201, effective May 13, 1974.

#### DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/195/0, Type 20-1100-02 small capsule launching system (winch-type); approved as an alternate to a lifeboat davit for a maximum working load of 6,000 pounds on a single fall; identified by general arrangement drawing 20-1100-02 dated December 14, 1973 and drawing list dated April 15, 1974, system does not comprise an installation suitable or acceptable for use in a hazardous location as defined by 46 CFR 111.80-5, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective May 17, 1974.

#### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/511/0, child medium, Model No. CGVA-S, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 185, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Saucier, Inc., 12985 Pioneer Trail, Eden Prairie, Minnesota 55343, formerly Compo-Tek, effective May 17, 1974. (It

supersedes Approval No. 160.064/511/0 dated July 11, 1973 to show change of name of distributor.)

Approval No. 160.064/512/0, adult, Model No. CGVA-M, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 185, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Saucier, Inc., 12985 Pioneer Trail, Eden Prairie, Minnesota 55343, formerly Compo-Tek, effective May 17, 1974. (It supersedes Approval No. 160.064/512/0 dated July 11, 1973 to show change of name of distributor.)

Approval No. 160.064/513/0, adult, Model No. CGVA-L, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 185, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Saucier, Inc., 12985 Pioneer Trail, Eden Prairie, Minnesota 55343, formerly Compo-Tek, effective May 17, 1974. (It supersedes Approval No. 160.064/513/0 dated July 11, 1973 to show change of name of distributor.)

Approval No. 160.064/514/0, adult, Model No. CGVB-M, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 185, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Saucier, Inc., 12985 Pioneer Trail, Eden Prairie, Minnesota 55343, formerly Compo-Tek, effective May 17, 1974. (It supersedes Approval No. 160.064/514/0 dated July 11, 1973 to show change of name of distributor.)

Approval No. 160.064/515/0, adult, Model No. CGVA-M, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 185, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121, for Saucier, Inc., 12985 Pioneer Trail, Eden Prairie, Minnesota 55343, formerly Compo-Tek, effective May 17, 1974. (It supersedes Approval No. 160.064/515/0 dated July 11, 1973 to show change of name of distributor.)

Approval No. 160.064/663/0, adult small, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 5509, Fullerton, California 92635, manufacturer's plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C., Mexico, effective May 13, 1974.

Approval No. 160.064/664/0, adult medium, Style White Water Vest, cloth

covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 5509, Fullerton, California 92635, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C., Mexico, effective May 13, 1974.

Approval No. 160.064/665/0, adult large, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 5509, Fullerton, California 92635, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C. Mexico, effective May 13, 1974.

Approval No. 160.024/663/0, adult X-large, Style White Water Vest, cloth covered unicellular plastic foam "Buoyant Sports Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 198, Type III PFD, manufactured by Seda Products, P.O. Box 5509, Fullerton, California 92635, manufacturers plant located at Avenida Michoacan, 830 Zona Norte, Tijuana, B. C., Mexico, effective May 13, 1974.

#### CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.038/2/0, C-O-TWO carbon dioxide type fire extinguishing systems, parts list dated August 9, 1931, manufactured by Norris Industries, Fire & Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, effective May 20, 1974. (It reinstates and supersedes Approval No. 162.038/2/0 terminated December 29, 1972.)

#### INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/165/2, "Flexible Hull Insulation", foil faced and unfaced fibrous glass type incombustible material, identical to that described in National Bureau of Standards Test Report No. FR 3850 dated July 17, 1973, approved for 1" through 3" thickness in a nominal density of 0.75 pounds per cubic foot.

Inch:	Pounds per cubic foot nominal density
1	1.15
1½	.75
2	.75
2½	.75
3	.75

Change in description, manufactured by Owens-Corning Fiberglas Corporation, Toledo, Ohio 43659, effective May 13, 1974. (It supersedes Approval No. 164.009/165/1 dated March 6, 1974, added new thicknesses.)

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast  
Guard, Chief, Office of  
Merchant Marine Safety.

[FR Doc.74-15098 Filed 7-1-74;8:45 am]

[CGD 74-168]

#### NATIONAL OFFSHORE OPERATIONS INDUSTRY ADVISORY COMMITTEE

##### Notice of Open Meeting

This is to give notice pursuant to Pub. L. 92-463, Sec. 10(a), approved October 6, 1972, that the National Offshore Operations Industry Advisory Committee will conduct open meetings on July 17-18, 1974, in the Georgia West Room of the Stouffer's Inn, 590 W. Peachtree St. NW., Atlanta, Georgia. This meeting will begin at 9 a.m. on July 17 and is expected to last all day. On July 18 the meeting is scheduled to begin at 9 and adjourn at noon.

Items to be discussed include the following:

1. Manning and Stability
2. Mobile Drilling Units
3. Portable Tanks
4. Offshore Operations Safety
5. Law of the Sea
6. Occupational Safety and Health Act
7. Environmental Affairs
8. IMCO Activities
9. Subsea Operations
10. International Convention of Tonnage Measurement of Ships, 1969

The National Offshore Operations Industry Advisory Committee was chartered by the Commandant on August 15, 1973, to provide consultation and advice on a wide range of offshore operations including, but not limited to fair-ways, sea-lanes, and offshore drilling operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Persons interested in attending the meeting or obtaining more information should write:

Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590, or call 202-426-1477.

Dated: June 26, 1974.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant Marine  
Safety.

[FR Doc.74-15100 Filed 7-1-74;8:45 am]

#### Federal Highway Administration DARIEN GAP HIGHWAY IN PANAMA AND COLOMBIA

##### Environmental Assessment

Notice is hereby given that an environmental assessment has been prepared by the Federal Highway Administration on the United States contributions to the construction of the Darien Gap Highway in the Republics of Panama and Colombia. Copies of this assessment shall be available until the printed supply is exhausted upon request from Mr. David Baldwin, Office of Traffic Operations, Federal Highway Administration, Washington, D.C. 20590. The assessment may also be examined during business hours at Mr. Baldwin's office, Room 3101, U.S.

Department of Transportation Building, 7th & D Streets, SW, Washington, D.C. 20590, and at the following locations:

1. U.S. Federal Highway Administration  
FAA Building  
Ancon, Canal Zone, Panama  
(John V. Senger, Regional Engineer)
2. U.S. Federal Highway Administration  
Via Argentina 46-70  
Panama City, Republic of Panama  
(William B. Ellis, Division Engineer)
3. U.S. Federal Highway Administration  
Carrera 15 #85-29, Oficina 302  
Bogota, Colombia  
(Frank T. Alvarado, Division Engineer)

Comments on this environmental assessment are solicited. These comments should be forwarded to Mr. David Baldwin, Office of Traffic Operations, FHWA, Washington, D.C. 20590, by August 1, 1974.

Dated: June 24, 1974.

NORBERT T. TIEMANN,  
Federal Highway Administrator.  
[FR Doc.74-15047 Filed 7-1-74;8:45 am]

#### ATOMIC ENERGY COMMISSION

[Docket No. 50-261]

##### CAROLINA POWER & LIGHT CO.

##### Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 6 to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company which revised the Technical Specifications (Change No. 31 to Appendix A), for operation of the H. B. Robinson Unit 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment permits a change in inservice inspection to provide for consistency between the Technical Specifications and Section XI of the ASME Code.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as amended ("the Act"), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1973, (2) Amendment No. 6 to License No. DPR-23, with attachment. These are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

A copy of item (2) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 13th day of June, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch No. 1, Directorate of  
Licensing.

[FR Doc.74-15043 Filed 7-1-74;8:45 am]

[Docket No. 50-261]

#### CAROLINA POWER & LIGHT CO.

##### Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 7 to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment permits changes in the Technical Specifications to authorize the continued irradiation of gadolinium-bearing fuel rods in test assemblies during Cycle 3 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as amended ("the Act"), and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Act, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 12, 1974, (2) Amendment No. 7 to License No. DPR-23 and Change No. 32, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 14th day of June, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch No. 1 Directorate of  
Licensing.

[FR Doc.74-15042 Filed 7-1-74;8:45 am]

[Docket No. 50-261]

#### CAROLINA POWER & LIGHT CO.

##### Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Com-

mission") has issued Amendment No. 8 to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H. B. Robinson Steam Generating Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment permits a change to the Technical Specifications to authorize a temporary reduction of the minimum concentration of phosphate ions in secondary coolant during heatup after refueling for Cycle 3.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as amended ("the Act"), and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Act, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated April 29, 1974, (2) Amendment No. 8 to License No. DPR-23, and Change No. 33, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room 1717 H Street NW, Washington, D.C. and at the Hartsville Memorial Library, Home & Fifth Avenues, Hartsville, South Carolina 29550.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 14th day of June, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch No. 1, Directorate of  
Licensing.

[FR Doc.74-15041 Filed 7-1-74;8:45 am]

[Docket No. 50-261]

#### CAROLINA POWER & LIGHT CO.

##### Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 9 to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company which revised Technical Specifications for operation of the H. B. Robinson Steam Generating Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment permits operation with Fuel Cycle No. 3 at 2200 megawatts (thermal).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act, as

amended ("the Act"), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated February 1, 1974, (2) Amendment No. 9 to License No. DPR-23 and Change No. 34, and (3) the Commission's related Safety Evaluation dated May 20, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina.

A copy of items (2) and (3) may be obtained upon request sent to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 14th day of June, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch No. 1, Directorate of  
Licensing.

[FR Doc.74-15040 Filed 7-1-74;8:45 am]

[Docket No. 50-479]

#### GENERAL ATOMIC CO.

##### Application for Consideration of Issuance of Facility Export License

Please take notice that General Atomic Company, San Diego, California, has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pool-type research reactor with a thermal power level of 250 kilowatts to Commissariat Libyennal Energie Atomique, Tripoli, Libya, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless, on or before July 17, 1974, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to General Atomic Company a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street, NW, Washington, D.C.

Dated at Bethesda, Maryland this 22nd day of June, 1974.

For the Atomic Energy Commission.

S. H. SMILEY,  
Deputy Director for Fuels and  
Materials, Directorate of Li-  
censing.

[FR Doc.74-15039 Filed 7-1-74; 8:45 am]

## MATERIALS AND PLANT PROTECTION; REGULATORY GUIDES

### Issuance and Availability

The Atomic Energy Commission has issued four new guides in its Regulatory Guide Series. The Regulatory Guide Series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection." Regulatory Guide 5.27, "SNM Doorway Monitors," describes acceptable procedures for use, calibration, and routine testing of SNM doorway monitors. Regulatory Guide 5.29, "Nuclear Material Control Systems for Nuclear Power Plants," identifies by reference to an ANSI Standard (N15.8, "Nuclear Material Control Systems for Nuclear Power Plants") acceptable elements of a nuclear material control system for nuclear power reactors. Regulatory Guide 5.31, "Specially Designed Vehicle with Armed Guards for Road Shipments of Special Nuclear Material," identifies vehicles considered acceptable for the transportation of special nuclear material to meet the requirements of paragraph § 73.31(c)(2) of 10 CFR Part 73. Regulatory Guide 5.32, "Communication with Transport Vehicles," identifies radiotelephone equipment and systems, and procedures for

their use, that are acceptable for complying with §§ 73.31(b) and 73.33(a) of 10 CFR Part 73.

Comments and suggestions in connection with improvements in all guides are encouraged at any time. Comments on Regulatory Guides 5.27, 5.29, 5.31 and 5.32 will, however, be particularly useful in evaluating the need for an early revision if received by August 19, 1974. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

- Minimizing Nuclear Material Holdup in Dry Process Operations.
- Organization for Materials and Plant Protection.
- Management Review of Materials and Plant Protection Programs and Activities.
- Standards for Physical Barrier Construction.
- Plant Security Force Duties.
- Personnel Selection and Screening.
- Perimeter Intrusion Alarms.
- Coordination of Response Plan with Law Enforcement Authority.
- Monitoring Transfers of Special Nuclear Material.
- Internal Transfers of Nuclear Material.
- Material Control in Unirradiated Scrap Recovery Facilities.
- Dynamic Inventory Techniques.
- Prior Measurement Verification.
- Materials Protection Contingency Measures for Uranium and Plutonium Processing and Fuel Fabrication Plants.
- Evaluation of Material Unaccounted for (MUF).
- Resolution of Shipper-Receiver Differences.
- Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.
- Determination of Random Measurement Errors.
- Determination of Measurement Bias and Systematic Errors.
- Training and Qualifying Measurement Control Personnel.
- Methods for the Accountability of Plutonium Oxide Powder.
- Methods for the Accountability of High-Enriched UO<sub>2</sub>.
- Chemical, Nuclear, and Radiochemical Analysis of UO<sub>2</sub>(NO<sub>3</sub>)<sub>2</sub> Solutions.

Guide for Mass and Scales Calibration.  
Guide for Mixing and Sampling Nuclear Materials.

Preparation of Pu(NO<sub>3</sub>)<sub>4</sub> Solution as a Working Standard.

Guide to Making Working Standards from Production Material.

Preparation of UO<sub>2</sub>(NO<sub>3</sub>)<sub>2</sub> Solution as a Working Standard.

Radiometric Calibration Techniques.

Calorimetric Assay of Pu-Bearing Solids.

Nondestructive Assay of Plutonium-Bearing Fuel Rods by Gamma-Ray Spectroscopy.

Nondestructive Assay of High-Enrichment Uranium Fuel Plates.

Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection.

Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.

Nondestructive Assay of Uranium Residual Holdup.

Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy.

Specifications for Ge(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction.

Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 21st day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of Regulatory Standards.

[FR Doc.74-15038 Filed 7-1-74; 8:45 am]

## REGULATORY GUIDES

### Notice of Issuance and Availability

The Atomic Energy Commission has issued four new guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.82, "Sumps for Emergency Core Cooling and Containment Spray Systems," describes acceptable methods for implementing the Commission's regulations with regard to the design, fabrication, and testing of sump or suction inlet conditions for pumps in the emergency core cooling and containment spray systems of pressurized water reactors. Regulatory Guide 1.83, "Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes," describes acceptable methods for implementing the Commission's regulations with regard to minimizing the probability and consequences of steam generator tube failures by periodic inservice inspection. Regulatory Guide 1.84, "Code Case Acceptability—ASME Section III Design and Fabrication," lists those Section III ASME code cases oriented to design and fabrication which are generally acceptable to the

AEC Regulatory staff for implementation in the licensing of light-water-cooled nuclear power plants. Regulatory Guide 1.85, "Code Case Acceptability—ASME Section III Materials," lists those Section III ASME code cases oriented to materials and testing which are acceptable to the AEC Regulatory staff for implementation in the licensing of light-water-cooled nuclear power plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in all guides are encouraged at any time. Comments on Regulatory Guides 1.82, 1.83, 1.84, and 1.85 will, however, be particularly useful in evaluating the need for an early revision if received by August 28, 1974. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification  
Availability of Electric Power Sources  
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors  
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary  
Requirements for Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records  
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake  
Fire Protection Criteria for Nuclear Power Plants  
Protective Coatings for Light Water Reactor Containment Facilities  
Inservice Surveillance of Grouted Prestressing Tendons  
Seismic Input Motion to Uncoupled Structural Model  
Primary Reactor Containment (Concrete) Design and Analysis  
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.  
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel  
Fracture Toughness Requirements for Vessels Under Overstress Conditions  
Material Limitations for Component Supports Protection Against Postulated Events and Accidents Outside of Containment  
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants  
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor

Quality Assurance Requirements for Procurement of Equipment, Materials, and Services  
Quality Assurance Requirements for Lifting Equipment  
Maintenance and Testing of Batteries  
Qualification of Class I Electrical Equipment  
Type Tests of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants  
Seismic Qualification of Class I Electric Equipment  
Fracture Toughness Requirements for Materials for Class 2 and 3 Components  
Maintenance of Water Purity in PWR Secondary Systems  
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors  
Criteria for Heat-up and Cool-down Procedures  
Effects of Residual Elements on Predicted Radiation Damage  
Component Design Criteria for Elevated Temperature Reactors  
Fuel Oil Supplies for Standby Diesel-Generators  
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident  
Surveillance and Examination and Testing of Irradiated Fuel Rods  
Elevated Temperature Inservice Surveillance Tests for HTGR Plants  
Design Load Combinations for Component Supports  
Termination of Nuclear Reactor Operating Licenses  
Requirements for Containment Isolation  
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores  
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2)  
Instrument Span and Trip Setting  
Failed Fuel Detection System for Nuclear Power Plants  
Code Case Acceptability—ASME Section III Nonmetallic Materials Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps  
Seismic Response Combination of Modes and Spatial Components  
Analysis of Seismic Recorded Data  
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release  
Self-Operated and Power Operated Safety-Related Valves Functional Specification  
Nuclear Power Plant Environmental Characteristics for Designated Sites  
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites  
(5 U.S.C. 522(a))

Dated at Rockville, Md., this 24th day of June 1974.

For the Atomic Energy Commission.

LESTER ROGERS,  
Director of Regulatory  
Standards.

[FR Doc.74-15117 Filed 7-1-74; 8:45 am]

#### URANIUM ENRICHMENT SERVICES CONTRACTS

##### Notice of Temporary Suspension

Notice is hereby given that, pursuant to the authority of the Atomic Energy Act of 1954, as amended, the United States Atomic Energy Commission (AEC) has until further notice ceased entering into Long-Term Fixed-Commitment Agreements for the provision of enriching services.

The AEC has found this action necessary to permit the Commission to complete its consideration of the capability of its enrichment facilities to meet the obligations of such contracts and to preclude a situation arising whereby AEC contracting actions might exceed the limitation imposed by the Uranium Enrichment Services Criteria that "The Commission will not enter into such contracts in excess of the available capability of the AEC."

Dated at Germantown, Maryland, this 30th day of June 1974.

PAUL C. BENDER,  
Secretary of the Commission.

[FR Doc.74-15311 Filed 7-1-74; 11:59 am]

#### CIVIL AERONAUTICS BOARD

[Docket 22859; Order 74-6-121]

##### AMERICAN AIRLINES, INC.

##### Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of June, 1974.

By tariff revisions bearing an issue date of May 31, 1974, and marked to become effective June 30, 1974, American Airlines, Inc. (American) proposes changes in its domestic freight tariffs as indicated below:

- Bulk rates and minimum charges:
  - Increase general commodity rates and minimum charges by amounts ranging approximately from 2 to 15 percent westbound and from 2 to 35 percent eastbound, with the amount of the increase varying by market and size of shipment;
  - Increase specific commodity rates by 12 percent except for a few commodities which are increased up to 4 percent;
  - Increase import rates by 15 percent;
  - Cancel all export rates; and
  - Cancel all parcel post rates except those from Boston, which are being increased by 12 percent.
- Container rates:
  - All general commodity container rates and charges, except those for "day-time tender" application, are to be increased as follows:

[In percent]

Length of haul	Westbound	Eastbound
Less than 1,000 miles . . . . .	12	12
1,001 to 1,800 miles . . . . .	8	12
1,801 miles and over . . . . .	5	10

- Increase all specific commodity rates and charges by 10 percent, except for Item No. 1608 (cleaning and washing compounds) from San Francisco to various points, which are increased by 8 percent.

- Bulk and container rates: Cancel all bulk and container rates and charges between the Mainland/Canada and Honolulu except for traffic between Honolulu and Islip/New York/St. Louis. This cancellation reflects the suspension of direct service to/from Honolulu except for the points cited.

In support of its proposal, American contends, *inter alia*, that (1) the increases are justified on the basis of increased operating costs, primarily for labor and fuel; (2) labor costs alone are expected to increase \$7.6 million in 1974, not including pilot pay increases which are expected to amount to an additional \$3.8 million; (3) fuel prices for May 1974 amounted to 53.5 percent higher than December 1973 prices; (4) present rates in all mileages are not related to costs and traffic distribution; (5) proposed rates are justified based on carrier's 1973 operating costs for both all-cargo and combination equipment; and (6) costs based on all-cargo and combination equipment are the only lawful basis for costing air freight, since any other approach ignores the fact that significant volumes of traffic move in the belly compartments of passenger aircraft.

The carrier further contends that it incurred an operating loss of over \$31 million from its freight operations in 1973; the proposal would have produced \$7.5 million additional annual revenue if it were in effect during all of 1974; and that the proposal will contribute \$3.6 million toward the anticipated operating expense deficit of its all-cargo operations in 1974.

The proposed rates and charges come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The American filing is one of a series of rate increases filed in recent weeks. The Board has reviewed these proposed rates in the light of industry costs of carrying air freight (including a full return on investment), which reflect recognition of sharp increases in fuel costs recently experienced. Based upon these cost criteria, the Board finds the following rates generally to be excessive in relation to costs:

1. Bulk general commodity rates, eastbound and westbound, in markets with lengths of haul 1,250 miles and over, with several exceptions;
2. LD-5 container charges in markets with lengths of haul over 1,250 miles;
3. Charges for Types LD-N, B, B-2, and D containers in westbound markets with lengths of haul over 2,250 miles;
4. Charges for Type LD-5 containers in eastbound markets over 2,300 miles; and
5. Increased rates in connection with premium ratings on human remains.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates, as set forth in detail in Appendix A, should be suspended. The remaining portions of the proposal including bulk general commodity rates in most markets under 1,250 miles, numerous specific commodity rates for all distances, and all increased minimum charges per shipment, and most container charges appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A<sup>1</sup> are suspended and their use deferred to and including September 28, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff served upon American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc. 74-15130 Filed 7-1-74; 8:45 am]

[Docket 26766; Order 74-6-123]

#### PAN AMERICAN WORLD AIRWAYS, INC.

##### Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of June 1974.

By tariff revisions<sup>1</sup> marked to become effective July 1, 1974, Pan American World Airways, Inc. (Pan Am), proposes to increase its transatlantic fares for U.S. military stationed overseas and their dependents to the levels of the military excursion fares agreed to by IATA and approved by the Board. Pan Am also proposes to increase the arbitraries for construction of military excursion fares between points in the United States and points in IATA Area 2.

In support of its proposal, Pan Am states that its action is taken in response to the Board's concern with the reasonableness of the military excursion fares expressed in Order 74-3-126. By this Order, the Board denied Pan Am's petition to dismiss the investigation of International Fares for U.S. Military Stationed Overseas and Their Dependents in Docket 25904, noting that, even after increases in the military excursion fares became effective March 1, 1974, the fares were still below the IATA levels in 10 of the 16 markets involved. The proposed increases in the arbitraries reflect increases in domestic military fares made necessary by increases in costs, particularly fuel costs.

The Department of Defense (DOD) has filed a complaint requesting suspension and investigation of the proposed fares. In support of its complaint, DOD alleges that Pan Am has not provided adequate justification for the proposed fares, that the fares are unjust, unreasonable, contrary to the national defense interest, would adversely affect the morale of military members, would result in substantial diversion of revenue from the scheduled

carriers, and that the need for reduced military fares has been recognized by Congress and the Board for many years. In answer to the complaint of DOD,<sup>2</sup> Pan Am states that the investigation of International Fares for U.S. Military Stationed Overseas and Their Dependents in Docket 25904 was initiated by the Board in response to complaints by supplemental air carriers and military personnel charter operators alleging that the military excursion fares were too low. Pan Am's petition to dismiss this investigation, following increases of approximately 22%, was denied by Board Order 74-3-126 because the fares were still below the IATA levels. Thus, since the Board and various complainants have indicated that the fares are too low, it would be inappropriate to suspend and investigate the proposed fares as too high. Faced with a burdensome hearing and increased costs, Pan Am proposes to increase its fare levels, despite possible adverse competition from military personnel charters. However, the proposed fares still reflect a substantial discount from normal economy fares in the transatlantic and are also lower than the 22-45-day excursion fares. Furthermore, since the Board has recently permitted domestic carriers to increase military discounts<sup>3</sup> and has suspended only those proposals which would completely eliminate military fares in a given market,<sup>4</sup> there is no basis for suspending Pan Am's proposed increases in transatlantic military excursion fares. Also, with international fares, especially discount fares, now under consideration within IATA, it would be a particularly inappropriate time to investigate fares set at present IATA levels.

Upon consideration of the complaint, the answers, and other relevant matters, we have determined to dismiss the complaint. We have expressed in previous orders our concern that the low yields derived from military excursion fares are not compensatory. Moreover, we are particularly concerned with the critical situation in the North Atlantic where escalating costs and uneconomic discount fares have combined to produce substantial losses for the principal United States-flag carriers. Although low-cost travel for military members stationed overseas and their dependents may be desirable from a national defense viewpoint, military excursion fares, even at the present IATA levels, represent the lowest fares offered for regularly scheduled service in the North Atlantic.<sup>5</sup> More-

<sup>2</sup> Trans World Airlines, Inc., which has filed to match Pan Am's proposed military excursion fares, also answered in opposition to DOD's complaint.

<sup>3</sup> Order 74-3-67, dated March 14, 1974.

<sup>4</sup> Order 74-5-149, dated May 31, 1974.

<sup>5</sup> The proposed New York-Frankfurt round-trip military excursion fares are \$286 basic and \$384 peak; the proposed New York-London round-trip fares are \$258 basic and \$358 peak. These fares are approximately 13 percent to 18.5 percent lower than the North Atlantic 22-45-day economy-class excursion fares and approximately 48 percent to 52 percent lower than the North Atlantic economy-class fares, depending on the season.

<sup>1</sup> Filed as part of the original document.

<sup>2</sup> Revisions to International Air Traffic Corp., Agent, C.A.B. No. 411.

over, military personnel charters are available to military members stationed overseas and their dependents at even lower fare levels.<sup>6</sup> In addition, since the elimination of the draft on June 30, 1973, military salaries have been considerably increased. For these reasons, we do not believe that the proposed increase in these fares to the IATA level is unreasonable or adverse to the interests of the national defense.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof,

*It is ordered, That:*

1. The complaint in Docket 26766 is hereby dismissed; and

2. Copies of this order be served upon Pan American World Airways, Inc., Trans World Airlines, Inc., The Department of Defense, and all parties in Docket 25904.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.74-15129 Filed 7-1-74; 8:45 am]

### COMMISSION ON CIVIL RIGHTS ARKANSAS 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 Arkansas State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on July 12, 1974, in the Loggia Room, Hotel Sam Peck, 625 West Capitol Street, Little Rock, Arkansas 72201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purposes of this meeting shall be to (1) plan for the release of the Arkansas SAC report entitled "Blacks in the Arkansas Delta" and (2) begin planning Arkansas SAC activities for FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 24, 1974.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee,  
Management Officer.

[FR Doc.74-15104 Filed 7-1-74; 8:45 am]

### NEVADA STATE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regula-

<sup>6</sup> Military personnel charters are available in the New York-Frankfurt and New York-London markets, effective June 23, 1974, at \$228 offpeak and \$258 peak for round-trip service, with lower fares for children and infants.

tions of the U.S. Civil Service Commission on Civil Rights, that a factfinding meeting of the Nevada State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on July 19 and reconvene at 9 a.m. on July 20, 1974, in the Senate Hearing Room, Senate Assembly Building, Carson City, Nevada 89701. These sessions shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Nevada with special emphasis on the Nevada Parole and Pardons Board; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as they relate to the Nevada Parole and Pardons Board; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to the Nevada Parole and Pardons Board; and to related areas.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 24, 1974.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.74-15105 Filed 7-1-74; 8:45 am]

### NEW YORK 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 factfinding meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on July 11 and reconvene at 9 a.m. on July 12 and 13, 1974, at the Federal Building, 26 Federal Plaza, New York, New York 10007. These sessions shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin or in the administration of justice which affect persons residing in the State of New York with special emphasis on problems

of Asian Americans in the State; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin or in the administration of justice as these pertain to problems of Asian Americans in the State of New York; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin or in the administration of justice with respect to problems of Asian Americans in the State of New York; and to related areas.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 26, 1974.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.74-15106 Filed 7-1-74; 8:45 am]

### CIVIL SERVICE COMMISSION DEPARTMENT OF LABOR

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by non-career executive assignment in the accepted service the position of Deputy Wage and Hour Administrator, Employment Standards Administration.

UNITED STATES CIVIL SERVICE  
COMMISSION,

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

[FR Doc.74-15137 Filed 7-1-74; 8:45 am]

### COUNCIL ON ENVIRONMENTAL QUALITY

#### ENVIRONMENTAL IMPACT STATEMENTS Notice of Receipt

Environmental impact statements received by the Council on Environmental Quality from June 17 through June 21, 1974. The date of receipt for each statement is noted in the summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is on or before August 16, 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.

#### 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. 20645 (301) 973-7373.

Draft  
Clinton Power Station, Units 1 and 2,  
De Witt County, Ill., June 19: Proposed is the

issuance of construction permits to the Illinois Power Co. for the Clinton Station. Each of the two units will employ identical boiling water reactors to produce up to 2894 MWT each; electrical production will be 950 MWe (net) each. Exhaust steam will be cooled by a once-through flow of water in a system incorporating a cooling lake with makeup water from Salt Creek and its North Fork. Supplementary cooling will be necessary to limit discharge temperature to the lake to 96 degrees F. Construction related activities will utilize 6,135 acres of the 13,800 to 15,210 acre site; 4,900 acres will be inundated for by the cooling lake. (ELR Order No. 41019.)

## 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

## Draft

Barry Arm No. 1, Chugach N.F., Alaska, June 17: Proposed is the awarding of Barry Arm No. 1 Timber Sale, which was auctioned on September 29, 1972. The sale is located on the west shore of Barry Arm, Prince William Sound. The sale consists of three units totalling 96 acres; gross sale area is 172 acres. Total volume of the sale is 2,849 MBF. Approximately 77 percent of the area would be harvested by cable; the remaining harvest would be by tractor. The sale will result in road construction in presently roadless areas (21 pages). (ELR Order No. 40984.)

Vegetation Control, Arizona and New Mexico, June 19: Proposed is the use of fire, chemical, and mechanical treatment for the control of invading plants on National Forest lands in Arizona and New Mexico. The action is intended to improve water quality and wildlife habitat, increase forage production, soil productivity, and recreational activities, and decrease soil erosion. There will be temporary adverse impact on soil, water, and air quality (128 pages). (ELR Order No. 41014.)

Timber Management Plan, Shasta-Trinity N.F., several counties, Calif., June 17: Proposed is the implementation of the Shasta-Trinity National Forest management plan. The plan calls for a potential yield of 3,319 million board feet and an allowable harvest of 2,291 million board feet based on a 140 year rotation during the 10-year period from July 1, 1974 to July 1, 1984. There will be adverse impact from fiera slash disposal and soil disturbance (42 pages). (ELR Order No. 40986.)

## Draft

Roque River, Siskiyou N.F., Coos and Curry Counties, Oreg., June 17: Proposed is a land use plan for the management of a 27,000 acre roadless area. The plan recommends sustained timber harvesting on lands outside of the Roque River Wild and Scenic Corridor. The action will result in increased motorized access, recreational use, and big game forage. The proposed action also diminishes the opportunity for a wilderness or backcountry form of recreation; its implementation will preclude further consideration of the wilderness alternative (111 pages). (ELR Order No. 41003.)

## Final

Keowee Unit, Sumter National Forest, Oconee County, S.C., June 21: The statement refers to the proposed management plan for the 15,900 acre Keowee Unit, Sumter National Forest. Included in the plan are the construction of hiking trails and parking lots; a wildlife management program featuring deer and turkey, with the construction of two small

hunting camps; and a timber management program, which calls for the clearcutting of 1,580 acres. The plan calls for the closure and rehabilitation of 17 miles of primitive roads and the closure of public lands. Adverse impact will be to wildlife, water quality, soils, vegetative cover, and aesthetics, due to timber harvest, road and trail construction, and operation of motor vehicles. Comments made by: HUD, EPA, DOI, State and local agencies. (ELR Order No. 41022.)

Weyerhaeuser Road Construction, Snoqualmie N.F., King County, Wash., June 17: The statement refers to a request by the Weyerhaeuser Company of Tacoma, Washington, for non share cost easements for construction and use of short segments of three roads across Snoqualmie National Forest Lands. The area is covered by a joint Forest Service-Weyerhaeuser agreement of Sept. 21, 1970, for the joint development of road systems. It is anticipated that the Company will place its accessed lands under management for timber production; this, as well as the actual road development, would affect scenic values (76 pages). Comments made by: USDA, DOI, COE, HUD, EPA, DOT, State agencies, and concerned citizens. (ELR Order No. 40982) (NTIS Order No. (none).)

## RURAL ELECTRIFICATION ADMINISTRATION

## Final

Beluga Station, Units 5 and 6, Alaska, June 17: Proposed is the lending of REA funds for the partial financing of two additional 58.5 MW natural gas fired regenerative turbines at the Station, which is owned by the Chugach Electric Association, Inc. Nitrogen oxides and other gases will be released from the Station (two volumes). Comments made by: EPA, USDA, FPC, State and local agencies. (ELR Order No. 40977.)

## SOIL CONSERVATION SERVICE

## Draft

Rabon Creek Watershed, Laurens and Greenville Counties, S.C., June 17: Proposed is a watershed protection, flood prevention, and recreation project on the 85,500 acre Rabon Creek Watershed. Project measures will include two floodwater retarding structures, one multiple purpose structure, a recreation development, and land treatment measures. Adverse impact will include the commitment of 744 acres of land to project structures; the temporary inundation of 811 acres; and the permanent inundation of 10 miles of stream (56 miles). (ELR Order No. 40990.)

## Final

Caney Creek Watershed Project, Butler and Gray Counties, Ky., June 19: The statement refers to a proposed flood protection project on the 97,130 acre watershed. Project measures include 18 miles of channel works, 2 single purpose structures, and public recreation facilities. The project will reduce the average annual floodwater and sediment damage by 65%. Approximately 657 acres (some of which will be inundated), of land will be committed to the project, with adverse impacts to wildlife and agricultural uses; two residences will be displaced (59 pages). Comments made by: COE, DOI, HEW, DOT, EPA, State agencies. (ELR Order No. 41018.)

## DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

## Final

Estuarine Sanctuary, Coos Bay, Coos County, Oreg., June 21: Proposed is the

granting of funds to the State of Oregon, pursuant to P.L. 92-583, in order to allow the acquisition, development, and operation of an estuarine sanctuary in Coos Bay. A total of 4,500 acres would be acquired. The action would restrict uses of the land, and may result in restriction upon motorboat access; timber harvest in the proposed sanctuary would be prohibited (154 pages). Comments made by: USDA, COE, EPA, HUD, State and local agencies and concerned citizens. (ELR Order No. 41023.)

## 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

Lake Shelbyville, Operation and Maintenance, Shelby and Moultrie Counties, Ill., June 17: The statement discusses the continued operation and maintenance of Lake Shelbyville in Shelby and Moultrie Counties. Project purposes include floodcontrol, water supply, navigation, recreation, and fish and wildlife conservation. Adverse impacts include the loss of some aquatic and terrestrial communities due to water level fluctuations, small floods caused by discharges, and the damage of some natural areas by recreational development (St. Louis District) (2 volumes). (ELR Order No. 40976.)

ing of Gowanus Creek Channel to authorized Federal project dimensions. The dredge spoil will be disposed of in approved dumping grounds in the New York Bight. The marine environment of the New York Bight would be further degraded by the project (New York District) (32 pages). (ELR Order No. 41029.)

Big Pine Lake, Red River County, Tex., June 17: The statement refers to the initial construction of Big Pine Lake on Big Pine Creek. The project is located 1 mile southeast of Kanawha. Action consists of construction of a lake project which consists of access roads, project buildings, earthen dam, gated concrete outlet works, uncontrolled spillway, downstream channel improvement, and public use facilities. Adverse impacts include the permanent inundation of 4,699 acres of land, minor losses of stream fishery in the reservoir area, and the losses of deer and upland game habitat (Tulsa District). (ELR Order No. 40988.)

## Final

Jones Bluff Lock and Dam, Alabama River, June 21: Proposed is the completion of construction and continued operation and maintenance of the Jones Bluff Lock and Dam. Construction consists of the remainder of the gated spillway and powerhouse; completed are the lock, reservoir, and part of the gated spillway. Approximately 3,443 acres of agricultural and forest land and 12,300 acres of lake area will be converted to public use. The purpose of the project is to provide recreation, convert free-flowing stream to reservoir and regulate varying inflows from upstream power plants. Adverse impacts are degradation of water quality due to turbidity; loss of land, wildlife, stream and mussel fisheries, and elimination of mollusks. Comments made by: DOI, DOC, HUD, DOT, EPA, USDA, State agency. (ELR Order No. 41026.)

Carr Fork Lake, Kentucky River, Ky., June 17: The project is the construction and operation (now 80% complete) of the Carr Fork Lake. Project purposes include flood control, water quality control, recreation, and fish and wildlife conservation. The lake

will inundate 710 acres of agricultural and wildlife land and 8.4 miles of free flowing stream. Relocations and displacements have included 271 families, 30 businesses, 40 miles of utilities, 22.2 miles of road, 3 schools, 6 churches and 19 cemeteries. Other adverse effects are loss of stream and terrestrial pollution due to the influx of visitors (194 pages). Comments made by: DOI, USDA, DOT, HUD, HEW, State and local agencies and concerned citizens. (ELR Order No. 40991.)

Locks and Dam No. 26, (Replacement), Mississippi River, Missouri and Illinois, June 20: The statement refers to the proposed replacement of the existing Locks and Dam No. 26 with new locks and dam at river mile 200.78 on the Mississippi River. The replacement project will consist of a non-navigable gated dam and two medium lift, separated parallel locks. Associated works include an overflow dike and spur dike. Adverse impacts include increased inundation of commercial deposits of sand and gravel, alteration of surface drainage patterns, and the creation of isolated marshy areas and decreased crop yields on lowlands behind the spur dike. Also, 600 acres of terrestrial bottomland habitat and a private recreational development will be inundated (St. Louis District). Comments made by: EPA, USDA, DOC, HUD, DOI, DOT, USCG, FPC, HEW, State and local agencies and concerned citizens. (ELR Order No. 41020.)

Kenosha and Racine Harbors, Racine and Kenosha Counties, Wis., June 17: The proposed action is that of maintenance dredging at the two navigation projects, with a diked spoil containment structure to be constructed at Kenosha. Disposal over a 10-year period will create 25 acres of terrestrial environment adjacent to Lake Michigan. There will be adverse impact to benthic communities. Comments made by: EPA, DOI, DOC, HUD, State and local agencies and concerned citizens. (ELR Order No. 41004.)

## NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350 (202) 697-0892.

## Draft

Naval Submarine Base, Groton, Conn., June 20: Proposed is the Master Plan for the Naval Submarine Base. Under the Plan there would be new construction and rearrangement of existing facilities on the Base over the next five years. The size of the Base, number of employees, and service provided would remain the same. Significant elements of the Plan include: extension of sewage service; increasing electrical generating capacity and purchasing more power; consolidation of weapons functions and construction of a new ammunition loading pier; reorganizing Base traffic patterns; and relocating material salvage operations. The major environmental effects are expected from the partial development of the Beaverdam Brook Swamp. (ELR Order No. 41021.)

Outlying Helicopter Fields, Whiting Field, Santa Rosa County, Fla., June 21: Proposed is the acquisition in fee of two tracts of land totaling 780.5 acres, and the construction of two helicopter outlying fields. Site 1 is 10 miles west of NAS Whiting Field; Site 2 is 8 miles east of the Field. The fields will be used for training operations. Adverse impact will include the removal of 207 acres from soybean production and 433 acres from timber production (56 pages). (ELR Order No. 41025.)

## ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630,

Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

## Final

Marion Sewage System, McDowell County, N.C., June 17: The statement refers to the proposed construction of wastewater pumping stations, force mains, interceptor sewers, and a wastewater treatment plant with discharge to the Corpening Creek. Adverse impact will include construction disruption, the loss of flora, and soil erosion (208 pages). Comments made by: DOI, COE, HEW, State and local agencies and concerned citizens. (ELR Order No. 40983.)

## Final

San Francisco Wastewater Master Plan: The San Francisco Master Plan for Wastewater Management is a concept which includes a combination of pumps, pipes, storage reservoirs, treatment plants, and disposal locations which it is believed most effectively reduces the detrimental effects of waste discharges from the City and County of San Francisco. The Master Plan will be constructed in four stages during the next 20 years. Construction impacts will occur in almost every area of the City—land use changes, traffic disruption, noise, dust, flora and fauna disruption, aesthetics, utility disruption, and temporary turbidity increases in the Bay and Ocean waters. The Council on Environmental Quality did not receive a draft EIS on the San Francisco Wastewater Master Plan. Various Federal offices have assured CEQ that drafts were distributed to other agencies and concerned parties. This being the case this statement is to be considered as a *Final* with a 30-day commenting period beginning on the date of its appearance in the FEDERAL REGISTER. (ELR Order No. 40941.)

## FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426 (202) 386-6084.

## Draft

Crawford Storage Field, Fairfield and Hocking Counties, Ohio, June 21: Proposed is the granting of a certificate of public convenience and necessity to Columbia Gas Transmission Corp. for the construction and operation of an underground natural gas storage field. Included would be: 230 injection/withdrawal wells; 137 miles of 4 to 30 inch well and field pipelines; and miscellaneous facilities at the Crawford Compressor Station. The field would cover an area of 38,800 acres. Environmental impact would occur with respect to effects on "man, soil, vegetation, wildlife, water quality, air quality and noise levels." (ELR Order No. 41027.)

## GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405 (202) 343-4161.

## Final

Sand Point Naval Air Station, Seattle, Wash., June 17: The statement refers to the proposed disposal of the 312 acre Station, with its 4,800' aircraft runway, 150 acres of paved taxiways and aprons, three large hangars, four storage buildings, and 52 other miscellaneous structures. Seventy acres (including an additional 25 acres to be acquired from the Navy) will be transferred to the National Oceanic and Atmospheric Administration; 108 acres will be conveyed to the State of Washington for airport use; 160 acres will be assigned to the Bureau of

Outdoor Recreation for conveyance to the City of Seattle for park and recreation use (2 volumes). Comments made by: DOT, USCG, HUD, COE, DOI, USDA, DOD, State and local agencies. (ELR Order No. 40979.)

## DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 3718, HEW-North, Washington, D.C. 20202 (202) 963-4456.

## Final

St. Benedict's Hospital, Weber County, Ogden, Utah, June 17: The applicant, St. Benedict's Hospital, has requested a loan guaranteed to replace its current 188 bed facility with a smaller hospital on a new site. The new structure will be a 133 bed, one story building, with basement services, on a twenty-five acre site. Total gross building area would be about 154,000 sq. feet. The facility will cause a change in land use from open space, and may act as "trigger" to increase development. An increase in traffic will be generated by the hospital (75 pages). Comments made by: USDA, HUD, DOI, COE, DOT, EPA, State and local agencies. (ELR Order No. 40980.)

## 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 SPORT FISHERIES AND WILDLIFE

## Draft

Proposed Wilderness, Cabeza Prieta Game Range, Yuma and Pima Counties, Ariz., June 17: Proposed is the legislative designation of 833,500 acres of the Cabeza Prieta Game Range and adjacent lands as wilderness within the National Wilderness Preservation System. Short-term management entry by motorized vehicles may temporarily detract from the wilderness experience. (ELR Order No. 40993.)

## NATIONAL PARK SERVICE

## Draft

Proposed Wilderness, Arches National Park, Utah, June 17: Proposed is the legislative designation of 39,690 acres of the Arches National Park as wilderness; an additional 28,500 acres are proposed as potential wilderness addition. Possible short-term impact could result related to nonrenewable resources such as gas, oil, and uranium. Other impacts include those resulting from limitations on the development of roads and other facilities. (ELR Order No. 40998.)

Wilderness Proposal, Canyonlands National Park, Wayne, San Juan, and Garfield Counties, Utah, June 19: Proposed is the legislative designation of 250,700 acres of lands of the Canyonlands National Park as wilderness. The proposed wilderness includes 76 percent of the land and water area of the park; an additional 9 percent will be added in the future. Adverse impacts of the action will include: restrictions upon future development; support of existing policies which call for termination of grazing and mineral extraction activities; and increased use by hikers. (ELR Order No. 41009.)

## Final

Katmai National Monument, Alaska, June 17: The statement, a revised draft, proposes the legislative designation of 2,603,547 acres of the monument as wilderness. The establishment of Katmai Wilderness would insure protection of a primitive area containing one hundred miles of ocean bays, fjords, and lagoons, backed by a range of glacier covered

peaks and volcanic crater lakes. The interior provides important habitat for the Alaskan brown bear, as well as such rare and endangered species as the wolverine and the bald eagle (2 volumes). Comments made by: USDA, DOC, DOI, EPA, State and local agencies. (ELR Order No. 40992.)

Proposed Wilderness, Rocky Mountain National Park, Colo., June 17: The statement refers to the proposed legislative designation of five areas, totaling 238,000 acres, as Wilderness in accordance with the Wilderness Act of 1964. An additional 6,409 acres are recommended for wilderness status when they qualify. Effects of the action will include restrictions on backcountry roads, certain research projects, and management options (73 pages). Comments made by: USDA, DOI, DOT, EPA, AHP, State agencies. (ELR Order No. 41005.)

Crater Lake National Park, Klamath County, Oreg., June 17: The statement refers to the proposed legislative designation of 122,440 acres of the 160,290 acre Crater Lake National Park as wilderness. Such designation will forego the possibility of additional visitor facilities and developments in the present roadless area (2 volumes). Comments made by: USDA, DOI, COE, DOT, EPA, State and local agencies and concerned citizens. (ELR Order No. 40997.)

Proposed Wilderness, Zion National Park, Utah, June 17: Proposed is the legislative designation of 120,620 acres of the Park as wilderness. Also recommended is the addition of 12,120 acres of wilderness when it is determined that it qualifies for such designation. Impact of the action will include effects on recreation, research, and resource management uses (two volumes). Comments made by: USDA, COE, DOC, DOI, DOT, EPA, State agencies. (ELR Order No. 40995.)

Proposed Wilderness, Glacier National Park, Mont., July 23: The statement refers to the proposed legislative designation of three wilderness areas within the Glacier National Park. Total acreage involved is 927,550. Six hundred acres of potential wilderness is also proposed for inclusion when it qualifies. Adverse effects include possible rationed use, restrictions on back country development, increased costs of trail maintenance, and restriction on certain research projects and management practices (56 pages). Comments made by: USDA, DOI, EPA, DOC, COE, FPC, DOT, State agencies. (ELR Order No. 40994.)

#### TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755-2002.

#### Final

Duck River Project, Supplement, June 18: The document supplements a final statement which was filed with the Council on May 8, 1972. The supplement, which was prepared in response to a court order, contains information on: the Duck River project's impact on agriculture; the costs to be paid under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; the possibility of a wildlife management area near Normandy Reservoir; and the impact of the project on future canoeing and floating recreational demands (178 pages). Comments made by: COE, HUD, EPA, State and local agencies, and concerned citizens. (ELR Order No. 41015.)

#### 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

Delaware County Airport, Delaware County, Ind., June 17: The purpose of the project is to enlarge the existing Delaware County airport to provide for safe and efficient operation. Adverse impacts are an increase in air pollution, loss of farm land and wildlife habitat, and an increase in noise pollution (165 pages). Comments made by: EPA, DOI, USA, DOT, State agencies. (ELR Order No. 40989.)

Kitsap County Airport, Kitsap County, Wash., June 17: This statement refers to the proposed Airport Layout Plan which provides for the development of the existing airport over a 20-year planning period. Short range (5 years), intermediate range (10 years), and long-range (20 years) improvements to the airport are discussed. The objective of the plan is the establishment of all-weather instrument aircraft operations for current air traffic and anticipated jet cargo transport. Comments made by: EPA, DOI, HUD, COE, DOC, DOT, State agencies. (ELR Order No. 41000.)

#### FEDERAL HIGHWAY ADMINISTRATION

##### Draft

Rte. 380, Portola Freeway, California, June 17: The statement refers to extending Rte. 380 from its interchange with Rte. 280 in the City of San Bruno to a proposed interchange with Rte. 1 in the City of Pacifica, together with improvements to Rte. 1 between Sharp Park Road and Sea Bowl Drive in Pacifica to 1.4 miles of Rte. 35 in San Bruno. Adverse impacts include the loss of a considerable amount of land, and increased levels of air, water, and noise pollution. There are various alternatives which are being considered. A 4(f) determination is necessary concerning the San Francisco Watershed, and Sharp Park. (ELR Order No. 40981.)

F.A.P. Route 101, Sonoma County, Calif., June 19: The project involves the construction of a 4.4 mile bypass of the City of Cloverdale on F.A.P. Route 101 between 0.6 mile north of Hiatt Rd. and Preston Overhead, in Sonoma County. Adverse impacts include the loss of some agricultural, riparian, and oak woodland areas, the displacement of 44 families and 5 businesses, and increased noise levels (115 pages). (ELR Order No. 41007.)

State Road 84, Broward County, Fla., June 21: Proposed is the reconstruction from two to six lanes, of six miles of S.R. 84 between I-75 and S.R. 817. Adverse impact will include the taking of 242 acres of land for right of way, and the displacement of 21 families, 8 businesses, and one farm. (ELR Order No. 41024.)

U.S. 641, Murray, Calloway County, Ky., June 17: The statement refers to the proposed construction of U.S. 641 from Sycamore St. to Utterback Rd. The 4-lane facility will have a length of 2.5 miles. Adverse impacts are increased noise pollution, and the displacement of 10 families and 3 businesses (77 pages). (ELR Order No. 40996.)

U.S. 45, Mayfield, Graves County, Ky., June 17: The project involves the reconstruction of U.S. 45 from the Purchase Parkway to the Seventh and Eighth Street junction to a 4-lane curb and gutter section with a median wide enough to accommodate left turns. Also proposed is that Seventh and Eighth Sts. be made one-way between their junction and Walnut Street, and Water and Water and Walnut Sts. be made one-way between Seventh and Eighth Streets. Project length is 1.25 miles. Adverse impacts are the displacement of 9 families and 7 businesses, and increased noise levels (87 pages). (ELR Order No. 41002.)

Michigan Route 21, Kent County, Mich., June 17: The statement refers to the proposed reconstruction of M-21 from I-96 to Ada in Kent County. The length of the project is 5.2 miles. Transportation efficiency will be facilitated by replacing an outmoded 2-lane road with a combination 5-lane undivided and 4-lane divided road. Adverse impacts are the displacement of families and businesses, loss of some vegetation, and the degradation of some scenic vistas (57 pages). (ELR Order No. 40985.)

S.R. 4, Santa Fe County, N. Mex., June 19: The statement discusses five alternative proposals for the construction of S.R. 4 from the intersection of S.R. 4 and S.R. 30 east to the intersection of S.R. 4 and U.S. 4 and U.S. 285/84, a length of approximately 9.3 miles. There are various adverse impacts normally associated with construction. (ELR Order No. 41011.)

Southern Tier Expressway, 4(f) Supplement, New York, June 17: The statement is a 4(f) supplement to the draft EIS received by the Council on April 2, 1974. The supplement discusses the impact of the Southern Tier Expressway project on the "Zawatski Site", located near the confluence of the Allegany River and the Great Valley Creek, which has been included on the National Register of Historic Places (14 pages). (ELR Order No. 40999.)

Baldorioty De Castro Expressway, Puerto Rico, June 17: The statement discusses the development of 4.56 miles of Baldorioty De Castro Expressway running from De Diego Avenue to San Jorge St., San Jorge St. to Barboza Expressway, Barboza Expressway to Airport, and Airport to Los Angeles in the Municipalities of San Juan and Carolina. Adverse impacts are increased air and water pollution, displacements of families and businesses, and traffic disruptions associated with construction (155 pages). (ELR Order No. 40978.)

Loop 340, McLennan County, Tex., June 19: Proposed is the construction of 1.7 miles of 4 lane divided highway in the cities of Bellmead and Lacy-Lakeview. Adverse impact will include temporary air and water pollution during construction, and the displacement of 21 residences (47 pages). (ELR Order No. 41016.)

##### Final

Copper River Highway, Alaska, June 18: The proposed project is a 77 miles section of the Copper River Highway. Right-of-way acquisition will total 500 acres. A number of streams will be crossed with unavoidable adverse effects to aquatic life. Wildlife habitat will be lost to the project; greater access will increase hunting pressures. Comments made by: DOC, EPA, USDA, State and local agencies and concerned citizens. (ELR Order No. 41006.)

Supplemental Freeway 407, Adams County, Ill., June 19: The statement considers the construction of a Supplemental Freeway (F.A.P. 407) beginning south of S.R. 96 and extending north to U.S. 24; approximately 10.9 miles in distance. Approximately 700 acres of agricultural land will be committed to the project. An unspecified number of families will be displaced. Soil erosion, water pollution, and loss of vegetative cover will occur (209 pages). Comments made by: USDA, COE, DOI, EPA, DOT, State agencies. (ELR Order No. 41010.)

F.A.S. Route 471, Sanders, Mont., June 19: Proposed is the reconstruction of approximately 8.5 miles of F.A.S. No. 471. The project follows the Prospect Creek Drainage from Glidden Gulch on the west to Daisy Creek on the east. Adverse effects of the action include acquisition of right of way, and increased noise, air, and water pollution during

construction (67 pages). Comments made by: USDA, DOI, EPA, State agencies. (ELR Order No. 41008.)

## Final

Route 25, Southold, Suffolk County, N.Y., June 19: The project entails realignment to eliminate a high accident frequency curve on Route 25 in Laurel, Town of Southold, Suffolk County. Length of the project is .3 mile. One family will be displaced, a small man-made pond will be filled, and some woodland affected by this project (45 pages). Comments made by: USDA, HUD, DOI, EPA, USCG, State agencies. (ELR Order No. 41013.)

S.R. 76, Holmes County, Ohio, June 17: The project is a relocation of a portion of State Route 76, from the Penn Central Railroad grade separation structure, south of the Village of Holmesville, to the intersection of Main Street and Vermillion Street in Holmesville, Holmes County, for a length of 0.75 mile. The project will require the taking of a 0.40 acre man made lake, and the removal of approximately 5 acres of marsh land (35 pages). Comments made by: HEW, DOI, EPA, DOT, USDA, COE, USCG, HUD. (ELR Order No. 41001.)

I-35, U.S. 290, and Spur 69; Highway Improvement, Travis County, Tex., June 19: The plan involves the improvement of Interstate 35, U.S. 290, and Spur for a combined length of 5.1 miles. All construction will be done in the Austin area. I-35 is planned to be a six to eight lane controlled-access facility with continuous frontage roads. Spur 69 and U.S. 290 will each be six-lane controlled access facilities. Advance impacts include temporary increases in air, noise, and water pollution due to construction. Also, there will be a dislocation of 20 families and 29 businesses (49 pages). Comments made by: COE, USDA, DOI, EPA, State agencies. (ELR Order No. 41017.)

GARY L. WIDMAN,  
General Counsel.

[FR Doc. 74-15033 Filed 7-1-74; 8:45 am]

## FEDERAL MARITIME COMMISSION

## 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

Certificate No.	Owner/operator and vessels
01055	Farrell Lines, Inc.: <i>Austral Pilgrim</i> .
01069	Oglebay Norton Co.: <i>Buckeye</i> , <i>Crispin Oglebay</i> , <i>Robert C. Norton</i> .
01100	Anglo Sulphur Ltd.: <i>Nordic Texas</i> , <i>Nordic Louisiana</i> .
01190	A/S Gerrards Rederi & A/S Gerrards Rederi II: <i>Germa</i> .
01238	A/S Hakedal & A/S Tank: <i>Bjorghav</i> , <i>Bjorgfjell</i> .
01323	Manchester Liners, Ltd.: <i>Manchester Renown</i> .
01339	Compagnie Africaine D'Armement: <i>Dalila</i> .
01708	Benedict Shipping Corp.: <i>Splendid Breeze</i> , <i>Splendid Honour</i> .

Certificate No.	Owner/Operator and Vessels
01861	BP Tanker Co., Ltd.: <i>British Fal</i> .
01871	F. Scinicariello: <i>Paola I</i> .
01878	Messana-Societa di Navigazione S.P.A.: <i>Angelo Scinicariello</i> .
01885	Vincent Guzzetta d/b/a Guzzetta Oil Co.: <i>W &amp; T 15</i> .
01889	Gazoccean Armement: <i>Euclides</i> .
01891	Canal Barge Co., Inc.: <i>Luke Burton</i> , <i>Lydia E. Campbell</i> , <i>CBC 138</i> , <i>CBC 139</i> , <i>CBC 172</i> , <i>CBC 173</i> , <i>CBC 323</i> , <i>CBC 324</i> .
01904	Waterman Steamship Corp.: <i>Robert E. Lee</i> .
02017	Armadores Consolidados S.A. Panama: <i>Dajra Paul</i> .
02038	Polskie Linie Oceaniczne: <i>General Sikorski</i> .
02153	Vale Do Rio Doce Navegacao S/A: <i>Docedelta</i> .
02218	Christian Haaland: <i>Nyhorn</i> .
02241	Cape Continent Shipping Co. (Pty), Ltd.: <i>Woermann Sambesi</i> .
02295	The Great Eastern Shipping Co., Ltd.: <i>Jag Shakti</i> , <i>Jag Prakash</i> .
02338	Central Gulf Lines, Inc.: <i>Green Forest</i> , <i>Green Lake</i> , <i>Green Springs</i> , <i>Green Wave</i> , <i>Green Port</i> .
02339	South India Shipping Corp. Ltd.: <i>Chennai Muryachi</i> .
02416	Boland & Cornelius, Inc.: <i>H. Lee White</i> .
02492	Interstate Oil Transport Co.: <i>Interstate 35</i> , <i>Ocean 155</i> .
02889	Showa Kaiun K.K.: <i>Shima Maru</i> .
02982	The Shipping Corporation of India, Ltd.: <i>Gautama Buddha</i> , <i>B. R. Ambedkar</i> , <i>Visweswaraya</i> , <i>Vivekanand</i> , <i>Chhatrapati Shivaji</i> , <i>Vishva Abha</i> , <i>State of Himachal Pradesh</i> .
03139	Offshore Marine, Ltd.: <i>Fastnet Shore</i> .
03165	Asimi Maritime Co., Ltd.: <i>St. Demetrius</i> .
03245	Rederiaktieselskabet Dannebrog: <i>Amalienborg</i> , <i>Aggersborg</i> , <i>Christiansborg</i> .
03327	M/V Kathleen K, Inc.: <i>John K</i> .
03447	K.K. Kyokuyo: <i>Wakabo Maru</i> , <i>Hakuryu Maru No. 55</i> .
03453	Kyosei Kisen Kabushiki Kaisha: <i>Seishin Maru</i> .
03601	Etela-Suomen Laiva Oy: <i>Arkadia</i> .
03613	Western Transportation Co.: <i>No. 36</i> .
03640	Pan Ocean Bulk Carriers, Ltd.: <i>Pan Pacific</i> .
04007	Egon Oldendorff: <i>Dora Oldendorff</i> , <i>Hinrich Oldendorff</i> .
04283	Gulf of Georgia Towing Co., Ltd.: <i>Abittbi</i> .
04404	Lars Rej Johansen: <i>Joulla</i> , <i>Jowood</i> , <i>Jouita</i> , <i>Jopulp</i> .
04435	Gateway Barge Line, Inc.: <i>Bill Leuck</i> .
04459	Sociedad Metalurgica Duro-Felguera: <i>Jade</i> , <i>Topacio</i> .
04503	Okutsu Suisan K.K.: <i>Zenkomaru No. 56</i> .
04623	Seaspan International Ltd.: <i>Seaspan Doris</i> , <i>Seaspan Greg</i> .
04640	McAllister Lighterage Line, Inc.: <i>McAllister 137</i> , <i>McAllister 174</i> , <i>McAllister 175</i> .
05095	Esso Tankvaart Maatschappij B.V.: <i>Esso Saba</i> .
05103	Imperial Oil, Ltd.: <i>Imperial St. Clair</i> .
05155	Bultema Dock & Dredge Co.: <i>B-9</i> , <i>B-10</i> , <i>B-11</i> , <i>B-12</i> .
05238	Tradax Internacional S.A.: <i>Carisle</i> .

Certificate No.	Owner/operator and vessels
05345	L. Figueiredo Navegacao S.A.: <i>Topajos</i> .
05437	The Dow Chemical Co.: <i>KS-101</i> , <i>KS-102</i> , <i>FT-20</i> , <i>FT-22</i> .
05577	Far-Eastern Shipping Co.: <i>Pedor Petrov</i> , <i>Mekhanik Gordienko</i> .
05767	Neptune Orient Lines, Ltd.: <i>Neptune Orion</i> .
05790	Mainbrace Shipping Co.: <i>Island Mariner</i> .
06052	Marukyo Suisan Kabushiki Kaisha: <i>Nadayoshimaru No. 18</i> .
06129	Azov Shipping Co.: <i>Zaporozhye</i> .
06147	Woods Hole, Martha's Vineyard & Nantucket Steamship Authority: <i>Nantucket</i> .
06166	Hobart-Trotter Towing, Inc.: <i>Martha Trotter</i> .
06336	Mr. Sadao Ogino: <i>Koryo Maru No.</i>
06378	Shoel Kisen Kaisha, Ltd.: <i>Shoel Maru</i> .
06637	Toyama Prefectural Government: <i>Oyama Maru</i> .
06662	Reederei Claus-Peter Offen K. G.: <i>Holstenkamp</i> , <i>Holstenland</i> , <i>Holstenand</i> .
06812	Cho Yanga Shiping Co., Ltd.: <i>Coral</i> .
06921	Lee Lai Maritime S.A.: <i>Chieh Sheng</i> .
06925	Bibby Bulk Carriers, Ltd.: <i>Devonshire</i> .
07255	Teh Tung Steamship Co., Ltd.: <i>Neptune Volans</i> .
07290	Hollywood Terminals, Inc.: <i>STC 2011</i> , <i>SS 2021</i> , <i>C &amp; H 106</i> , <i>Ellis 2007</i> , <i>John T</i> .
07721	Seven Seas Transportation, Ltd.: <i>Satya Kailash</i> .
07808	Fleet Towing Co., Inc.: <i>Illinois</i> , <i>Van Powell</i> .
07847	Toshin Yusosen Co., Ltd.: <i>Sanmarco</i> .
08234	Burmah Oil Tankers, Ltd.: <i>Burmah Spar</i> , <i>Burmah Gem</i> .
08310	Universal Seaways Private, Ltd.: <i>Fine Fruit</i> , <i>Universal Queen</i> .
08315	Burmast Shipping & Exploration Corp.: <i>Permina Samudra XI</i> .
08344	Hammerton Shipping Co., S.A.: <i>Cape Charles</i> .
08814	Matthew Shipping Co., Ltd.: <i>Jennifer</i> .
08875	Ogino Gyogyo Seisan Kumiai: <i>Koryomaru No. 7</i> .
08907	Interbank Shipping Corp.: <i>Night Train</i> .
08919	Cape Freels Shipping Co., S.A.: <i>Cape Freels</i> .
08935	Camelford Shipping Co., Ltd., of Liberia: <i>Georgios K</i> .
08967	Marduena Armadora S.A.: <i>Marigo</i> .
09018	Sigurd Herlofson & Co. A/S: <i>Brockman</i> .
09022	Intercontinental Terminals Co.: <i>LRL 200</i> .
09025	Violet Shipping Co.: <i>Marta</i> .
09026	Cicero Navigation Co.: <i>Kappa Champion</i> .
09027	Harlech Shipping Corp.: <i>Atlantis</i> .
09028	Lucullus Shipping Corp. S.A.: <i>Atlas</i> .
09029	Eskildale Shipping Co., S.A.: <i>Kappa Victory</i> .
09032	Rio Santo, Ltd.: <i>Kappa Unity</i> .
09039	Regent Rose Shipping, Inc.: <i>Genista</i> .
09049	Vitamar S.A. Panama: <i>Aristillos</i> .
09051	Vitasea S.A. Panama: <i>Aristovoulos</i> .
09052	Cayman Tankers Ltd.: <i>Cayman Trader</i> , <i>Westgate</i> .
09065	Wilson (N.Z.) Portland Cement, Ltd.: <i>Cement King</i> .

Certificate No.	Owner/operator and vessels
09074	Zuito Shipping Co., Ltd.: <i>Andes Maru, Amur Maru, Daiko Maru, Kaiko Maru, Teiko Maru, Caucasus Mare, Kenko Maru, Zenkoren Maru No. 6, Choko Maru, Ginko Maru, Rhein Maru, Thames Maru, Syuko Maru, Seine Maru, Nile Maru, Wako Maru, Amazon Maru, Kikuko Maru, Kinko Maru, Woko Maru, Ryokko Maru, Shuko Maru.</i>
09075	Louslanis Shipping Co., Ltd.: <i>Irenes Sincerity.</i>
09078	Norland Shipping Co., Inc.: <i>Stolt Sydness, Stolt Norness.</i>
09084	Horizon Shipping Co., Ltd.: <i>Jell.</i>
09090	Transocean Bulk Carriers S.A.: <i>New Zealanders.</i>
09092	Akmon Maritime Corp.: <i>Akmon.</i>
09094	Lambert Brothers Shipping, Ltd.: <i>Temple Bar.</i>
09104	Capo Falcone Societa di Navigazione Societa Per Azioni: <i>Falcone.</i>
09107	La Plata Marine, Ltd.: <i>Sifnos.</i>
09111	Blue Sky Maritime Co., Ltd.: <i>Blue Sky.</i>
09112	Blue Stone Shipping Co., Ltd.: <i>Blue Stone.</i>
09113	Blue Spirit Shipping Co., Ltd.: <i>Blue Spirit.</i>
09115	Hoyo Suisan K.K.: <i>Hoyomaru No. 63.</i>
09116	Elito Compania Naviera S.A. Panama: <i>Eleftherios T.</i>
09120	Crystal Maritime (Panama) S.A.: <i>Delima.</i>
09122	Gallie Estates Ltd.: <i>Gallie Stream.</i>
09123	Limma-Tanker Etablissement: <i>July Star.</i>
09125	Garth Shipping Co., Ltd.: <i>Garthnewyold.</i>
09126	Interisland Maritime Ltd.: <i>Pholegandros.</i>
09127	LSP Tankers Corp.: <i>Amolyntos.</i>
09130	Nagos Steamship, Inc.: <i>Golden Nagos.</i>
09131	Tara Tankers, Ltd.: <i>Ariadne E.</i>
09132	Balearic Sea Transports Ltd.: <i>Falconera.</i>
09134	Oxford Maritime Ltd.: <i>Phaedra E.</i>
09135	Alefani Maritime Co., Ltd.: <i>Alefani.</i>
09138	Echo Maritime, Inc.: <i>Corona Energy.</i>
09139	Trans-Oel Gesellschaft Fur Oltransport Und Handel m.b.H.: <i>Bomin.</i>
09143	Seereederei MS Hasselburg Kurt Sieh & Co.: <i>Hasselburg.</i>
09144	Marivana Maria Compania Naviera S.A. Panama: <i>Arpa Sun.</i>
09147	Angellina Towing Corp.: <i>L.S.C. 41, L.S.C. 42.</i>
09148	Grand Domain Transport, Inc.: <i>Grand Domain.</i>
09149	Rhederi M. Jebsen A/S: <i>Clara Jebsen.</i>
09151	Metropolitan Marine Transport Corp.: <i>Mesologi.</i>
09152	Metropolitan Chartering, Inc.: <i>Odyssey 10.</i>

By the Commission.

FRANCIS C. HERNEY,  
Secretary.

[FR Doc.74-15156 Filed 7-1-74; 8:45 am]

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
01035	Ove Skou: <i>Else Skou, Grete Skou, Petra Skou.</i>
01065	Reederei Richard Schroder: <i>Ernst Schroder.</i>
01100	Anglo Sulphur Ltd.: <i>Naess Louisiana, Naess Texas.</i>
01106	N. V. Stoomvaart-Maatschappij "Oostzee": <i>Hilversum.</i>
01162	Astro Neustro Compania Naviera: <i>Vassiliki.</i>
01192	Odd Bergs Tankrederi A/S: <i>Kollfinn.</i>
01196	Vaboens Rederi A/S: <i>Herwang.</i>
01244	Mytilus A.S.: <i>Claro.</i>
01248	Dampskibs A/S Avenir-Skibs A/S: <i>Beaumont, Skibs A/S Beaulieu, Skibs A/S Beaufort, Skibs A/S Seattle; Beauregard.</i>
01328	Pergamos Shipping Co., Ltd.: <i>Executive Trader.</i>
01330	Shell Tankers (U.K.), Ltd.: <i>Meta, Vitrina.</i>
01334	American President Lines, Ltd.: <i>Canada Mail, President Adams, President Taylor.</i>
01337	Marfin Management Trust (Reg.): <i>Olga Topic.</i>
01449	The Cairn Line of Steamships, Ltd.: <i>Cairnventure.</i>
01533	Henry Nielsen OY/AB: <i>Lita.</i>
01578	Herald Jacobsen Shipping A/S: <i>Janja.</i>
01613	Reardon Smith Line, Ltd.: <i>Wilkaava.</i>
01805	Suisse Atlantique: <i>Moison.</i>
01904	Waterman Steamship Corp.: <i>Carrier Dove.</i>
01918	Jackson Steamship Co.: <i>Desert Leader.</i>
02129	Ore Carriers, Ltd.: <i>Orotava Bridge.</i>
02295	The Great Eastern Shipping Co., Ltd.: <i>Jag Arti.</i>
02465	Koch-Ellis Marine Contractors, Inc.: <i>KE-24.</i>
02494	Simms Bros. Towing Co., Inc.: <i>C &amp; H 106, EAC No. 152.</i>
02633	Partenreederei M/S "Matthias Rehder": <i>Matthias Rehder.</i>
02655	Reederei Jonny Wesch: <i>Blue Sea, Blue Stone, Blue Sky.</i>
02856	East Pacific Steamship Co.: <i>Lucky.</i>
03067	Vickers Towing Co., Inc.: <i>Betty, Cathy, Flora, Star, Susan Vickers.</i>
03245	Rederiakrieselskabet Dannebrog: <i>Wecco Supplier I.</i>
03521	Tokushima Kisen K.K.: <i>Kotoku Maru.</i>
03558	Reidar Rods Rederi A/S: <i>Belita.</i>
04289	Dixie Carriers, Inc.: <i>Deloris Rodgers.</i>
04389	Roen Steamship Co.: <i>John Roen V, Matlland No. 1.</i>
04411	The Ulster Steamship Co., Ltd.: <i>Santona.</i>
04503	Okutsu Suisan Kabushiki Kaisha: <i>Zenkoumaru No. 31.</i>
04507	Kabushikikaisha Fukuokaken Gyogyo Kosha: <i>Fukuoka Maru.</i>
04601	American Tunabont Association: <i>Endeavor, Lou Lean II, Western King.</i>
01625	American Commercial Lines, Inc.: <i>Chem 306, Chem 403, Chem 404, Chem 405, Chem 500.</i>
05036	Companhia Nacional de Navegacao: <i>Angola.</i>

Certificate No.	Owner/operator and vessels
05454	Samelet M/S Gol: <i>Gol.</i>
05476	Mireille Compania Naviera S.A. Panama: <i>Mireille.</i>
05577	Far Eastern Shipping Co.: <i>Novorossiisk, Tiksi.</i>
05600	Compania de Navigacion Leonamar S.A.: <i>Captain Ottavio.</i>
05634	Ventura Shipping Corp.: <i>Venturer.</i>
05685	World Wide, Inc.: <i>Conquistador.</i>
05687	Blue Pacific, Inc.: <i>Blue Pacific.</i>
05854	Levin Metals Corp.: <i>DE 438.</i>
05886	Hughes Brothers, Inc.: <i>Dick S, Hughes 53, Hughes 134, Hughes 135, Hughes 140, Hughes 159, Hughes 165, Hughes 166, Hughes 167, Hughes 168, Hughes 182, Hughes 185, Hughes 258, Hughes 287, Hughes 290, Hughes 292, Hughes 330, Hughes 331, Hughes 365, Hughes 706, Seascow 1401.</i>
06460	Chemtech Leasing, Inc.: <i>CT-100.</i>
06555	Texas City Tankers Corp.: <i>William T. Steele.</i>
06637	Toyama Prefectural Government: <i>Tsurugi Maru.</i>
06903	Sun Shipbuilding and Dry Dock Co.: <i>Yard Hull 666.</i>
06907	Vilano Shipping, Inc.: <i>Cap Vilano.</i>
07745	Oceanic Cruises Development, Inc. LI: <i>Oriental President.</i>
08007	Quebec Cartier Mining Co.: <i>Brochu, Vachon.</i>
08046	Providence Compania Naviera Corp.: <i>Trigon.</i>
08394	Panoceanica Progresiva S.A. Panama: <i>Aristipos.</i>
08460	Lemont Marine, Inc.: <i>Kevin.</i>
08464	Transreeder Schiffahrtsges. M.b.H. & Co.: <i>Bomin.</i>
09355	Lonborg Rederierne A/S: <i>Phillip Lonborg.</i>
09004	Berman Enterprises, Inc.: <i>Independent, Sarah Frank.</i>

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.74-15158 Filed 7-1-74; 8:45 am]

STOCKYARD SHIPPING AND TERMINAL  
CORP. AND ATLANTIC AND GULF  
STEVEDORES, INC.

## Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 22, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing

the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William R. Deasey,  
Deasey, Scalan & Bender, Ltd.,  
Suite 2900,  
Two Girard Plaza,  
Philadelphia, Pa. 19102.

Agreement No. T-2863-1, between Stockard Shipping and Terminal Corporation (Stockard) and Atlantic and Gulf Stevedores, Inc. (A & G), modifies the parties' basic agreement providing for A & G's appointment as Stockard's terminal operating contractor for all terminal operations at Pier 78 South, Philadelphia, Pennsylvania. The purpose of the modification is to extend the term of the basic agreement for one year, to July 31, 1975.

Dated: June 27, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 74-15155 Filed 7-1-74; 8:45 am]

**TRANS-PACIFIC PASSENGER  
CONFERENCE**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington D.C. 20573, on or before July 22, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord,  
General Manager,  
Trans-Pacific Passenger Conference,  
311 California Street,  
San Francisco, Calif. 94104.

Agreement No. 131-261 filed by the Trans-Pacific Passenger Conference modifies Rule E-2 entitled "Group Organizers" by providing, among other things, that a group must have a minimum potential of 15 full fare passengers; that a copy of each agreement (between the Group Organizer and the Member Line, or a memorandum of same, should the agreement be oral) be filed with the General Manager at Conference headquarters; that the Group Organizer shall be responsible for collecting the full amount of the fare for which passage is sold and shall remit all such monies to the Member Line, without deduction of commission; that the applicable commission shall be paid to the Group Organizer only after the passengers which constitute the group, have been booked, fully ticketed, embarked and the voyage commenced; and the establishing of conditions of appointment.

Exhibits to Rule E-1 and Rule E-2 will be modified accordingly.

Dated: June 27, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 74-15157 Filed 7-1-74; 8:45 am]

**FEDERAL OPEN MARKET  
COMMITTEE**

**AUTHORIZATION FOR DOMESTIC OPEN  
MARKET OPERATIONS**

Availability of Information

In accordance with § 271.5 of its rules regarding availability of information, notice is given that at its meeting on March 18-19, 1974, the Committee amended paragraph 1(a) of its authorization for domestic open market operations to read as follows:

(a) To buy or sell U.S. Government securities, including securities of the Federal Financing Bank, and securities that are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States in the open market, from or to securities dealers and foreign and international accounts maintained at the Federal Reserve Bank of New York, on a cash, regular, or deferred delivery basis, for the System Open Market Account at market prices, and, for such Account, to exchange maturing U.S. Government and Federal agency securities with the Treasury or the individual agencies or to allow them to mature without replacement; provided that the aggregate amount of U.S. Government and Federal agency securi-

ties held in such Account (including forward commitments) at the close of business on the day of a meeting of the Committee at which action is taken with respect to a domestic policy directive shall not be increased or decreased by more than \$3.0 billion during the period commencing with the opening of business on the day following such meeting and ending with the close of business on the day of the next such meeting.

Note: For paragraph 3 of the authorization, see 35 FR 447, for paragraph 2, see 36 FR 19277, and for the remainder of the authorization, see 32 FR 9584.

By order of the Federal Open Market Committee, June 24, 1974.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc. 74-15030 Filed 7-1-74; 8:45 am]

**AUTHORIZATION FOR SYSTEM FOREIGN  
CURRENCY OPERATIONS**

Availability of Information

In accordance with § 271.5 of its rules regarding availability of information there is set forth below paragraph 2 of the Committee's Authorization for Foreign Currency Operations in the form that became effective March 26, 1974.

The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under Section 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

	Amount of arrangement (millions of dollars equivalent)
Foreign bank:	
Austrian National Bank.....	250
National Bank of Belgium.....	1,000
Bank of Canada.....	2,000
National Bank of Denmark.....	250
Bank of England.....	3,000
Bank of France.....	2,000
German Federal Bank.....	2,000
Bank of Italy.....	3,000
Bank of Japan.....	2,000
Bank of Mexico.....	180
Netherlands Bank.....	500
Bank of Norway.....	250
Bank of Sweden.....	300
Swiss National Bank.....	1,400
Bank for International Settlements:	
Dollars against Swiss francs.....	600
Dollars against other European currencies.....	1,250

Note: For paragraph 1 of the authorization, see 34 FR 9044; and for paragraph 3, see FR 11239; and for paragraph 4-10, see 32 FR 9583.

By order of the Federal Open Market Committee, June 24, 1974.

ARTHUR L. BROIDA,  
Secretary.

[FR Doc. 74-15059 Filed 7-1-74; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. CI62-1004, et al.]

## DINERO OIL CO. ET AL.

## Certificates of Public Convenience and Necessity, Orders Issuing Certificates, and Rate Schedules and Rate Schedule Supplements for Filing

JUNE 24, 1974.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

After due notice by publication in the FEDERAL REGISTER, timely notices of intervention were filed in Docket Nos. CI74-26, CI74-371 and CI74-376 by the Public Service Commission of the State of New York and a late notice of intervention was filed by the Public Service Commission in Docket No. CI74-26. No good cause is set forth for the filing of the late notice. The Public Service Commission requests hearings on the subject applications unless certificates are issued consistent with Commission Opinion No. 598. No petitions to intervene, protests to the granting of the applications, or further notices of intervention have been filed.

At a hearing held on June 19, 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 and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds: (1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform

the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) Since the gas proposed to be sold by Applicant in Docket No. CI74-26 may ultimately be commingled with gas delivered in New York, good cause exists for permitting the filing of the late notice of intervention in Docket No. CI74-26 by the Public Service Commission of the State of New York.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders: (A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the

certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate in Docket No. G-18980 is amended by deleting therefrom authorization to sell gas where said sale is authorized to be continued herein in Docket No. CI74-421, and in all other respects said order shall remain in full force and effect.

(F) Within 90 days from the date of initial delivery, Applicant in Docket No. CI74-376 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 598 and 598-A.

(G) Within 90 days from the date of this order, Applicant in Docket No. CI62-1004 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 595.

(H) The certificates and certificate authorization granted in Docket Nos. CI62-1004, CI74-26, CI74-371, CI74-376 and CI74-421 are subject to the Commission's findings and orders accompanying Opinion Nos. 595, 595-A, 598 and 598-A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to Section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) Applicant in Docket No. CI74-455 shall charge and collect the minimum rate established by Order No. 435, 15.0 cents per Mcf at 14.73 psia and 60° F, subject to Btu adjustments below 1,000 Btu and above 1,050 Btu, including all additive charges and adjustments and state production taxes.

(J) Applicants in the dockets indicated shall charge and collect the following rates, subject to Btu adjustment where applicable:

Docket No.	Rate (cents per thousand cubic foot)	Pressure base (pounds per square inch absolute)
CI74-376.....	126.0	15.025
	27.0	15.025
CI74-421.....	21.375	15.025
	21.875	15.025

1 Rate for gas delivered at offshore point.  
 2 Rate for gas delivered at onshore point.  
 3 Rate for gas before Apr. 10, 1974.  
 4 Rate for gas on and after Apr. 10, 1974.

## NOTICES

(K) The late notice of intervention submitted by the Public Service Commission of the State of New York in Docket No. CI74-26 is accepted for filing.

(L) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth

in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule		
			Description and date of document <sup>1</sup>	No. Supp.	
CI62-1001 E 4-24-74	Dinero Oil Co. (successor to Petroleum Evaluation and Management Co., Inc.).	Tennessee Gas Pipeline Co., a division of Tennessee Inc. Chess and LaSara Fields (Chess Todd Lease), Wilcox County, Tex.	Petroleum Evaluation and Management Co., Inc., FPC gas rate schedule No. 1.	1	-----
			Supplement Nos. 1-3	1	1-3
			Notice of succession 4-9-74	-----	-----
			Assignment 8-1-70 <sup>2</sup>	1	4
			Assignment 8-1-70 <sup>3</sup>	1	5
			Release 10-24-73 <sup>4</sup>	1	6
			Assignment 11-14-73 <sup>5</sup> (Effective date: 8-2-73)	1	7
CI-67-1822 D <sup>6</sup>	The California Co., a division of Chevron Oil Co.	Texas Gas Transmission Corp. Block 23 Field, Ship Shoal Area, offshore Louisiana.	Assignment 11-3-71 <sup>7</sup>	40	10
			Assignment 11-3-71 <sup>7</sup>	40	11
			Letter agreement 1-6-72. (Effective date: Date of this order).	40	12
CI74-26 A 7-12-73	Forest Oil Corp.	Transcontinental Gas Pipe Line Corp. Block 99 Field, Eugene Island Area, offshore Louisiana.	Contract 5-29-73	50	-----
CI74-371 A 1-11-74	Exxon Corp.	Columbia Gas Transmission Corp. Block 16, Grand Isle Area, offshore Louisiana.	Contract 12-10-73	532	-----
CI74-376 A 1-15-74	The Superior Oil Co.	Michigan Wisconsin Pipe Line Co. Block 71 Field, West Cameron Area, offshore Louisiana.	Compliance 2-25-74 (Effective date: Date of initial delivery).	165	2
CI74-421 F 2-4-74	The California Co., a division of Chevron Oil Co. (successor to Tenneco Oil Co.).	Transcontinental Gas Pipe Line Corp. Block 40, West Cameron Area, offshore Louisiana.	Agreement 12-20-73	83	-----
			Contract 12-23-57	83	1
			Letter 1-9-53	83	2
			Agreement 2-23-53	83	3
			Letter 3-11-59	83	4
			Letter 4-27-59	83	5
			Letter 7-21-59	83	6
			Agreement 2-27-61	83	7
			Letter 1-2-61	83	8
			Partial Assignment 10-9-67 <sup>8</sup>	83	9
			Approval of Assignment 11-22-67	83	10
CI74-455 A 2-22-74	Marathon Oil Co. (operator), et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp. Oregon Basin, Park County, Wyo.	Contract 7-19-73	125	-----

- <sup>1</sup> Where no effective date is shown, the rate schedule filing has heretofore been accepted.  
<sup>2</sup> Assigns acreage from Petroleum Evaluation and Management Co., Inc., to Sam R. Evans.  
<sup>3</sup> Assigns acreage from Sam R. Evans to Sonitt Petroleum.  
<sup>4</sup> Releases acreage from Sonitt Petroleum to The Superior Oil Co.  
<sup>5</sup> Assigns acreage from The Superior Oil Co. to applicant.  
<sup>6</sup> No certificate filing necessary, 18 CFR 2.64.  
<sup>7</sup> Conveys acreage from applicant to Exchange Oil & Gas Corp.  
<sup>8</sup> Conveys acreage from Tenneco Oil Co. to applicant.

Filing code: A—Initial service.  
 B—Abandonment.  
 C—Amendment to add acreage.  
 D—Amendment to delete acreage.  
 E—Succession.  
 F—Partial succession.

[FR Doc. 74-14965 Filed 7-1-74; 8:45 am]

[Docket No. CP74-315]

### ALGONQUIN GAS TRANSMISSION CO. Notice of Application

JUNE 25, 1974.

Take notice that on June 6, 1974, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74-315 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas by Applicant through the

facilities of Texas Eastern Transmission Corporation (Texas Eastern) to Consolidated Gas Supply Corporation (Consolidated) for storage and the re-delivery by Applicant of such gas to its customers (enumerated infra), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to implement an agreement with Consolidated which provides for the storage of specified volumes of gas by Consolidated for Applicant at a rate in accordance with

Consolidated's GSS Rate Schedule.<sup>1</sup> Applicant states that such agreement contemplates that Applicant will receive from its customers during the period June 1 through October 31, 1974 (Injection Period), for delivery by Applicant to Consolidated on an interruptible basis a quantity of gas no greater than 1,100,000 Mcf at 15.025 psia, and that such gas will be returned by Applicant to its customers on an interruptible basis during the period November 1, 1974, through March 31, 1975 (Withdrawal Period). Applicant states that the deliveries of gas by Applicant to Consolidated and the return of gas by Consolidated to Applicant will be effected through the facilities of Texas Eastern, subject to the provision that return gas will not exceed a daily volume of 18,000 Mcf at 15.025 psia.

The application indicates that the terms and charges of such temporary storage service provided by Applicant for its customers are set forth in Applicant's temporary storage service Gas Rate Schedule S-T which Applicant requests be made effective June 1, 1974. The application further indicates that for natural gas storage service rendered to Applicant's customers under said rate schedule, each customer shall pay Applicant \$1.10 per Mcf of gas delivered, but not less than the Storage Capacity<sup>2</sup> volume multiplied by 37 cents per Mcf. Applicant provides the following schedule of customers and their respective storage capacity and storage demand volumes:

Name of customer	Million cubic feet	
	Storage capacity	Storage demand <sup>3</sup>
Boston Gas Co.	347,277	5,682
Brockton Taunton Gas Co.	94,452	1,546
Commonwealth Gas Co.	143,488	2,348
Connecticut Gas Co., The	129,276	2,115
Connecticut Natural Gas Corp.	103,179	1,770
Fall River Gas Co.	40,801	668
Hartford Electric Light Co., The	9,290	152
Middleborough, Massachusetts, Town of.	2,129	35
North Attleboro Gas Company	2,262	36
Norwich, Connecticut, city of	11,855	194
Pequot Gas Co., The	1,477	24
Providence Gas Co.	143,801	2,333
South County Gas Co.	3,230	53
The Southern Connecticut Gas Co.,	84,183	1,377
Tiverton Gas Co.	410	7

<sup>1</sup> The maximum volume the customer shall be entitled to receive from applicant from storage on any day during the withdrawal period.

<sup>2</sup> Applicant states that it has entered into a 3-year agreement with Consolidated which provides for the execution in each of the years 1974, 1975, 1976 of supplemental agreements specifying for each then current year the volumes of gas to be stored by Consolidated for Applicant, the volumes of gas for sale to Consolidated, and the quantity of gas to be returned to Applicant. Applicant states that the instant agreement sought to be implemented, the supplemental agreement for the year 1974, does not contemplate the purchase of any gas by Consolidated.

<sup>3</sup> The total volume of gas which is stored for the customer's account during the Injection Period and which the customer is entitled to have delivered to it during the Withdrawal Period.

Applicant states that the storage services proposed to be rendered by Applicant and Consolidated are substantially identical to the storage services rendered during the 1973-74 period and authorized by the Commission in Docket No. CP73-206 issued on March 22, 1974 (51 FPC --). Applicant states also that this application is related to and should be considered together with the "Motion of Consolidated Gas Supply Corporation, et al., Requesting Amendment of Certificate of Public Convenience and Necessity to Authorize Storage Service Through Another Input and Withdrawal Season (1974-1975)" which was filed in Docket No. CP73-206.

Applicant claims no additional facilities are required to handle the gas which is the subject of the proposed 1974-75 storage program.

Applicant states that the instant "husbanding" proposal is an effective method of insuring gas availability for winter deliveries to high priority residential and commercial consumers during the present period of gas supply shortages.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15083 Filed 7-1-74; 8:45 am]

[Dockets Nos. CI74-495, CI74-629]

### CNG PRODUCING CO.

#### Extension of Time and Postponement of Hearing

JUNE 25, 1974.

On June 24, 1974, CNG Producing Company filed a motion for an extension of the procedural dates fixed by order issued June 17, 1974, in the above-designated matter. The motion states that all of the parties concur in the requested extension of time.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct testimony by CNG and interveners supporting the application, July 9, 1974.

Service of direct testimony by Staff and any interveners opposing the application, August 3, 1974.

Service of rebuttal evidence, August 13, 1974.

Hearing (unchanged), September 4, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15087 Filed 7-1-74; 8:45 am]

[Docket No. CP74-317]

### GREAT LAKES GAS TRANSMISSION CO.

#### Notice of Application

JUNE 25, 1974.

Take notice that on June 7, 1974, Great Lakes Transmission Company (Great Lakes), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP 74-317 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Michigan Wisconsin Pipe Line Company (Mich Wisc) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Great Lakes proposes, pursuant to a contract dated May 20, 1974, to transport up to 291,000 Mcf of natural gas per day for Mich Wisc, for 20 years, from the interconnection of their two systems near Farwell, Clare County, Michigan, to points of interconnection to be established near storage facilities proposed to be developed by Mich Wisc at the Capac, Leonard and Muttonville Fields in Lapeer and St. Clare Counties, Michigan.<sup>1</sup>

Mich Wisc will deliver to Great Lakes during the storage injection cycle, in the months of April through October of each year, 90,000 Mcf of gas during the first contract year, 182,000 Mcf during the second contract year, and 291,000 Mcf during the third and remaining years

<sup>1</sup> Mich Wisc has submitted an application requesting a certificate of public convenience and necessity to develop said storage fields in Docket No. CP74-316.

of the contract, at the exchange point near Farwell, and other points of interconnection as may be mutually agreed upon. Great Lakes will redeliver equivalent volumes to the proposed storage fields of Mich Wisc. The May 20, 1974, contract also provides that Great Lakes upon request by Mich Wisc may transport and deliver such excess quantities as Mich Wisc may request, when in Great Lakes' judgment such transportation is feasible.

The application states that under the exchange agreement between Great Lakes and Mich Wisc, approved by the Commission order issued on April 30, 1970, in Docket Nos. CP70-19 and CP70-21 (43 FPC 635), as amended October 18, 1973 (50 FPC --),<sup>2</sup> Mich Wisc will de-

<sup>2</sup> Under the amending order of October 18, 1973, Great Lakes and Mich Wisc are authorized to exchange up to 500,000 Mcf per day.

liver the stored volumes to Great Lakes at the storage field interconnections and Great Lakes will redeliver equivalent volumes to Mich Wisc at the Fortune Lake delivery point near Crystal Falls in the Upper Peninsula of Michigan.

In furtherance of the agreement of May 20, 1974, Great Lakes proposes to construct the following additional facilities during the period from 1974-1977:

- (1) A total of 53.3 miles of 36-inch diameter loop pipeline at certain points between the exchange point near Farwell and the delivery points at the proposed storage fields,
- (2) One 8,000 HP addition at the Farwell compressor station,
- (3) An impeller replacement at the compressor station near Otisville, Michigan, and
- (4) Interconnection facilities at the proposed storage fields.

Great Lakes estimates the total cost at \$22,335,000, to be financed from funds generated internally, together with borrowings from banks under short-term lines of credit, if required.

Great Lakes intends to charge Mich Wisc for the transportation service, for the first year, 5 cents per Mcf for volumes of gas transported; for the second and each succeeding year, a demand charge of 0.828 cent per Mcf of monthly contract quantity and a volume charge of 2.10 cents per Mcf of gas delivered by Great Lakes to Mich Wisc.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15084 Filed 7-1-74;8:45 am]

[Docket No. CI74-433]

**J. S. ABERCROMBIE MINERAL CO., ET AL.**  
Notice Cancelling Hearing

JUNE 25, 1974.

On May 24, 1974, an order was issued fixing a hearing in the above-designated matter. On June 5, 1974, J. S. Abercrombie, Inc., et al., filed a notice of withdrawal of its application for a limited term certificate of public convenience and necessity.

Notice is hereby given that the hearing fixed for July 17, 1974, in the above matter is cancelled.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15086 Filed 7-1-74;8:45 am]

[Docket No. RP-74-80]

**NORTHERN NATURAL GAS CO.**  
Order Granting Late Petitions to Intervene

JUNE 25, 1974.

Late petitions to intervene and notices of intervention were filed in this proceeding by Inter-City Gas Limited; Wisconsin Southern Gas Company, Inc.; Superior Water, Light and Power Company; Interstate Power Company; St. Croix Valley Natural Gas Company, Inc.; Northern States Power Company (Minnesota); Northern States Power Company (Wisconsin); City of Duluth, Minnesota; Cleveland-Cliffs Iron Company; Northern Illinois Gas Company; Lloyd V. Crum, Jr.; Minneapolis Gas Company; The New Mexico Public Service Commission; The City of Minneapolis; and The Public Service Commission of Wisconsin. Notice of the filing in this docket was

issued on April 18, 1974, with protests and petitions to intervene due on or before May 6, 1974.

Our review of the subject petitions indicates that good cause has been shown to grant such petitions and that this proceeding will not be delayed thereby.

The Commission finds: Participation by the above petitioners may be in the public interest.

The Commission orders: (A) The above petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of the intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene: *And, Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15088 Filed 7-1-74;8:45 am]

[Docket No. CP74-309]

**SOUTH GEORGIA NATURAL GAS CO.**  
Notice of Application

JUNE 25, 1974.

Take notice that on June 3, 1974, South Georgia Natural Gas Company (Applicant), P.O. Box 1279, Thomasville, Georgia 31792, filed in Docket No. CP74-309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reapportionment of the maximum daily quantities (MDQ's) of natural gas delivered to certain of its customers among such customers' existing delivery points, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests certificate authorization so that Applicant may honor its customers' requests that MDQ's be reapportioned among customer delivery points. Applicant states that such requests were occasioned by its customers' desire to utilize more effectively Applicant's gas deliveries under the curtailment plan as ordered by the Commission on November 13, 1973, in Docket No. RP74-28 (50 FPC \_\_\_\_\_), in conjunction with such customers' existing (or proposed) peak shaving plants. Applicant states that the proposed reapportionment requires no new construction and makes no changes in existing service which are not fully and completely protected by said curtailment plan.

Specifically, Applicant proposes to reapportion MDQ among delivery points as follows:

Name of customer	Present maximum daily quantity	Proposed maximum daily quantity
Americus, Ga., city of:		
Station No. 1.....	2,500	2,000
Station No. 2.....	1,000	1,500
Atlanta Gas Light Co.:		
Station No. 1.....	9,300	9,000
Station No. 2.....	200	200
Station No. 3.....		150
Bainbridge, Ga., city of:		
Station No. 1.....	2,528	2,228
Station No. 2.....		300
Blakely, Ga., city of:		
Station No. 1.....	898	548
Station No. 2.....		50
Moultrie, Ga., city of:		
Station No. 1.....	3,500	1,750
Station No. 2.....		1,750

Any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15085 Filed 7-1-74;8:45 am]

**TIDAL TRANSMISSION CO.**  
Filing of Proposed Research and Development Rate Adjustment Provision

JUNE 25, 1974.

Take notice that on June 12, 1974, Tidal Transmission Company (Tidal) tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas

Tariff, to be effective July 12, 1974, consisting of the following tariff sheets:

Original Sheet Nos. 17A, 17B, 17C, 17D, and 17E  
Second Revised Sheet No. 17

Tidal states that the sole purpose of such revised and added tariff sheets is to incorporate a research and development (R&D) rate adjustment provision in Tidal's tariff applicable to jurisdictional gas deliveries. Such provision is set forth in a new Article 9.4 added to Original Volume No. 1 of its FPC Gas Tariff. Tidal further states its belief that its proposed R&D rate adjustment provision is in accord with § 154.38(d) (5) (b) of the Commission's regulations. Tidal requests that the Commission grant such waivers as it may deem necessary for the acceptance of the filing.

Tidal states that copies of its filing have been mailed to its customers.

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 July 5, 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.74-15082 Filed 7-1-74;8:45 am]

[Docket No. RP74-35]

**UNITED NATURAL GAS CO.**

**Proposed PGA Rate Adjustment**

JUNE 21, 1974.

Take notice that on June 13, 1974, United Natural Gas Company (United), tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Sixth Revised Sheet No. 3-A to be effective June 14, 1974.

United states that the sole purpose of this revised tariff sheet is to adjust United's rates pursuant to the PGA provision in section 16 of the General Terms and Conditions approved by the Commission's Order issued December 10, 1973, in Docket No. RP74-35. United further states that such tariff sheet reflects an adjustment in United's rates of 2.05¢ per Mcf (\$940,717 annually) over the revenues that would be generated from the rates set forth in Fifth Revised Sheet No. 3-A tendered June 3, 1974. United states that the increased costs result from the following suppliers: Columbia Gas Transmission Corporation, Texas Eastern Transmission Corporation, and Transcontinental Gas Pipe Line Corporation.

United requests waiver of the 45 day notice requirement contained in Section 16.6 of the General Terms and Conditions of its FPC Tariff and further requests waiver of any of the Commission's rules and regulations as may be required to permit its tendered filing to become effective June 14, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 July 5, 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.74-15089 Filed 7-1-74;8:45 am]

[Docket No. RP74-99]

**CASCADE NATURAL GAS CORP.**

**Proposed Change in Rates**

JUNE 26, 1974.

Take notice that on June 17, 1974, Cascade Natural Gas Corporation (Colorado-Utah Division) (hereinafter called Cascade) tendered for filing a proposed change in rate for service to Mountain Fuel Supply Company (Mountain Fuel) rendered under Cascade's FPC Gas Rate Schedule No. 1. Such rate increase is proposed to become effective on August 2, 1974. Cascade states that the filing reflects an increase in revenues of approximately \$2.25 million annually based upon volumes for the twelve months ended April 30, 1974, as adjusted, and a test year cost of service which includes a proposed change in rate of depreciation and a claimed overall rate of return of 9.48 percent. The filing also includes a minimum monthly bill provision which Cascade asserts is an essential element of just and reasonable rates for service under said Rate Schedule No. 1.

According to Cascade, its filing proposes a preferred rate design reflecting a uniform rate of 63.81 cents per Mcf. However, in the event any interested party objects to the uniform rate form prior to the proposed effective date, Cascade states that it will place tendered alternative tariff sheets in effect which propose a unit rate of 63.05 cents per Mcf for "old gas" and 66.26 cents per Mcf for "incremental gas" delivered under the terms of said Rate Schedule No. 1. Cascade states that placement of the alternative rates in effect would necessitate certain changes in Cascade's current Purchased Gas Adjustment Clause factors and in its proposed minimum monthly bill provision, so alternative

tariff sheets are provided to effect those changes as well. Cascade further states that the revenues to be generated under both the preferred and the alternative tariff sheets are designed to equal the test year cost of service for deliveries to Mountain Fuel.

Cascade requests an order allowing its increased rates to become effective without suspension or, alternatively if suspension is deemed necessary, after a suspension period of only one day. In this regard, Cascade states that its Colorado-Utah Division service to Mountain Fuel under Rate Schedule No. 1 has been subject to the fixed price constraints of its contract and, as a result, the Colorado-Utah Division is suffering continuing and substantial operating losses which will not end until the increased rates become effective.

Cascade states further that copies of its filing have been served on its customers and interested State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 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.74-15170 Filed 7-1-74;8:45 am]

[Docket No. CP73-329]

**CHATTANOOGA GAS CO.**

**Order Accepting Settlement Proposal, Rescinding Order Requiring Cessation of Operations, and Reinstating Temporary Authorization**

JUNE 24, 1974.

By letter order issued November 1, 1973, in Docket No. CP73-329, we temporarily authorized Chattanooga Gas Company (Chattanooga) to operate its existing liquefied natural gas (LNG) facilities in interstate commerce and to render service as proposed in its application for a temporary certificate filed August 9, 1973 in that docket. Our authorization was conditioned upon Chattanooga's full compliance with the Office of Pipeline Safety's Minimum Safety Standards, and with NFPA Standard No. 59-A-1972.

On March 13, 1974, we issued an order requiring, inter alia, that Chattanooga cease operation of the subject LNG facilities, to make deliveries from its LNG installation so as to empty its LNG storage tank to a level which would not present a hazard to the public safety,

and to take other steps necessary to comply with the temporary authorization previously granted. Our reasons, as stated in our order of March 13, 1974, were that subsequent investigation of Chattanooga's facilities revealed that its operation may violate the requirements of NFPA Standard No. 59-A-1972, and that such violation may constitute a distinct hazard to life or adjoining property. We thereupon ordered Chattanooga to cease further operations, as described above, pending further order of the Commission.

By order issued April 11, 1974, we denied Chattanooga's application for rehearing of our March 13 order. Chattanooga subsequently filed an application for reconsideration of our order denying rehearing. On May 8, 1974, the Commission Secretary issued a Notice of Technical Conference to be attended by members of the Commission Staff, the Office of Pipeline Safety of the Department of Transportation (OPS), and representatives of Chattanooga, "for the purpose of establishing procedures agreeable to all concerned parties for the early return to safe operation of the subject facility." All interested persons were invited to attend the conference, which was convened as scheduled on May 20, 1974 and continued on May 29, 1974.

As a result of the discussions in the technical conferences, Chattanooga on June 24, 1974, filed a "Settlement Proposal" in the instant docket, in which the Applicant proposed to undertake numerous actions in order to settle the matters in controversy.

The actions which Chattanooga proposes to undertake immediately are set forth in Paragraphs I through VII on pages 6 and 7 of the Settlement Proposal, attached hereto. In addition, as described in Paragraph VIII of the Proposal, Chattanooga has agreed to proceed with the planned construction of a sump within the dike area. Finally, in its Proposal, Chattanooga agrees to study alternatives suggested by the National Bureau of Standards (NBS) at page 15 of NBS's report of March 20, 1974,<sup>1</sup> and other possibilities to remove concern for the safety of nine nearby residences in the event of a total content tank spill. In this regard, Chattanooga agrees to report within 75 days of the date of this order for Commission approval, its conclusions and proposals regarding the nearby residences. Should Chattanooga be unable within 75 days to make such report, Chattanooga will report on the progress made and show good cause for a requested extension of time.

The Proposal filed stated that such filing is without waiver of Chattanooga's position that exclusive jurisdiction to impose safety standards lies in the OPS, and that the subject facility is safe. Chattanooga's petition further stated that the Applicant does not concede that any of the actions proposed are necessary to

make its LNG operation safe, and Chattanooga does not commit itself to taking further actions the FPC may seek to impose.

On June 14, 1974, Commission Staff Counsel filed a "Statement in Support of Settlement Proposal," which stated that the numerous procedures proposed by Chattanooga were suggested by Staff to alleviate the latter's concern over the facility's safe operation, and that Staff therefore supports the Settlement Proposal as filed. Staff further stated that upon implementation of the seven enumerated steps, and installation of the sump, Chattanooga will have met the intent of the provisions of the temporary certificate, and that good cause exists for the Commission to withdraw its order of March 13. Staff's statement expressly excepted to the legal opinions contained in Chattanooga's Settlement Proposal, particularly that concerning the extent of safety jurisdiction of the FPC and OPS, respectively.

By letter of June 18, 1974, Chattanooga informed the Commission Secretary that, in addition to certain specified progress that was being made with respect to the procedures in Paragraphs I through VI, construction of the dike sump as agreed upon in Paragraph VIII, has been completed.

Upon consideration, we believe that the proposed actions will best ensure the safe operation of the subject facility, and that the early return to safe operation of Chattanooga's facility is in the public interest. We also agree with our Staff that, with the implementation of the seven enumerated steps, and the now completed construction of the sump, Chattanooga has met the intent of the provisions of our temporary certificate issued November 1, 1973, and should be allowed to resume operations thereunder. It is significant also that no parties have filed any objections to the Settlement Proposal, and that our own Staff fully supports it. We shall, therefore, accept the Settlement Proposal filed, and order the withdrawal of our restraining order of March 13, 1974, thereby reinstating in full force our temporary certificate order of November 1, 1973. In accordance with the Proposal, Chattanooga shall be required, in addition to carrying out the acts specified in Paragraphs I through VII, appended hereto, to submit within 75 days of the date of this order, a report for our approval detailing Chattanooga's conclusions and proposal(s) for the removal of NBS's and Staff's concern over the safety of the occupants of the nine residences in the event of a total tank spill. If Chattanooga is unable to make such report within the time specified, a report on the progress made on this matter shall be submitted, and an extension of time for good cause shown may be requested. Finally, Chattanooga shall submit monthly progress reports on implementation of all aspects of the settlement, commencing July 18, 1974.

Our acceptance of the Settlement Proposal herein is limited to the procedures and actions to be undertaken by

Chattanooga at pages 6 through 9 thereof, and is not to be construed as endorsement to any extent of the allegations or legal arguments advanced in any portion of the Proposal filed, including but not limited to the section thereof entitled "Reservations".

*The Commission further finds.*

(1) Upon implementation of the actions proposed in Paragraphs I through VIII of the proposed Settlement Proposal, Chattanooga has met the intent of the provisions of the temporary certificate issued November 1, 1973.

(2) Good cause exists to accept the Settlement Proposal and to withdraw our order of March 13, 1974.

*The Commission orders.*

(A) The actions proposed by Chattanooga in its Settlement Proposal, filed in this proceeding on June 10, 1974, are hereby approved in their entirety, without modification. Consequently, the steps outlined in Paragraphs I through VII of the Settlement Proposal which is appended hereto are adopted, and Chattanooga is directed to implement such procedures within the time limits specified therein, or if no such limit is specified, as expeditiously as possible.

(B) Our order requiring cessation of operations, issued March 13, 1974, is rescinded, and our temporary certificate authorization, issued November 1, 1973, is reinstated in full force and effect.

(C) Chattanooga shall, within 75 days, report for our approval on its conclusions and proposal(s) for insuring the safety of the nine nearby residences, as agreed on page 9 of the Proposal. If unable to so report, Chattanooga shall report on any progress made and request an extension of time for good cause shown.

(D) Chattanooga shall submit monthly progress reports on implementation of the actions agreed upon, commencing July 18, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,<sup>2</sup>  
Secretary.

[FR Doc.74-15162 Filed 7-1-74; 8:45 am]

[Docket No. E-8074]

CITY OF FAIRHOPE, ALABAMA AND  
ALABAMA POWER CO.

Extension of Time and Postponement of  
Hearing

JUNE 26, 1974.

On June 10, 1974, The City of Fairhope, Alabama, filed a motion to defer the procedural dates fixed by order issued April 16, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of direct evidence by all parties including Staff counsel, October 1, 1974.

<sup>2</sup> Commissioner Brooke, dissenting, joined by Commissioner Moody, filed a separate statement. Separate statement by Commissioner Moody filed as part of the original document.

<sup>1</sup> A copy of the NBS report is contained in the public files pertaining to this proceeding.

Service of rebuttal evidence of all parties including Staff counsel, November 5, 1974. Hearing, November 20, 1974 (10 a.m. e.d.t.).

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.74-15166 Filed 7-1-74;8:45 am]

[Docket No. RP72-91; Conjunctive Billing-Phase I]

**SOUTHERN NATURAL GAS CO.**

**Notice of Extension of Time**

JUNE 26, 1974.

On June 2, 1974, Staff Counsel filed a motion for an extension of time to file a Staff Response to the motion to reopen record filed by Atlanta Gas Light Company on June 10, 1974.

Upon consideration, notice is hereby given that the time is extended to and including July 16, 1974, within which responses may be filed to the above motion.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.74-15167 Filed 7-1-74;8:45 am]

[Docket No. RI74-261]

**EXCELSIOR OIL CORP.**

**Notice of Petition for Special Relief**

JUNE 26, 1974.

Take notice that on June 12, 1974, Excelsior Oil Corporation (Petitioner), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed a petition for special relief under Order No. 481 in Docket No. RI74-261, seeking a rate of 50 cents per Mcf for the sale of gas to Kansas-Nebraska Natural Gas Company, Inc. under its FPC Gas Rate Schedule Nos. 8 and 10 from the Buffalo Wallow Field, Hemphill County, Texas. Petitioner states that without rate relief scaling treatments, disposal of salt water, and other field improvements to maintain or increase existing production would not be justified.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.74-15164 Filed 7-1-74;8:45 am]

[Docket No. RP73-102]

**MICHIGAN-WISCONSIN PIPE LINE CO.**

**Order Approving Settlement, Rejecting Provision and Remanding Issues for Hearing**

JUNE 26, 1974.

On April 30, 1973, as later revised on September 14, 1973, Michigan-Wisconsin Pipe Line Company (Mich-Wis) tendered for filing changes in its FPC Gas Tariff, Second Revised Volume No. 1 and First Revised Volume No. 2, which proposed a general increase in rates to be effective June 1, 1973. The proposed changes would increase charges for jurisdictional sales and service by approximately \$36.7 million annually based on sales for the twelve months ended January 31, 1973. By order of May 30, 1973, the Commission suspended the proposed increase for the full statutory period until November 1, 1973, and provided for a hearing. A number of petitioners have been permitted intervention. Prehearing conferences were held before the Presiding Administrative Law Judge on November 6 and 15, 1973, at which time the applicants' case-in-chief and the Commission staff's testimony and exhibits were copied into the record.

At the initial hearing on February 19, 1974, a proposed settlement agreement (Settlement) was presented which purports to settle all of the issues present in the docket with the exception of two:

(1) Inclusion in the cost of service of delay rental payments for coal associated with a proposed coal gasification program. Mich-Wis and the staff have, by agreement, submitted additional testimony on this point and the parties have waived initial decision, and asked that this question be resolved by the Commission.

(2) The staff is opposed to acceptance without a hearing of the Seaboard cost classification and rate design included in the Settlement, and urges that the Commission remand the question of rate design for hearing.

A number of parties, including the Commission staff, made comprehensive oral comments regarding the Settlement on the record. All parties present expressed support for the Settlement, with the exceptions noted above, and many elaborated upon their positions with regard to the questions of delay rental payments for coal and rate design.

On February 21, 1974, the Presiding Administrative Law Judge certified the Settlement and the entire transcript and exhibits to the Commission. Notice of the certification was issued on February 28, 1974, with comments due on or before March 22, 1974. Only Northern Indiana Public Service Company filed written comments, which were untimely submitted on March 25, 1974, and supportive of the Settlement.

With regard to the issues resolved by the Settlement, the agreed upon rates would effect a reduction in the proposed

rate increase of \$17.6 million, if expenses associated with Mich-Wis's coal delay rental payments are not included, and \$16.8 million if these expenses are included. The Settlement cost of service of \$499,057,502 (See Appendix A) includes \$1,050,000 related to the delay rentals for coal, \$1,523,782 related to a Gas Exploration and Development Expenditure Program and an overall rate of return of 8.99 percent. Details of the Settlement Agreement are discussed below.

"Article I" provides for filing reduced rates, ten days after Commission approval of the agreement, to be effective November 1, 1973. In the event the Commission concludes that a hearing is required on the issue of rate design, Mich-Wis will file revised tariff sheets, reflecting the prospective rate design ordered by the Commission, to be effective on the first day of the second month following the date that such order becomes final.

"Article II" provides for refunds subject to such terms and conditions as the Commission may require.

"Article III" provides for delay rental payments of \$1,050,000 related to the coal gasification program. The issue as to the retention of the delay rental payments in Mich-Wis's cost of service is reserved for decision by the Commission based upon the record in this proceeding. If the Commission determines that the delay rental payments are not includable in the cost of service, then the proposed commodity and one-part rates will be reduced .12¢ per Mcf.

"Article IV" provides for advance payment adjustments to the commodity charges of the two-part rates as well as to the one-part rates. Advance payments for gas totaling \$149,916,923 are included in the settlement cost of service rate base. A factor of 13.37 percent times the change from the established advance payment base shall be used in determining a rate change. The amount computed shall be divided by the actual sales volume for the most recent 12-month period to determine the change in rates. Adjustments shall be made to coincide with PGA adjustments. Also, any time that advance payment rate adjustments amount to one mill or more per Mcf of sales on an annual basis, Mich-Wis may file to change its rates provided that no such adjustment shall be filed within six months of the next previous filing. Mich-Wis shall file with the Commission at least one month before the effective date of revised rates. Rate increases related to advance payments shall become effective without suspension, but shall be subject to refund, with interest at seven percent on refundable amounts. Mich-Wis will file copies of all advance payment agreements in accordance with the Commission's orders. Also, Mich-Wis

<sup>1</sup> Filed as part of the original document.

shall notify the Commission of any outstanding advance payments which have not been fully recovered within five years from date gas deliveries commenced or the date it is determined that recovery will be in other than gas and shall make no disposition of the outstanding balances except as authorized by the Commission.

"Article V" provides for a new section 16 to the General Terms and Conditions to be included in Mich-Wis' tariff which will provide for research and development adjustments in purported conformance with the Commission's Order No. 483 issued April 30, 1973, in Docket No. R-462.

"Article VI" provides for adjustment to rates to reflect changes in the federal income tax rate or any imposition of new federal tax on natural gas sales.

"Article VII" provides that Mich-Wis will credit its unrecovered Purchased Gas Cost Account with \$207,944 in recognition of the effect on revenues resulting from the revised maximum daily quantities approved by the Commission's order issued November 21, 1973, in Docket No. RP73-114.

"Article VIII" provides for an increase in depreciation rates from 3.5 percent to 3.85 percent for transmission and storage facilities and from 5.0 percent to 5.5 percent for gathering facilities.

"Article IX" provides for a gas Exploration and Development Expenditure Program in the Hugoton-Anadarko and Rocky Mountain Areas, and under the settlement proposal \$1,523,782 has been included in cost of service for this program. In addition, the settlement provides for cost of service treatment in lieu of area rates for gas discoveries related to new gas on leases acquired after October 7, 1969.

"Articles X, XI, and XII" provide for: (1) A moratorium on rate increases until November 1, 1974, except for adjustments associated with Purchased Gas, Advance Payments and Changes in Federal Income Tax rates; (2) termination of agreement on date that Mich-Wis's rates are superseded by rates made effective under section 4 or section 5 of the Natural Gas Act; and (3) reservations that no party agrees to any rate making principles by the submission or acceptance of this agreement and that none of the provisions become effective until the Commission has entered an order accepting and approving all the terms and conditions of the Stipulation and Agreement without modification.

With regard to the proposed inclusion in cost of service of \$1,050,000 in annual delayed rental payments, Staff Witness Champagny filed direct and supplemental testimony in opposition to such inclusion, stating that:

(1) The natural gas consumer can't expect to benefit from the program for at least six to seven years, if at all;

(2) The risk in developing a coal gasification facility would be shifted to the consumer with no assurance of any benefits because there is no guarantee that Michigan-Wisconsin will ever re-

tain and exercise its option to mine the coal; and

(3) Since the Commission ruled in Opinion No. 637 that coal gasification projects are nonjurisdictional, the attendant expenditures for this type of program should also be nonjurisdictional.

Mich-Wis filed direct and supplemental as well as rebuttal testimony in support of the inclusion of these payments which may be summarized as follows:

(1) Mich-Wis' plans to proceed diligently with a coal gasification program and to credit its customers with the amounts which will be recouped when the coal to which payments relate is mined if the delay rental payments are included in its cost-of-service;

(2) Coal gas will be a major source of supply for Mich-Wis' customers in the near future;

(3) If Mich-Wis is required to bear the full cost of the coal gasification program, the cash outlay will necessarily affect adversely its ability to finance other gas supply, construction and other capital requirements;

(4) The Commission's recognition of the potential importance of coal as a future source of gas has been shown in its encouraging research and development in coal gasification, and coal reserves are a necessary prerequisite to such research and development;

(5) Holding coal reserves should be included in the cost of service, just as advances to producers for the right to purchase any gas reserves discovered are included, because both are gas acquisition costs; and

(6) Mich-Wis will agree to a condition that it will not seek to recover through future rates any costs paid for by its customers.

It is clear from Mich-Wis' testimony that the coal upon which Mich-Wis has options is not intended primarily for use in research and development projects eligible for special rate base or tracking treatment under the Regulations. We do not, therefore, find Mich-Wis' discussion of Order No. 483, issued in Docket No. R-462, particularly relevant or persuasive. We also find no special significance in the fact, brought out by the staff in its testimony, that we have determined in Opinion No. 663<sup>2</sup> that our jurisdiction does not extend to coal gasification projects. Our lack of jurisdiction over coal gasification facilities does not, standing alone, prevent this Commission from approving expenditures related to such projects if this Commission believes such expenditures will yield substantial benefits to the gas consumer within a reasonable period of time. Herein, we believe, lies the difficulty with the Mich-Wis proposal. There is not adequate assurance that Mich-Wis will ever actually mine the coal or gasify it. We believe that the possible benefit is too far removed from the costs proposed to

<sup>2</sup> El Paso Natural Gas Company, et al., Docket Nos. CP73-131, et al., issued September 4, 1973.

be borne by the natural gas consumer. The analogy advanced by Mich-Wis between this proposal and the Commission's approved advance payments program fails for this reason. Funds advanced for purposes of exploration and development will be paid back if gas is not found (if neither gas nor funds are forthcoming within five years, the loss is absorbed by the stockholders). Here, nothing would be recouped if, for any one of a number of reasons, the coal over which Mich-Wis has options is never gasified. We also note the substantive difference between exploration for natural gas, a rapidly diminishing natural resource, and the retention of options on coal, which is presently to be found in great abundance. For these reasons, we shall deny the inclusion of these costs in Mich-Wis's cost of service. We take this action in full recognition that many of Mich-Wis' customers stated support on the record for cost of service treatment of the coal delay rental payments.

With respect to the question of rate design, Mich-Wis and the Intervenor state that neither a hearing nor any change in rate design is required. They point out that by its order issued April 10, 1973, in the last Mich-Wis rate case (Docket No. RP72-118), the Commission stated that the unmodified Seaboard method of cost classification and rate design was the minimum acceptable for settlement purposes, and that there would be complete agreement on this matter if it were not for the staff's conclusion that the Commission's rate design determination in the United case (Opinion No. 671)<sup>3</sup> requires further consideration of rate design in this case. There is an extensive discussion in their oral comments on the record as to why the Mich-Wis system is different from that of United Gas Pipe Line Company. The discussion focuses upon differences in gas supply, the nonexistence of non-jurisdictional boiler fuel sales on the Mich-Wis system, the agreement upon rate design among Mich-Wis' customers, and the expansion of storage on the Mich-Wis system.

The staff takes the position that in view of the Commission's expressions in Opinion No. 671, involving United Gas Pipe Line Company and Northern Natural Gas Company<sup>4</sup>, it would be inappropriate to accept settlement rates based upon unmodified Seaboard costs without a hearing. Article I of the Agreement recognizes staff's position and provides for a hearing in the event the Commission concludes that a hearing is required. The Article also provides that any rate design ultimately ordered by the Commission would have prospective application.

In Opinion No. 671 we expressed our concern over the worsening gas supply

<sup>3</sup> United Gas Pipe Line Company, Docket No. RP72-75 (Phase II), issued October 31, 1973.

<sup>4</sup> Docket No. RP71-107 (Phase II) and RP72-127, order issued January 4, 1974.

situation and particularly as it existed on United's system. Based upon the record in that case, we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

While we recognize that Mich-Wis' current operations substantially differ from those of United and Northern Natural, we also recognize that Mich-Wis customers make significant interruptible industrial sales. We are concerned that the Settlement rate design will encourage the continued use of natural gas for interruptible industrial purposes to the future detriment of Mich-Wis and its customers. For that reason we agree with staff that a hearing on rate design is necessary. We are willing to agree to the prospective application of rates ultimately ordered after hearing provided Mich-Wis promptly files to reduce its rates to reflect the Settlement rates and makes refunds for the period from November 1, 1973. We interpret this as being consistent with the intent of the parties, including the willingness of Mich-Wis' customers to bear the prospective effects of any change in rate design ultimately ordered. Moreover we will provide for a schedule designed to expedite the hearing on this and the other remanded issue hereinafter discussed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on Mich-Wis' system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method on the Mich-Wis system as well as the propriety of the use of alternate methods of cost classification, and rate design which may be more closely reflect or implement the Commission's objectives in this area.<sup>6</sup>

While not wishing to prejudge or unnecessarily confine the issues, we note that the rate design and cost classification issue may resolve itself into the question of whether, during a period of general natural gas shortage, promotional rate structures should be permitted to remain in effect simply because the particular system is not currently experiencing curtailment. We believe that this is a matter which might be developed in the evidentiary hearing along with such questions as the actual effect of a rate design change upon storage operations on the Mich-Wis system.

Article XI of the Settlement Agreement provides for termination on the date that the Settlement rates are superseded by rates made effective under sections 4 and 5 of the Act. In the event that Mich-Wis files a section 4 rate increase proposal before final action has been taken by the Commission on the rate design issue, the burden will be upon Mich-Wis to propose a rate design which will protect it against any undercollections that may result from the Commission ordered rate design. We shall apply whatever rate design is determined to be appropriate in this proceeding to any rate change proposals filed by Mich-Wis during the pendency of the rate design hearing and such application shall be from the time such proposed rates have been permitted to become effective.

We note that Article IX of the Settlement Agreement provides for a Gas Exploration and Development Expenditure Program to be conducted in the Hugoton-Anadarko and Rocky Mountain Areas which will be afforded cost of service treatment although the leases were acquired after October 7, 1969. Mich-Wis estimates that it will spend roughly \$16.0 million annually in search for additional gas supply. Mich-Wis contends that absent cost of service treatment it will be unable to fund the program. The Settlement cost of service contains a negotiated amount of \$1,523,782 to which all parties have agreed.

In our Opinion No. 568, issued October 7, 1969,<sup>6</sup> we found that pipeline production from leases acquired after October 7, 1969, should be afforded area rate treatment absent a showing of "special circumstances." We are not satisfied that the present record in this case supports a finding of special circumstances which would warrant cost of service treatment. However, we will afford Mich-Wis an opportunity to address this question. Accordingly we shall remand this issue for hearing.

Article V of the Settlement Agreement provides for a new Section 16 to the General Terms and Conditions of Mich-Wis' tariff which would incorporate a Research and Development Adjustment Provision in purported conformance with the Commission's Order No. 483, issued April 30, 1973, in Docket No. R-462.<sup>7</sup>

We note that section 16.1(b) of the proposed provision contains a factor of 13.37 percent, related to amounts in Account 188. This section further provides that "The rate of return used to determine the rate effect of the rate base treatment of balance in Account 188 shall be the rate of return last allowed by the Commission during the previous three year period." While the factor of 13.37 percent apparently relates to the settlement rate of return which we are herein approving, it would have no relationship to any rate of return which we may subsequently approve. Inasmuch as the R&D

rate adjustment provision is proposed to become a permanent part of Michigan Wisconsin's tariff, it is inappropriate for the provision to contain a factor related to a specific rate of return when such rate of return may be changed in the future. Our approval of the R&D rate adjustment provision shall therefore be conditioned upon Mich-Wis amending § 16.1(b) of its proposed tariff provision to delete the factor of 13.37 percent.

We also note that subsequent to the issuance of Order No. 483, we issued Order No. 504 in Docket Nos. R-424 and R-446. This order changed the accounting procedures for amounts recorded in Account 188 from "net of taxes" to a "gross basis". The tax effect of unamortized R&D expenditures recorded in Account 188 are now recorded in Account 283 titled Accumulated Deferred Income Taxes—Other. Since this is the first R&D rate adjustment provision to be approved by the Commission under Order No. 483, we wish to make clear that we intend, consistent with the accounting procedures set forth in Order No. 504, to require the balances in Account 188, to be expenditures, as recorded in Account 283, reduced by the tax effect of R&D expenditure for the purpose of computing the R&D adjustment. Accordingly, Mich-Wis will be required to amend § 16.1(b) of its proposed provision to so provide. We wish to also make it clear that although R&D adjustments may become effective without suspension, this should not be interpreted to mean that the Commission is waiving its right to review projects to determine whether they meet the criteria for identification as research and development. Proposed R&D adjustments to recover costs which clearly do not meet the criteria as outlined in Definition 28.B of the Uniform System of Accounts face the possibility of rejection.

#### The Commission finds.

(1) Approval, as hereinafter ordered, of the Settlement in these proceedings certified on February 21, 1974, as required to be amended herein, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and the rates proposed therein which reflect the terms of the Settlement, with the proposed delay coal rental payments excluded, should be made effective, as of November 1, 1973.

(2) Good cause exists to remand for further proceedings, as hereinafter ordered, the question of the existence of "special circumstances" which would warrant cost of service treatment for leases acquired after October 7, 1969.

(3) Good cause also exists to remand for hearing the proper rate design and cost classification to be employed prospectively on the Mich-Wis system.

#### The Commission orders.

(A) Mich-Wis' motion for approval of the proposed Settlement is granted, the Settlement incorporated by reference herein, and as amended herein, is accepted with the exclusion of the proposed delay coal rental payments, and

<sup>6</sup> See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

<sup>7</sup> 42 FPC 738.

<sup>8</sup> Research and Development Accounting and Reporting.

the rates included in the Settlement reflecting exclusion of delay coal rental payments shall become effective as of November 1, 1973, subject to refund with respect to the issue of cost of service treatment for leases acquired after October 7, 1969, and subject to further, prospective change with respect to the question of rate design, upon the conclusion of the hearing ordered hereinafter.

(B) The R&D tracking provision contained in the Settlement shall be modified to eliminate the factor of 13.37 percent and to provide that in the computation of R&D adjustments the balances in Account 188 shall be reduced by the deferred taxes as recorded in Account 283.

(C) Any advance payments tracked under the provisions of the Settlement must meet the requirements of, and be consistent with, outstanding Commission orders covering advance payments.

(D) Mich-Wis shall comply with the terms and conditions of the Settlement as approved herein, and shall refund all amounts associated with charges in excess of the Settlement rates approved herein with interest pursuant to the Commission's Regulations.

(E) Within 10 days of the issuance of this order, Mich-Wis shall file tariff sheets reflecting the Settlement rates approved herein to be effective as of November 1, 1973.

(F) The proceeding in this docket is hereby remanded for the purpose of further hearing pursuant to Section 4 of the Natural Gas Act to determine whether "special circumstances" exist which would warrant cost of service treatment for leases acquired after October 7, 1969.

(G) A hearing is also ordered pursuant to Section 4 of the Natural Gas Act to determine the proper rate design and cost classification method to be employed on the Mich-Wis system and any rate design so determined will be applied to any rate change proposals filed by Mich-Wis during the pendency of the instant rate design proceeding and such application shall be from the time such proposed rates are permitted to take effect.

(H) For the purposes of the further proceedings herein ordered, a public hearing shall be held commencing September 17, 1974, at 10:00 a.m., in a hearing room of the Federal Power Commission.

(I) On or before July 22, 1974, Mich-Wis and interested intervenors shall serve any additional testimony they may wish to present concerning the questions herein remanded for further proceedings. On or before August 23, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by Mich-Wis or intervenors shall be served on or before September 6, 1974.

(J) Initial briefs of all parties shall be filed within 30 days of the close of the hearing record, with reply briefs due within 20 days thereafter. The Administrative Law Judge shall issue a decision within 30 days of the filing of the reply briefs.

(K) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15161 Filed 7-1-74; 8:45 am]

[Docket No. RP73-43]

**MID LOUISIANA GAS CO.**

**Proposed Change in Rates**

JUNE 26, 1974.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 17, 1974, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Eighth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1; that the revised tariff sheet and supporting information are being filed forty-five (45) days prior to the effective date of August 1, 1974, in accordance with section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

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 July 15, 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.74-15168 Filed 7-1-74; 8:45 am]

[Docket No. RP71-16]

**MIDWESTERN GAS TRANSMISSION CO.**

**Notice of Further Extension of Time and Postponement of Hearing**

JUNE 25, 1974.

On June 7, 1974, Midwestern Gas Transmission Company requested rescheduling of the dates for the service of rebuttal evidence and the hearing set for July 9, 1973 by notice issued January 22, 1974 in the above-designated matter. The request states that Staff Counsel and the customer intervenors have no objection to the proposed schedule.

\*Commissioner Brooke, dissenting on limited issues, filed a separate statement as part of the original document.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of rebuttal evidence, August 12, 1974.  
Hearing, August 27, 1974 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15172 Filed 7-1-74; 8:45 am]

[Docket No. E-8P15]

**NIAGARA MOHAWK POWER CORP.**

**Notice of Transmission Agreement**

JUNE 26, 1974.

Niagara Mohawk Power Corporation (Niagara) on May 28, 1974 tendered for filing a Transmission Agreement dated April 26, 1974 between Niagara and Consolidated Edison Company of New York, Inc. (Edison) which provides for transmission of up to 200 Mw of firm power be rendered by Niagara. The power to be transmitted will be purchased by Edison from Rochester Gas and Electric Corporation (Rochester) and is to be delivered to Edison at its Pleasant Valley Substation for the limited period April 28, 1974 through October 26, 1974. Edison agrees to pay Niagara for the service at the rate of \$5,866 per day, based upon its cost statement which includes an annual fixed charge rate of 16.5 percent. Niagara requests waiver of the notice requirements of the Commission's regulations under the Federal Power Act.

No statement is included in the filing of service of copies of the rate filing, pursuant to § 1.17(b) of the Commission's rules of practice and procedure and to § 35.13(a) of its regulations. No proposed notice is included in the filing for publication in the FEDERAL REGISTER, pursuant to § 35.8(a) of the regulations (Order No. 487, issued July 17, 1973).

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 July 8, 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.74-15169 Filed 7-1-74; 8:45 am]

[Docket No. RP73-111]

**PACIFIC GAS TRANSMISSION CO.**

**Order Granting Late Petitions to Intervene**

JUNE 25, 1974.

Late petitions to intervene were filed in this proceeding by Bank of America National Trust and Savings Association

and Southern California Gas Company on March 29, 1974, and April 10, 1974, respectively. Notice of the filing in this docket was issued on June 12, 1974, with protests and petitions to intervene due on or before June 25, 1974.

Our review of the subject petitions indicates that good cause has been shown to grant such petitions and that this proceeding will not be delayed thereby.

#### The Commission finds.

Participation by Bank of America National Trust and Savings Association, and Southern California Gas Company may be in the public interest.

#### The Commission orders.

(A) The above petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of the intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene, *And; provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15171 Filed 7-1-74; 8:45 am]

[Docket No. CI74-253]

#### PENNZOIL CO.

#### Extension of Time and Postponement of Hearing

JUNE 26, 1974.

On June 21, 1974, the Pennzoil Company filed a motion to reschedule the procedural dates fixed by the order issued June 17, 1974, in the above-designated matter. The motion states that the staff and the intervenors concur in the proposed dates.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

- Service of evidence by Pennzoil, August 2, 1974.
- Service of evidence by Staff and intervenors, August 26, 1974.
- Service of rebuttal evidence by Pennzoil, September 5, 1974.
- Hearing, September 11, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15165 Filed 7-1-74; 8:45 am]

[Docket No. RI74-256]

#### SUN OIL CO.

#### Petition for Special Relief

JUNE 26, 1974.

Take notice that on June 12, 1974, Sun Oil Company, (Petitioner), P.O. Box 2880, Dallas, Texas 75221, filed a peti-

tion for special relief in Docket No. RI74-256, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 40.0 cents per Mcf, subject to upward and downward Btu adjustment, plus a 1 cent per Mcf annual escalation for sales of natural gas to Michigan Wisconsin Pipe Line Company under its FPC Gas Rate Schedule No. 86 from a well in the Laverns Field, Harper County, Oklahoma. Petitioner proposes to reenter the C. V. Pile Well No. 1, which is currently temporarily abandoned, and attempt a Hoover Zone completion. Petitioner states that the proposed completion is not economical at the 19.5 cents rate currently in effect under the subject rate schedule. Petitioner estimates that there are some 400 MMcf of recoverable reserves in the Hoover Zone which could be obtained by reentering the well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.74-15163 Filed 7-1-74; 8:45 am]

#### FEDERAL RESERVE SYSTEM

#### AMERICAN BANKCORP, INC.

#### Order Approving Acquisition

American Bankcorp, Inc., Lansing, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1843(a)(3)), to acquire not less than 90 percent of the voting shares of The State Bank of Perry, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. This Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with combined deposits of \$210.5 million, representing less than 1 percent of total commercial bank deposits in Michigan, and is the 17th largest banking organization in the State.<sup>1</sup> The acquisition of

Bank (deposits of \$8.3 million) would not significantly increase the concentration of banking resources in Michigan.

Bank is located in Perry, Michigan, in the Owosso banking market,<sup>2</sup> where it is the fifth largest banking organization with 5.5 percent of total market commercial bank deposits. All of Applicant's banking offices are located in the adjacent and separate Lansing, Michigan banking market, where it ranks second in terms of commercial bank deposits. The banking office of Applicant located nearest to Bank is 16 miles southwest of Bank. Applicant and Bank obtain only a minimal amount of business from the service area of the other; consummation of the proposed transaction would not eliminate any significant existing competition. In addition, the development of future competition between Bank and any office of Applicant appears unlikely in view of the number of intervening banking offices, including those of banks in East Lansing, and the restrictive nature of Michigan branching laws. It is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its present subsidiaries, and Bank are regarded as satisfactory. Banking factors are considered to be consistent with approval.

Although there is no evidence in the record that the major banking needs of the community are not being served adequately, Applicant plans to lengthen banking hours and introduce new services which should immediately benefit the public. The services proposed would include itemized monthly checking account statements, statement saving account, golden passbook time-open account, Master Charge credit card system, computerized payroll services, an automated accounts receivable program, and trust services. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is this Reserve Bank's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of

<sup>2</sup> The Owosso banking market is the relevant market area and is approximated by Shiawassee County, Michigan, of the Flint SMSA.

<sup>1</sup> All banking data are as of June 30, 1973.

the Federal Reserve System effective, June 19, 1974.

[SEAL] ERNEST T. BAUGHMAN,  
First Vice President.

[FR Doc.74-15054 Filed 7-1-74;8:45 am]

### BOATMEN'S BANCSHARES, INC.

#### Order Approving Merger of Bank Holding Companies

Boatmen's Bancshares, Inc., St. Louis, Missouri ("Boatmen's"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with U.N. Bancshares, Inc., Springfield, Missouri ("U.N."), under the charter and title of Boatmen's. At the same time Boatmen's has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Missouri Mortgage and Investment Company, Springfield, Missouri ("Missouri Mortgage"), a company that engages in the activities of originating, selling, and servicing mortgage loans for its own account or for U.N.'s subsidiary banks. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been duly published (39 FR 13918). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Boatmen's controls seven banks with aggregate deposits of \$396.6 million, representing approximately 3 percent of the total deposits in commercial banks in Missouri, and is the sixth largest banking organization in the State.<sup>1</sup> U.N. controls four banks with total deposits of \$156.6 million, representing approximately 1 percent of total deposits in the State, and is Missouri's thirteenth largest banking organization. Consummation of the proposed merger would result in Boatmen's control of approximately 4 percent of total State deposits, and the resulting organization would continue as the State's sixth largest banking organization.

All of Boatmen's present subsidiary banks are located in the east central region of Missouri. The nearest banking office of Boatmen's to a banking subsidiary of U.N. is a Boatmen's facility at Fort Leonard Wood, approximately 26 miles southeast of the Pulaski County Bank, Richland, Missouri (a subsidiary of U.N.). By agreement with the Department of the Army, Boatmen's Fort Leonard Wood facility is limited to serving military personnel and employees at-

tached to the installation. In addition, the area primarily served by the Pulaski County Bank is an area within an approximately 12 mile radius of Richland; thus, there is no competitive overlap in the service areas of Boatmen's facility and of the Pulaski County Bank. Moreover, in view of the relatively low population per banking office ratio in Pulaski County and the fact that Boatmen's has one banking facility in the area, it appears unlikely that Boatmen's would attempt to expand further in Pulaski County through alternative means. Accordingly, the amount of potential competition that would be foreclosed in this area appears minimal.

The next closest Boatmen's banking office to any banking subsidiary of U.N. is 135 miles distant. Due primarily to the distances involved, there appears to be no significant existing competition between Boatmen's and U.N.'s three other subsidiary banks—two of which are located in Springfield, Missouri, and the third in Forsyth, Missouri. U.N.'s banking subsidiaries in Springfield (Springfield National Bank and Union Bank of Springfield), rank as the first and seventh largest banks, respectively, of the twelve banks in the Greene County banking market and in that market U.N. is the largest banking organization with control of about 33 percent of the deposits therein. The second largest banking organization in the market (which is also the State's third largest holding company) controls two banks and holds about 29 percent of the market deposits. It is also noted that each of the four largest Missouri multi-bank holding companies is presently represented in the Greene County market. In light of the competitive banking structure in this market, the elimination of Boatmen's as a potential entrant through an alternative method is not likely to foreclose the development of significant potential competition. With respect to U.N.'s fourth bank, Bank of Taney County, Forsyth, Missouri, it is the smallest of the three banks in the county. In view of that bank's rank in the market and the fact that there remain numerous potential bank holding company entrants into that market, the elimination of Boatmen's as a possible entrant into this market would not have a significant effect on potential competition.

The Board recognizes that consummation of the proposal would foreclose the possibility that U.N. would expand to become a Statewide competitor of Boatmen's. However, taking into account the time lag and financial resources necessary to establish competitive effectiveness through a "foothold" or de novo entry, the Board does not view the record in this case as reflecting a likelihood that, absent this proposal, U.N. would or could expand to become an effective Statewide competitor of Boatmen's and the State's other bank holding companies in the reasonably foreseeable future. Moreover, the history of the development of the banking structure in Missouri diminishes the possibility of Statewide expansion by U.N. Only the five largest

bank holding companies in Missouri have a Statewide distribution of subsidiaries and each has a large lead bank in either Kansas City or St. Louis. Therefore, on the basis of the record, the Board concludes that consummation of the proposed transaction would not have significant adverse effects on existing or potential banking competition in any relevant area.

The financial conditions and managerial resources of Boatmen's, U.N., and their respective groups of banks are satisfactory and their prospects appear favorable. These considerations are consistent with approval of the application. The primary banking needs of the areas served by both holding companies appear to be adequately met at the present time. However, consummation of the proposal would make the international banking services of Boatmen's National Bank of St. Louis available to the subsidiaries of U.N., which presently must refer all such business to correspondents in New York. In addition, Boatmen's intends to extend trust services to the three U.N. subsidiaries which do not presently offer them. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

In connection with the proposed merger, Boatmen's has also applied for Board approval to acquire U.N.'s mortgage banking subsidiary, Missouri Mortgage and Investment Company, Springfield, Missouri ("Missouri Mortgage"). Missouri Mortgage (assets of \$5 million), founded in April 1973, originates loans for its own account and services the mortgage loans for U.N. subsidiary banks. The primary service area of Missouri Mortgage is Greene County, from which it derives 87 percent of its original loans and 85 percent of its serviced loans. Based on the volume of the mortgage activities of Missouri Mortgage and Boatmen's, and since none of Boatmen's banking or nonbanking subsidiaries originated or serviced any loans in Missouri Mortgage's service area, and since Missouri Mortgage derives only a minimal amount of business from areas served by Boatmen's, it does not appear that such acquisition would have a significant impact on existing or potential competition. Nor does it appear that consummation of the proposed transaction would result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. On the other hand, acquisition by Boatmen's would enable Missouri Mortgage to use Boatmen's extensive correspondent relationships in the placing of real estate loans originated by Missouri Mortgage. These expanded correspondent relationships, as well as the increased lending capabilities resulting from the affiliation with Boatmen's, should enable Missouri Mortgage to become a more effective competitor.

<sup>1</sup> Banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved through May 31, 1974.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority. The determination as to the acquisition of Missouri Mortgage is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,<sup>2</sup> effective June 25, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.  
[FR Doc.74-15055 Filed 7-1-74; 8:45 am]

#### DRUMMOND BANCSHARES, INC. Formation of Bank Holding Company

Drummond Bancshares, Inc., Drummond, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Drummond, Drummond, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 19, 1974.

Board of Governors of the Federal Reserve System, June 21, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.  
[FR Doc.74-15057 Filed 7-1-74; 8:45 am]

#### F.S.B., INC.

##### Order Approving Acquisition of Bank

F.S.B., Inc., Superior, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 80 percent

<sup>2</sup> Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

or more of the voting shares of Farmers State Bank of Superior, Superior, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank of Superior (deposits of \$7.6 million)<sup>1</sup> is the smaller of two banks in Superior, Nebraska, and is the second largest of six banks in the Nuckolls County banking market, controlling 26.7 percent of total deposits. Upon acquisition of Bank, Applicant would control less than 1 percent of total commercial bank deposits in Nebraska.

The purpose of the transaction is to effect a transfer of the ownership from individuals to a corporation owned by the same individuals. The principals of Applicant are associated with another bank holding company in Nebraska. The Board concludes that consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Thus, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Bank are satisfactory. The future prospects of Applicant are entirely dependent upon the financial resources of Bank. Although Applicant initially will have no debt, it plans to subscribe to a pro rata share of a new issue of Bank stock and to borrow funds to finance the debt. Debt incurred is projected to be repaid in a reasonable period. In light of the past earnings of Bank and its anticipated growth, the projected earnings of Bank appear to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements and to maintain an adequate capital position for Bank. Prospects for Applicant and Bank appear favorable, and considerations relating to banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no changes in the banking services offered by Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth cal-

<sup>1</sup> All banking data are as of June 30, 1973.

endar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup> effective June 24, 1974.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.  
[FR Doc.74-15058 Filed 7-1-74; 8:45 am]

#### FIDELITY FINANCIAL CORPORATION OF MICHIGAN

##### Order Approving Acquisition of Bank

Fidelity Financial Corporation of Michigan, Birmingham, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Fidelity Bank of Southfield, Southfield, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. This Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, Fidelity Bank of Michigan, Birmingham, Michigan, with deposits of \$38.6 million (all banking and deposit data are as of June 30, 1973), representing only 0.15 percent of total deposits in commercial banks in Michigan. Acquisition of Bank would not significantly increase the concentration of banking resources in the State.

Bank was recently chartered and is wholly owned by the principal shareholders of applicant, and the reorganization of Bank's ownership contemplated in the application may be characterized as the establishment of a bank de novo and a means whereby Applicant gains the ability to branch within the rapidly growing community of Southfield.<sup>1</sup>

Applicant presently ranks 27th within the Detroit banking market<sup>2</sup> with only 0.3 percent of total market commercial

<sup>2</sup> Voting for this action: Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Mitchell.

<sup>1</sup> With respect to Bank's shareholders and Applicant, this Reserve Bank is satisfied there are no indemnification or other loss shifting agreements which would be considered indicia of control under the Act. (See The Jacobus Company and Inland Financial Order approving acquisition of Bank (60 Federal Reserve Bulletin page 130) and Mid America Bancorporation, Inc., Order denying acquisition of Bank (60 Federal Reserve Bulletin page 131)).

<sup>2</sup> The Detroit banking market is the relevant market area and is approximated by Wayne, Oakland, and Macomb Counties, Michigan.

bank deposits, and the acquisition of a newly organized bank also located in that market would not change Applicant's ranking nor result in any undue concentration of banking resources. Moreover, even if the proposed transaction were viewed as the acquisition of a nonaffiliated bank, the development of meaningful future competition between Bank and Fidelity Bank of Michigan would be unlikely due to the restrictive nature of Michigan's branching laws. It is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its banking subsidiary are regarded as generally satisfactory. Bank has no significant financial or operating history; however, future prospects under Applicant's management appear favorable and consistent with approval.

Although there is no evidence in the record to indicate that the financial needs of the community are not being met, the acquisition by Applicant of a new banking alternative in Southfield permits Applicant to meet the future banking needs of the community through branching as the need arises. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is this Reserve Bank's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 19, 1974.

[SEAL] ERNEST T. BAUGHMAN,  
First Vice President.

[FR Doc. 74-15052 Filed 7-1-74; 8:45 am]

#### MARINE MIDLAND BANKS, INC.

##### Proposed Acquisition of Modern American Mortgage Corp.

Marine Midland Banks, Inc., Buffalo, New York, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of Modern American Mortgage Corporation, Little Rock, Arkansas. Notice of the application was published in April and May, 1974, in newspapers of general circulation in the following states: Okla-

homa, Arkansas, Texas, Louisiana, Illinois, Missouri, Colorado and New York.

Applicant states that the proposed subsidiary would engage in the following activities: (1) making or acquiring real estate loans for its own account or for the account of others, (2) servicing real estate loans for its own account or for the account of others, (3) brokering real estate loans for its own account or for the account of others and (4) performing property management services on property acquired as a result of a default on loans, which activity will be terminated upon approval. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 22, 1974.

Board of Governors of the Federal Reserve System, June 25, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc. 74-15051 Filed 7-1-74; 8:45 am]

#### MITSUI BANK, LTD.

##### Formation of Bank Holding Company

The Mitsui Bank, Ltd., Tokyo, Japan, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of The Mitsui Bank of California, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit

views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than July 22, 1974.

Board of Governors of the Federal Reserve System, June 24, 1974.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc. 74-15056 Filed 7-1-74; 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 27, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

#### NEW FORMS

##### DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, What Do You Think About News for Farmers Cooperatives, Form ----, Single time, Sheffel, Farmer cooperative managers and directors.

##### VETERAN'S ADMINISTRATION

Application for Veterans' Group Life Insurance (Veterans Separated on or After Aug. 1, 1974), Form VAF 29-8714, Occasional, Caywood, Veterans separated on or after Aug. 1, 1974.

#### REVISIONS

##### DEPARTMENT OF COMMERCE

Bureau of the Census, Home Warning Questionnaire, Form ----, Single time, Sheffel, Adults, age 18 or over.

##### DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service, Application for Federal Fish and Wildlife License/Permit, Form 3-200, Occasional, Sheffel, Individuals.

#### EXTENSIONS

None.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc. 74-15303 Filed 7-1-74; 8:45 am]

**RENEGOTIATION BOARD**  
**EXCESSIVE PROFITS AND REFUNDS**  
**Notice of Interest Rate**

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1974, and ending on December 31, 1974, is 9½ per centum per annum.

Dated: June 27, 1974.

W. S. WHITEHEAD,  
 Chairman.

[FR Doc. 74-15127 Filed 7-1-74; 8:45 am]

**SECURITIES AND EXCHANGE  
 COMMISSION**

[812-3620]

**DEAN WITTER TAX-EXEMPT TRUST, FIRST  
 SERIES (AND SUBSEQUENT SERIES)<sup>1</sup>**

**Filing of Application for Granting of  
 Confidential Treatment**

JUNE 24, 1974.

Notice is hereby given that the Dean Witter Tax-Exempt Trust, First Series (and Subsequent Series) c/o Dean Witter & Co. Incorporated, 45 Montgomery Street, San Francisco, California 94106, and 14 Wall Street, New York, New York 10005 ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for exemption from the provisions of section 14(a) of the Act and Rules 19b-1 and 22c-1 thereunder and pursuant to section 45(a) of the Act granting confidential treatment to profit and loss statements of Dean Witter & Co. Incorporated ("Sponsor"), which statements Applicant has filed or may from time to time file in connection with registration statements of various series of Applicant under the Securities Act of 1933. 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.

Applicant is a registered unit investment trust, organized under the laws of the State of New York. It is intended that United States Trust Company of New York will act as Trustee of Applicant ("Trustee") pursuant to a trust agreement ("Trust Agreement") between the Trustee and the Sponsor. Standard & Poor's Corporation will serve as Evaluator.

The Trust Agreement for each series will contain terms and conditions common to all the series. Pursuant to the Trust Agreement for each series, the Sponsor will deposit with the Trustee not less than \$5,000,000 principal amount

of tax-free interest bearing obligations ("bonds"), which the Sponsor shall have accumulated for such purpose, and, simultaneously with such deposit, will receive from the Trustee registered certificates for not less than 5,000 units, which will represent the entire ownership of that series at the date of deposit.

The Trust Agreement does not provide for the issuance of additional units after the initial offering of a series. Each series will consist of the bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the bonds may from time to time be sold under special circumstances set forth in the Trust Agreement, or may be redeemed or may mature in accordance with their terms. In addition, the Sponsor may direct the Trustee to sell or liquidate any of the bonds upon the happening of certain events. The proceeds from such dispositions and from the redemption or maturity of any bond will not be reinvested but will be distributed to unitholders of the Trust when received. While the Sponsor is not obligated to do so, it is its present intention to maintain a secondary market for units of Applicant and continuously to offer to purchase such units at prices in excess of the redemption price, as set forth in the Trust Agreement.

Each unit for a particular series will represent a fractional undivided interest in that series. Units will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100 percent agreement of the unitholders, automatically on a date 50 years after the date of deposit, or, in the event that the value of the series falls below 20 percent of the par value of the bonds initially deposited in the portfolio.

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least \$100,000; (2) at the time of a previous public offering it had a net worth of \$100,000; or (3) provision is made that a net worth of \$100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant seeks exemption from section 14(a) in order to proceed with the public offering of its units, as described above. In connection with the requested exemption, the Sponsor has agreed that it will refund, on demand and without deduction, all sales charges paid by purchasers of units in the initial public offering of a series if, within 90 days from

the time that the registration statement relating to such series becomes effective, either (i) the net worth of such series shall be reduced to less than \$100,000, or (ii) such series shall have been terminated. The Sponsor has further agreed to instruct the Trustee on the date of deposit of each series that in the event that redemption by the Sponsor of units constituting a part of the unsold units shall result in that series having a net worth of less than 40 percent of its value on the date of deposit, the Trustee shall terminate the series in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein.

Rule 19b-1. Rule 19b-1(b) provides, in part, that no registered investment company which is not a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Applicant proposes to make monthly distributions of principal and interest to unitholders of a series. Distributions of principal constituting capital gains to unitholders may result from the sale of bonds at any time during the year to provide funds necessary to meet redemptions; if an issuing authority calls or redeems an issue held in the portfolio; or from the sale of bonds in the limited events provided in the Trust Agreement arising from default in any of the bonds or other credit factors. Applicant represents that it does not believe that such events would, in the normal course, give rise to capital gains. If capital gains are realized upon the sale of a bond which is the subject of an advance refunding, such capital gains will be held by the Trustee and distributed only upon the close of the fiscal year of the series.

Applicant states that the dangers against which Rule 19b-1 is intended to guard will not exist in connection with any series of Applicant, since the events which may give rise to capital gains are substantially independent of any action by the Sponsor or the Trustee. In addition, it is alleged that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

Paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gains dividends received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicant further alleges that its situation places it squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, Applicant would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicant contends that such a practice would

<sup>1</sup> Formerly The Public Purpose Bond Fund, Series 1 (and Subsequent Series).

clearly be to the detriment of the unitholders.

Rule 22c-1. Rule 22c-1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the Rule has two purposes: (1) to eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant represents that the Sponsor, while not obligated to do so, intends to maintain a market for the units and continuously to offer to purchase units at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made once each week.

Applicant asserts that the pricing of units by the Sponsor in the secondary market will in no way affect the assets of Applicant, i.e., the underlying bonds, and that unitholders will benefit from such pricing procedures by receiving a normally higher repurchase price for their units than they would receive upon redemption without the cost burden of daily evaluations of the unit redemption value. Moreover, the application states that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsor with estimated evaluations on trading days. In the case of a repurchase by the Sponsor, if the Evaluator cannot state that the previous Friday's offering side evaluation is at least equal to the current bid price, the Sponsor will order a new offering side evaluation. In the case of a resale by the Sponsor, if the Evaluator cannot state that the previous Friday's price is no more than one-half point (\$5 per \$1,000 principal amount of underlying bonds) greater than the current offering side evaluation, a full evaluation will be ordered.

Section 45(a). Applicant also seeks an order of the Commission pursuant to section 45(a) of the Act granting confidential treatment to profit and loss statements of the Sponsor filed with the Commission from time to time in connection with offerings of units of series of Applicant.

Section 45(a) of the Act provides in pertinent part that information filed with

the Commission "shall be made available to the public, unless and except insofar as the Commission \* \* \* by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicant submits that public disclosure of the Sponsor's profit and loss statements is neither necessary nor appropriate in the public interest or for the protection of investors. Investors in the Fund are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Apart from the Sponsor's minimal obligation under the Trust Agreement to recommend the disposition of underlying bonds which are, or are likely to be defaulted upon by the issuers thereof, Applicant states that the Sponsor functions primarily as underwriter of the series of Applicant. Applicant asserts that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the Sponsor.

To the extent that the Sponsor's solvency may be thought relevant to the maintenance of the secondary market of Units of the series, adequate information is contained in other public filings made by the Sponsor with the Commission and the major securities exchanges. Moreover, the Sponsor is not obligated to maintain such secondary market, and Unitholders have at all times the right to redeem their units at their net asset value.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application 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.74-15081 Filed 7-1-74; 8:45 am]

[70-5514]

#### NARRAGANSETT ELECTRIC CO.

#### Increase in Permitted Short-Term Unsecured Indebtedness and Order Authorizing Solicitation of Proxies

JUNE 25, 1974.

Notice is hereby given that The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, R.I. 02901, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7(e) and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

The preference provisions of the Narragansett preferred stock provide, among other things, that without the vote of a majority of the preferred stock then outstanding, Narragansett's unsecured indebtedness shall not exceed 10 percent of all bonds and secured indebtedness and the capital and surplus (capital and retained earnings) of Narragansett.

Narragansett now proposes, subject to approval of its preferred stockholders, to issue unsecured indebtedness in excess of the 10 percent limitation, provided (i) such indebtedness be issued within five years of this Commission's order making effective the declaration filed in this proceeding, (ii) such indebtedness have a maturity not more than six years from the date of such order, and (iii) all Narragansett's unsecured indebtedness not exceed 20 percent of the aggregate principal amount of all bonds and other secured indebtedness and the capital surplus (capital and retained earnings) of Narragansett.

At March 31, 1974, following issuance of Narragansett's Series J First Mortgage Bonds and the application of proceeds therefrom to the payment of unsecured debt, Narragansett had \$1,200,000 of unsecured debt outstanding. At that date, the 10 percent limitation restricted Narragansett to \$18,300,000 of unsecured debt, and a 20 percent limit would restrict it to \$36,600,000 in such

unsecured debt. At March 31, 1974, Narragansett had made such unsecured borrowings at the prime interest rate which at that date was 9 percent per annum.

Narragansett states it is seeking the authorization from its preferred stockholders to issue the additional unsecured debt for flexibility in circumstances when it is more advantageous to issue short-term debt than other securities. Narragansett states that it does not plan to maintain short-term debt in excess of the 10 percent restriction permanently.

As instances in which Narragansett may require the flexibility to issue the additional unsecured debt, the following possible needs are stated: Narragansett states that in order to refund \$21,925,000 of its Series A First Mortgage Bonds, it may be necessary to finance such refunding on a temporary basis from issuance of unsecured notes. This step would be necessary if for any reason Narragansett is unable to issue and sell a new series of first mortgage bonds, the proceeds of which would be used to retire the Series A bonds. Narragansett also states that issuance of unsecured debt may be required in connection with refunding \$7,500,000 of first mortgage bonds maturing in 1975 and to finance construction of transmission facilities for a nuclear plant in Rhode Island.

Narragansett proposes to solicit proxies from its preferred stockholders to be used at a special meeting of preferred shareholders to be held on July 25, 1974, for the purpose of obtaining preferred shareholder approval for the foregoing proposal. Approval of the proposal requires the affirmative vote of a majority of the total shares of outstanding preferred stock voting as a class.

Narragansett has requested, pursuant to Rule 62 under the Act, that this Commission approve the solicitation of proxies from the preferred stockholders at the time of the issuance of the notice of filing in this proceeding.

Expenses to be incurred in connection with the proposed transaction are estimated at \$8,000, including services of the NEES service company, at cost of \$2,000. The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 18, 1974, request in writing that a hearing be held with respect to the proposed increase in permitted short-term unsecured indebtedness, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the

point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that Narragansett's declaration, as amended, regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration, as amended, regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-15179 Filed 7-1-74;8:45 am]

[File No. 500-1]

#### ROYAL PROPERTIES INC.

##### Suspension of Trading

JUNE 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated 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 27, 1974 through July 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-15177 Filed 7-1-74;8:45 am]

[File No. 500-1]

#### WINNER INDUSTRIES, INC.

##### Suspension of Trading

JUNE 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being

traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from June 27, 1974 through July 6, 1974.

By the Commission .

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.74-15174 Filed 7-1-74;8:45 am]

[File No. 500-1]

#### CANADIAN JAVELIN, LTD.

##### Notice of Suspension of Trading

JUNE 26, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from June 27, 1974 through July 6, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-15176 Filed 7-1-74;8:45 am]

[812-3646]

#### CENTRAL SECURITIES CORP.

##### Application for Exemption

JUNE 26, 1974.

Notice is hereby given that Central Securities Corporation ("Applicant"), 375 Park Avenue, New York, N.Y. 10022, a closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Jay R. Inglis ("Inglis"), a director of Applicant, shall not be considered an "interested person" of Applicant within the meaning of section 2(a) (19) of the Act solely by reason of his status as an officer of the Geneve Corporation ("Geneve"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant is a Delaware corporation, registered under the Act as a closed-end management investment company.

Inglis, one of five directors of Applicant, is also a vice president of Geneve. Geneve owns approximately 45% of the outstanding voting securities of Cable Funding Corporation, which in turn, recently acquired 96% of the voting common stock of Torpie and Saltzman, Inc. ("Torpie"), a registered broker-dealer under the Securities Exchange Act of 1934. Geneve, at the same time, acquired the remaining 4% of the voting common stock and all the nonvoting class B stock of Torpie. Torpie is engaged in over-the-counter market making, but does not operate a retail brokerage business and has never engaged in securities transactions on behalf of Applicant.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company as "any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer." Section 2(a)(3) of the Act defines an affiliated person of another person to include, among others, any person directly or indirectly controlled by, or under common control with such other person and any officer, director, partner, co-partner, or employee of such other person. Consequently Inglis may be deemed an interested person of Applicant within the meaning of section 2(a)(19) of the Act in view of his affiliation with Geneve, which controls Torpie.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provisions of the Act "to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions" of the Act.

Applicant asserts that the Commission may exempt from the definition of "interested person" those persons who are, in fact, in a position to act independently on behalf of the investment company and its shareholders in dealing with the company's investment adviser or principal underwriter.

Applicant states that Inglis has no relationship with Applicant other than as a director. Applicant represents and warrants that so long as Inglis remains one of its directors, Applicant will not knowingly purchase any securities from or through, or sell any securities to or through, Torpie.

Applicant contends that Inglis' affiliation with Torpie will not impair his independence in acting on behalf of Applicant and its shareholders.

Notice is further given that any interested person may, not later than July 23, 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 Applicant at 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.74-15178 Filed 7-1-74; 8:45 am]

[Rel. No. 8400; 811-1679]

**CONTRAILS GROWTH FUND, INC.**  
Proposal to Terminate Registration

JUNE 26, 1974.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Contrails Growth Fund, Inc. ("Fund"), Two First National Plaza, Suite 2900, Chicago, Ill. 60670, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Maryland corporation on June 24, 1968, and filed a Notification of Registration on Form N-8A on July 1, 1968. On July 9, 1968, Fund filed a Registration Statement on Form N-8B-1 and a Form S-5 Registration Statement under the Securities Act of 1933 ("1933 Act"), which 1933 Act Registration Statement was withdrawn with the consent of the Commission on April 25, 1974.

The Commission's records indicate that at an adjourned annual meeting held September 28, 1973, stockholders of the Fund approved an Agreement and Plan of Reorganization (the "Agreement") between the Fund and The Shearson Appreciation Fund, Inc. ("Appreciation"), also an investment company registered under the Act. Pursuant to the Agreement, substantially all of the assets of the Fund were acquired by Appreciation as of the close of business on September 28, 1973, for shares of Appreciation common stock, which stock

was distributed to the Fund's shareholders.

As a result of the consummation of the Agreement, the Fund has no assets remaining, all liabilities in connection with the sale and dissolution of the Fund have been paid or assumed by Appreciation, and the Fund has no security holders. The Fund is effecting its dissolution as a corporation pursuant to the laws of the State of Maryland.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 24, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,  
Assistant Secretary.

[FR Doc.74-15173 Filed 7-1-74; 8:45 am]

[File No. 500-1]

**COMMONWEALTH NATIONAL REALTY TRUST**

Notice of Suspension of Trading

JUNE 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the shares of beneficial interest of Commonwealth National Realty Trust 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) (6) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12 noon (e.d.t.) on June 25, 1974 through midnight (e.d.t.) on July 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
*Secretary.*  
[FR Doc.74-15175 Filed 7-1-74;8:45 am]

[File No. 500-1]

#### FANFARE CORP.

##### Notice of Suspension of Trading

JUNE 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of The Fanfare 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) (6) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:45 p.m. (e.d.t.) on June 25, 1974 through midnight (e.d.t.) on July 4, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
*Assistant Secretary.*  
[FR Doc.74-15180 Filed 7-1-74;8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1075; Amdt. 1]

##### ARKANSAS

##### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following tornadoes beginning on or about June 6, 1974, application for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional counties as a result of severe storms and flooding beginning on or about June 4, 1974: Benton, Columbia and Union, and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines. (See 39 FR 22195)

Applications may be filed at the:

Small Business Administration  
District Office  
600 West Capital Street  
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 19, 1974.

Dated: June 24, 1974.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.74-15049 Filed 7-1-74;8:45 am]

[Notice of Disaster Loan Area 1074; Amdt. 1]

##### MINNESOTA

##### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Minnesota as a major disaster area following heavy rains and flooding beginning on or about April 10, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional County: Clearwater, and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

(See 39 FR 22196)

Applications may be filed at the:

Small Business Administration  
District Office  
Plymouth Building  
12 South Sixth Street  
Minneapolis, Minnesota 55402

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 19, 1974.

Dated: June 21, 1974.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.74-15048 Filed 7-1-74;8:45 am]

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

[V-74-36]

##### DELAWARE ALLOY FORGE CO.

##### Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Delaware Alloy Forge Company, 2300 East Tioga Street, Philadelphia, Pennsylvania 19134 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.218(a) (3) (viii) concerning scale guards for hammers.

The address of the place of employment that will be affected by the application is as follows:

Delaware Alloy Forge Company  
2300 East Tioga Street  
Philadelphia, Pennsylvania 19134

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.218(a) (3) (viii) which requires that, "a scale guard of substantial construction shall be provided at the back of every hammer, so arranged as to stop flying scale."

The applicant states that the hammers for which a variance is sought are open die forging hammers. Dies on the top and bottom are flat, with an impacting surface area comprising a small percentage of the total surface area of the workpiece. The workpiece is shaped by successive blows of the hammer and manipulation of the workpiece between these blows. The success of the forging operation is largely dependent on the ability of the hammer personnel to move the workpiece between blows to obtain sufficient deformation of the workpiece before it cools below its hot working temperature. This manipulation is accomplished by personnel, stationed at both sides of the forging hammer, using levers, or tongs, to turn, rotate, slide, lift, and/or roll the workpiece between hammer blows. Manipulation is required from both sides to keep the workpiece centered on the axis of impact of the hammer. Failure to do so could result in the workpiece being knocked off the die surfaces.

The applicant states that there are five men on the hammer crew. On one side of the hammer are the hammersmith, who directs the hammer operation and spotting of the workpiece, and a leverman, who manipulates and spots the workpiece before each impact and who is assisted by the hammersmith. On the other side of the hammer is another leverman. He is assisted by a helper/furnace tender. In addition, there is a hammer driver who operates the hammer at the direction of the hammersmith.

The applicant further states that hammer blows are directed by visual signals to the hammer driver. Only after he visually checks the readiness of all personnel and the positioning of the workpiece, is the signal given to the hammer driver to drop the ram and upper die. Personnel on opposite sides of the hammer also provide warnings to the hammersmith if, from their observation point, the impending blow may prove unsafe or the workpiece is not properly positioned.

The applicant maintains that utilization of scale guards would compromise safety practices already in effect. The applicant contends that the size and geometry of the workpiece, coupled with the fact that only a small part of the total surface area of the workpiece comes into contact with the dies, makes manipulation from one side of the hammer impossible and unsafe. The applicant further contends that a scale guard at the back of a hammer to stop flying scale from hitting personnel would prevent the personnel from performing their duties. The applicant alleges that the resultant obstruction to vision and inability to support a workpiece from one side of the hammer would present a safety hazard greater than the hazard the scale guard is designed to reduce.

The applicant alleges that employees are protected from flying scale by an initial light pounding of the workpiece after removal from a forging furnace to remove scale prior to heavier, working impacts, and by constant sweeping of the die surface to remove scale as forging operations progress. In addition, it is alleged that adequate eye, head, hand, and foot protection are provided and a five foot stand off distance of personnel from the impact area during the forging operations is maintained.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor  
Occupational Safety and Health Administration  
15220 Gateway Center  
3535 Market Street  
Philadelphia, Pennsylvania 19104

U.S. Department of Labor  
Occupational Safety and Health Administration  
William J. Green, Jr., Federal Bldg.  
600 Arch Street  
Philadelphia, Pennsylvania 19106

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than August 1, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than August 1, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance, by permitting the use of the present system. Therefore, it is ordered, pursuant to

authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Delaware Alloy Forge Company be, and it is hereby, authorized to operate its open die forging hammers in the manner described in the application for a variance from 29 CFR 1910.218(a) (3) (viii).

Delaware Alloy Forge Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

*Effective date.* This interim order shall be effective as of July 2, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 27th day of June 1974.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc.74-15140 Filed 7-1-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 542]

### ASSIGNMENT OF HEARINGS

JUNE 27, 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 July 2, 1974.

I&S No. 8944, Fresh Fruits & Vegetables, Transcontinental & Western Points, FSA No. 42830, Fruits and Vegetables from and to Colorado and Utah Points, now assigned July 30, 1974, at Washington, D.C., is postponed to September 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-107515 Sub-886, Refrigerated Transport Co., Inc., now assigned July 29, 1974, at Atlanta, Ga., will be held in the Atlanta Towne House Motel, 100 Tenth St. NW. (Tenth Street & Expressway), instead of in Room 305, 1252 West Peachtree Street.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-15143 Filed 7-1-74;8:45 am]

[Notice No. 112]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 2, 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-75248. By application filed June 12, 1974, ORVILLE A. NEISEN, Rural Route #1, Quincy, IL 62301, seeks temporary authority to lease the operating rights of GERALD P. COROLAN, doing business as J AND J TRUCKING, Mendon, IL 62351, under section 210a(b). The transfer to ORVILLE A. NEISEN, of the operating rights of GERALD P. COROLAN, doing business as J AND J TRUCKING, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-15146 Filed 7-1-74;8:45 am]

### REQUESTS FOR CERTIFICATION OF COMMISSION RECORDS

#### Notice of Time Schedule

Because of the extreme fluctuations in the number of requests for certification and reproduction of Commission records which sometimes occasions a severe backlog in the Certification Unit of the Fees and Services Branch of this Office, and in order to assure the requesting parties that their material will be available on a timely basis, as well as, to enable the Secretary's Office to control the workflow process in the Certification Unit, the following time schedule should be followed by parties making requests for certification and/or reproduction;

- 1-50 pages, minimum of (5) five working days.
- 51-200 pages, minimum of (15) fifteen working days.
- 201 and above, minimum of (30) thirty working days.

The Secretary's Office wishes to reiterate its position with respect to the manner in which material should be prepared for submission to the Secretary for certification:

- All records, transcripts, exhibits, protests, exceptions, replies, etc. must be free of all marks (ink or pencil, etc.) except for corrections as indicated in the official file.
- Records must be grouped in the same order as the official docket files kept at the Commission, and not in a disarranged or random manner.
- It is recommended that parties filing suits against the Commission request the certification of the record at the same time court action is instituted.

No assurance of timely certification and/or reproduction of the records will be given for requests that fail to meet the requirements stated above and all persons are advised to prepare and schedule their requests accordingly.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-15144 Filed 7-1-74;8:45 am]

[Notice 113]

### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 2, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission

pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 22, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75106. By order of June 14, 1974, the Motor Carrier Board approved the transfer to Richard R. Koller, doing business as Blue Jay Coaches, Stevens Point, Wis., of a portion of Certificate No. MC-15364 (Sub-No. 11) issued December 17, 1968, to Wisconsin-Michigan Coaches, Inc., Green Bay, Wis., authorizing the transportation of passengers and their baggage and express between Marshfield, Wis., and Fond du Lac, Wis. Paul C. Gartzke, Esq., 121 West Doty Street, Madison, Wis. 53703.

No. MC-FC-75117. By order entered June 20, 1974 the Motor Carrier Board approved the transfer to Tombro Trucking Limited, a corporation, Milton, Ontario, Canada, of the operating rights set forth in Certificate No. MC-133656 (Sub-No. 1), issued August 24, 1971, to REA Brothers Limited, a corporation, Streetsville, Ontario, Canada, authorizing the transportation of building brick, from ports of entry on the United States-Canada Boundary line located in New York and Michigan, to points in Indiana, Illinois, Kentucky, Michigan, New York, Ohio, and Pennsylvania. Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202, attorney for applicants.

No. MC-FC-75142. By order of June 24, 1974 the Motor Carrier Board approved the transfer to C. F. Kolb Trucking Company, Inc., Evansville, Ind., of Certificate No. MC-9812 issued April 7, 1944, to C. F. Kolb Trucking Company, Evansville, Ind., authorizing the transportation of specified commodities from, to, and between, among others, points in specified parts of Kentucky, Illinois, and Indiana, and named points in said States, and Missouri, and Ohio. Edwin J. Simcox, Esq., One Indiana Square, Suite 3300, Indianapolis, Ind. 46204.

No. MC-FC-75178. By order of June 24, 1974 the Motor Carrier Board approved the transfer to Emilio Lamicella, Brooklyn, N.Y., of the operating rights in Certificate No. MC-117742 issued July 12, 1960 to Edward A. Skwirut, Hillside, N.J., authorizing the transportation of bananas from points in the New York,

N.Y., Commercial Zone to Harrisburg and Philadelphia, Pa. Robert Kolodney, 225 West 34th St., New York, N.Y. 10001, attorney for applicants.

No. MC-FC-75184. By order of June 20, 1974 the Motor Carrier Board approved the transfer to Claycon Transports Corporation, Oklahoma City, Okla., of the operating rights in Permit No. MC-136655 issued May 31, 1973 to Coy J. Mock, doing business as Mock Trucking Company, Union City, Okla., authorizing the transportation of brick, clay tile, and prefabricated brick panels from the facilities of Oklahoma Brick Corporation at Union City, Okla. to points in Texas, Arkansas, Louisiana, Missouri and Kansas. George Miller, 417 Couch Drive, Oklahoma City, Okla., 73102, attorney for applicants.

No. MC-FC-75219. By order of June 24, 1974, the Motor Carrier Board approved the transfer to Horton's Towing and Automotive Repair, Inc., Bellingham, Wash., of the operating rights in Certificate No. MC-126990 (Sub-No. 1) issued October 23, 1967, to Murray T. Fuller, doing business as Horton's Towing Service, Bellingham, Wash., authorizing the transportation of disabled automobiles, in truckaway service, between ports of entry on the boundary line between the United States and Canada at or near Blaine, Wash., the Pacific Highway, Lynden, Wash., and Sumas, Wash., on the one hand, and, on the other, points in Whatcom and Skagit Counties, Wash. Robert Burks, 509 Bellingham National Bank Building, Bellingham, Wash. 98225, attorney for applicants.

No. MC-FC-75222. By order of June 24, 1974, the Motor Carrier Board approved the transfer to Zip's Express, Inc., Vineland, N.J., of the operating rights in Permits Nos. MC-134946 and MC-134946 (Sub-No. 2) issued June 28, 1971, and March 13, 1973, to Anthony Silvidio, doing business as Zip's Express, Newfield, N.J., authorizing the transportation of advertising circulars and trade journals, and newspapers, from Vineland and Willingboro, N.J., to Philadelphia, Pa., New York, N.Y., Hartford, Conn., Baltimore, Md., and the District of Columbia, under continuing contract with Times Printing Co., of Vineland, and Bristol Printing Co., of Willingboro; and advertising circulars, from Vineland, N.J., to Albany, Syracuse, and Hicksville, N.Y., under continuing contract with Times Graphic, Inc., of Vineland. Wallace L. Schubert, 301 Executive Building, P.O. Box 336, Springfield, Va. 22150, attorney for applicants.

No. MC-FC-75225. By order of June 24, 1974, the Motor Carrier Board approved the transfer to Sarlo Trucking Service, Inc., Gloucester City, N.J., of the operating rights in Certificates Nos. MC-110287 and MC-110287 (Sub-No. 4) issued October 25, 1955, and December 4, 1972, to Louis Sarlo, Jr., and Charles J. Sarlo, a partnership, doing business as Sarlo Trucking Service, Gloucester City, N.J., authorizing the transportation of

household goods as defined by the Commission, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey; between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Delaware, Maryland, New York, Ohio, West Virginia, and the District of Columbia; between points in Pennsylvania within 25 miles of Philadelphia, on the one hand, and, on the other, points in New Jersey, and between Gloucester City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, points in Connecticut, Florida, Georgia, Massachusetts, New Hampshire, North Carolina, Rhode Island, South Carolina, Virginia, and Pennsylvania (except Philadelphia and points within 25 miles thereof); and lumber, cement, millwork, plumbing supplies, building materials, roofing materials and equipment, and house wreckers' salvage, to and from, or between, specified points in Pennsylvania, New Jersey, Delaware, and Maryland. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-15145 Filed 7-1-74;8:45 am]

[Notice No. 91]

**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

JUNE 25, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 730 (Sub-No. 367 TA), filed June 14, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland,

Calif. 94612. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Carpenter, Ill. as an off-route point in connection with carrier's authorized regular-route operations, for 180 days. Restriction: Service at Carpenter is limited to the movement of traffic interchanged between Pacific Intermountain Express Co. and Ryder Truck Lines, Inc. Supporting shippers: Pacific Intermountain Express Co., 1417 Clay Street, Oakland, Calif. 94612 and Ryder Truck Lines, Inc., 2050 Kings Road, Jacksonville, Fla. 32203. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

NOTE.—Applicant intends to tack with other authority held by it under MC 730 and Subs thereto, and proposes to interchange traffic at Carpenter with Ryder Truck Lines, Inc.

No. MC 19945 (Sub-No. 46 TA), filed June 14, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 63364. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale*, in bulk, in dump vehicles, from St. Louis, Mo., to points in St. Clair, Randolph, Marlon, and Franklin Counties, Ill., for 180 days. Supporting shippers: Robert E. Mohan, President, Majestic Building Material Corp., 8601 Page Boulevard, St. Louis, Mo. 63114; Garland E. Whitworth, Vice-President, Chester Concrete Co., Inc., P.O. Box 109, Chester, Ill. 62233; and Marie L. Adam, Secretary of Corporation, Bauer Bros. Supply Co., Inc., 424 Lebanon Avenue, Belleville, Ill. 62222. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 25798 (Sub-No. 261 TA), filed June 17, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh or frozen, from the plantsite and storage facilities of Kaplan Industries, Inc., located at or near Bartow, Fla., to points in California, for 180 days. Supporting shipper: Kaplan Industries, Inc., Bartow, Fla. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 89684 (Sub-No. 84 TA), filed June 11, 1974. Applicant: WYCOFF

COMPANY, INCORPORATED, 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, No. 400, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), having a prior or subsequent movement by air, between Salt Lake City International Airport at Salt Lake City, Utah and Stapleton Air Field at Denver, Colo., for 180 days. SUPPORTING SHIPPERS: Emery Air Freight Corporation, AMF Box 22083, Salt Lake City, Utah 84122 (John W. Alexander, Manager) and Airborne Freight Corporation, P.O. Box 22127, Salt Lake City, Utah 84122 (Craig J. Rosevear, District Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 102616 (Sub-No. 903 TA), filed June 12, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and cleaning compounds*, in bulk, in tank vehicles, from Indianapolis, Ind., to Greenfield and Elyria, Ohio, for 180 days. SUPPORTING SHIPPER: Brulin & Company, Inc., 2920 Martindale Avenue, Indianapolis, Ind. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 107107 (Sub-No. 435 TA), filed June 11, 1974. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW 42nd Avenue, P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding compounds, granulated resin and liquid plastics*, from Dallas, Tex., to points in New Jersey, New York, South Carolina, Maryland, Pennsylvania and Florida, for 180 days. SUPPORTING SHIPPER: Furane Plastics, Inc., Subsidiary of M & T Chemicals, Inc., 5121 San Fernando Road, West, Los Angeles, Calif. 90039. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 111045 (Sub-No. 117 TA), filed June 17, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *com-*

*mon carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized coal*, in bulk, in tank vehicles, from Birmingham, Ala., to Greenville, Miss., for 180 days. SUPPORTING SHIPPER: The Hill & Griffith Co., 2931 7th Avenue North, Birmingham, Ala. 35202. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 111170 (Sub-No. 216 TA), filed June 13, 1974. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bromine*, in bulk, in shipper owned trailers, from Magnolia, Ark., to Sayreville, N.J., for 180 days. SUPPORTING SHIPPER: Dow Chemical U.S.A. Eastern Division, P.O. Box 6417, Cleveland, Ohio 44101. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 448 TA), filed June 14, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day, from Atlanta, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: International Business Machines Corporation, P.O. Box 10, Princeton, N.J. 08540. SEND PROTESTS TO: Anthony D. Giaino, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112627 (Sub-No. 20 TA), filed June 13, 1974. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio, to Elmira Heights and Auburn, N.Y., for 180 days. SUPPORTING SHIPPERS: Seneca Beverage Corp., Elmira Heights, N.Y. 14903, and Owasco Beverage Corporation, Auburn, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd. West, Syracuse, N.Y. 13202.

No. MC 113678 (Sub-No. 544 TA), filed June 13, 1974. Applicant: CURTIS,

INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, from Hawarden, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Hawarden of Iowa, 315 S. 10th, Hawarden, Iowa 51023. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114604 (Sub-No. 26 TA), filed June 12, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market #33, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in vehicles equipped with mechanical refrigeration from Chattanooga, Tenn., to points in Alabama, Florida, Louisiana, Georgia, Mississippi, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: Swift Edible Oil Company, P.O. Box 7068, Chattanooga, Tenn. 37410. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 115496 (Sub-No. 26 TA), filed June 12, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings and accessories*, from Thomasville, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPERS: Davis Water and Waste Industries, Inc., 1827 Metcalf Avenue, Thomasville, Ga. 31792. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 119789 (Sub-No. 206 TA), filed June 13, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Melba toast*, from New Orleans, La., to points in California, for 180 days. SUPPORTING SHIPPER: Turnbull Cone Baking Co. of Louisiana, Inc., 523 First Street, New Orleans, La. 70125. SEND PRO-

TESTS TO: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 124170 (Sub-No. 37 TA), filed June 14, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 370, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Smithsburg, Md., to Greenville, Mich., for 180 days. SUPPORTING SHIPPER: Ore-Ida Foods, Inc., P.O. Box 10, Boise, Idaho 83702. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Withers Avenue, Detroit, Mich. 48226.

No. MC 128073 (Sub-No. 2 TA), filed June 14, 1974. Applicant: BANANA SHIPPING SERVICE, INCORPORATED, P.O. Box 1345, Montgomery, Ala. 36102. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Texas, and Tennessee, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, 1201 Brickell Avenue, Miami, Fla. 33101. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 128279 (Sub-No. 24 TA) filed June 11, 1974. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, N. Mex. 87125. Applicant's representative: Olif Q. Boyd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tile*, requiring special unloading equipment, and *equipment, materials, and supplies* used in the manufacture of concrete roof tile, between the plant site of Century Roof Tile, Inc., and points in Arizona, Colorado, Oklahoma, Texas, Utah, and Nevada, for 180 days. SUPPORTING SHIPPER: Century Roof Tile, Inc., 130 Alvarado, NE, Albuquerque, N. Mex. 87108. SEND PROTESTS TO: District Supervisor John H. Kirkemo, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 128831 (Sub-No. 5 TA), filed June 13, 1974. Applicant: DIXON RAPID TRANSFER, INC., East River Road,

Dixon, Ill. 61021. Applicant's representative: Robert R. Canfield, 1100 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete knocked down or in sections, including *all component parts, materials, supplies and fixtures* and when shipped with such buildings, accessories used in the erection, construction, and completion thereof (Cedar Forest) and Industrial refrigeration equipment (Imeco), from Polo, Ill., to points into and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPERS: Herbert G. Faber, Secretary, Cedar Forest Products Co., 107 West Colden St., Polo, Ill., and G. L. Pinter, Assistant Secretary, Imeco, Incorporated, Highway 26, Polo, Ill. 60164. SEND PROTESTS TO: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129219 (Sub-No. 6 TA), filed June 13, 1974. Applicant: CMD TRANSPORTATION, INC., 12340 SE. Dumolt Road, Clackamas, Ore. 97015. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, Ore. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper products* for recycling or reuse in furtherance of recognized pollution control programs, from points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Albany and Portland, Ore.; Los Angeles and Paso Robles, Calif.; and Seattle and Vancouver, Wash., for 180 days. SUPPORTING SHIPPER: Western Fiber Resources, P.O. Box 878, 2000 Columbia Way Blvd. No. 39, Vancouver, Wash. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 135231 (Sub-No. 1 TA), filed June 13, 1974. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled loaders and related parts and accessories*, from the plantsite and facilities of Hydra-Mac, Inc., at or near Thief River Falls, Minn., to points in the United States (except Alaska and Hawaii) and (2) *Parts, materials and supplies* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to points in Richland County, N. Dak., and Pennington and Red Lake Counties, Minn., for 180 days. SUPPORTING SHIPPER: Hydra Mac, Inc., Thief River Falls, Minn. 56701. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136008 (Sub-No. 32 TA), filed June 11, 1974. Applicant: JOE BROWN CO., INC., P.O. Box 1669, Ardmore, Okla. 74301. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, from points in McPherson, Saline, Franklin, and Anderson Counties, Kans. and Navarro and Freestone Counties, Tex., to points in Canadian, Carter, Kay, Oklahoma, and Pontotoc Counties, Okla., for 180 days. SUPPORTING SHIPPERS: Ada Block Company, C. R. Whitwill, Off. Mgr., P.O. Box 1562, Ada, Okla.; Day Block Company, Thad Day, Owner, P.O. Box 844, Ardmore, Okla.; and Oklahoma Brick Corporation, William G. Tate, V.P. of Production, Rt. 1, Box 71, Union City, Okla. 73090. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240-Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136008 (Sub-No. 33 TA), filed June 13, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NW., P.O. Box 1669, Ardmore, Okla. 74301. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 NW. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association, at or near Lawrence, Kans., to points in Arkansas, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., Charles D. Rosas, Supervisor, Transp. Service, P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304-Old P.O. Building 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 136407 (Sub-No. 5 TA), filed June 13, 1974. Applicant: COORS TRANSPORTATION COMPANY, a Corporation, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and butter*, in vehicles equipped with refrigeration for the account of Leprino Cheese Co., from Newman, Calif., to Denver, Colo. and Chappell and Superior, Nebr., for 180 days. SUPPORTING SHIPPER: Leprino Cheese Company, 1830 West 38th St., Denver, Colo. 80211. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 139132 (Sub-No. 3 TA), filed June 14, 1974. Applicant: BRUCE L. MEILINK, doing business as MOBILE HOUSING SERVICES CO., 2570 East-

gate Road, Box 12, Toledo, Ohio 43614. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, from Wilkes-Barre, Pa.; Mechanicsburg, Cumberland County, Pa.; and Indiantown Gap, Pa., to Richmond, Ky.; Forest Park, Ga.; and Palo Pinto, Tex., restricted to transportation services to be performed for the United States Department of Housing & Urban Development, for 180 days. SUPPORTING SHIPPER: Department of Housing & Urban Development, 451 7th Street SW., Washington, D.C. 20410. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 139498 (Sub-No. 2 TA), filed June 14, 1974. Applicant: FRANCIS D. BROWN & SON, INC., 3121 Crosby Street, Klamath Falls, Oreg. 97601. Applicant's representative: Robert R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Tehama County, Calif., to points in Klamath County, Oreg., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 9, Klamath Falls, Oreg. 97601. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139895 TA, filed June 12, 1974. Applicant: BAYLINER BOATS, INC., Route 5, Arlington Airport, Arlington, Wash. 98223. Applicant's representative: Jerry E. Koski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, boat trailers, boat accessories and advertising material* when moved in mixed loads with boats, between Boston, Mass.; Freeport, N.Y.; points in Brevard, Palm Beach, Dade, Lee, Hillsboro and Bay Counties, Fla.; Dickson, Tenn.; Goshen and New Paris, Ind.; Lucas, Ottawa, Erie, Lorain and Cuyahoga Counties, Ohio; Oxford, Mich.; Phoenix, Ariz.; San Diego, Riverside, and Los Angeles Counties, Calif., on the one hand, and points in Washington, on the other, for 180 days. SUPPORTING SHIPPERS: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139896 (Sub-No. 1 TA), filed June 14, 1974. Applicant: GENE WIL-

BOURN AND NOLEN R. WAITHER, doing business as SUN STATE CARRIERS, 3911 West McDowell Road, Phoenix, Ariz. 85009. Applicant's representative: Kolar, Inc., 4484 East Tennessee Street, Tucson, Ariz. 85714. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, machinery, tools* used in processing scrap metal, ingots, from scrap processed and used aircraft parts, between Tucson, Ariz.; Texarkana, Ark.; Wichita Falls, Okla.; Odessa, San Antonio, Tex.; Los Angeles, Oxnard, City of Industry, San Diego, China Lake, and Sacramento, Calif.; Lincoln, Nebr.; Chicago, Ill.; Pueblo, Colo.; St. Louis, Mo.; Oklahoma City, Okla.; Gary, Ind.; Alamogordo, White Sands, N. Mex.; Miami, Fla.; New Orleans, La.; Atlanta, Ga.; and Nellis AFB, Nev., for 180 days. SUPPORTING SHIPPER: Kolar, Inc., 4484 E. Tennessee Street, Tucson, Ariz. 85714. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 139900 (Sub-No. 1 TA), filed June 12, 1974. Applicant: L. CAPONE TRUCKING, INC., Lafayette Avenue, West Berlin, N.J. 08091. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete* in forms and slabs, *materials and supplies* used in the installation thereof, from the plant site of Atlas Building Systems, Division of Atlas Corporation at Kresson, Voorhees Township, Camden County, N.J., to points in Delaware, New York, and Pennsylvania; and (2) *steel articles* used in the manufacture of precast concrete, from Philadelphia, Pa., to Kresson, Voorhees Township, Camden County, N.J., under continuing contract with Atlas Building Systems, Division of Atlas Corporation, Kresson, N.J., for 180 days. SUPPORTING SHIPPER: Atlas Building Systems, Division of Atlas Corporation, P.O. Box 245, Marlton, N.J. 08053. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 139774 (Sub-No. 1 TA), filed June 12, 1974. Applicant: AMBASSADOR CHARTER EXPRESS LTD., 216 39th Avenue NE., Calgary, Alberta, Canada T2E 2M5. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between the port of entry on the United States-Canada International Boundary line located at Eastport, Idaho; Spokane, Wash.; and Coeur d'

Alene, Kellogg, and Wallace, Idaho, for 180 days. **RESTRICTION:** Restricted against pickup or discharge of passengers at Eastport, Coeur d'Alene, Kellogg, and Wallace, Idaho, or Spokane, Wash., and restricted against the transportation of anyone other than senior citizens. **SUPPORTING SHIPPERS:** There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** Paul J. Lebane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139848 (Sub-No. 1 TA), filed June 14, 1974. Applicant: ROY A. DUOS, BOB E. GRAVES, AND TRYGVE DUOS, doing business as T B R TRANSIT COMPANY, 364 9th Street, Astoria, Ore. 97103. Applicant's representative: Bob E. Graves, P.O. Box 415, Astoria, Ore. 97103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, passenger baggage, and package express of general commodities* (except explosives, items in bulk, and petro products, live animals, firearms, and other dangerous articles), from U.S. Highway 30 in Oregon, to Trans Columbia Bridge, across the bridge to Megler, Wash., west on Washington Highway 401 to Chinook and continue on Washington Highway 401 to Ilwaco, Wash., north on Washington Highway 103 to Seaview, Wash., north on Washington Highway 103 to Long Beach, Wash., and return over the same route, for 180 days. **SUPPORTING SHIPPER:** Dale Curry, City Manager, City of Astoria, Astoria, Ore. 97103, Robert S. Lovell, President, Lovell Auto Company, Astoria, Ore. **SEND PROTESTS TO:** District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 139886 (Sub-No. 1 TA), filed June 11, 1974. Applicant: A-ABC SKY VIEW TAXI CAB INC., P.O. Box 172, 167 Adamsville Road, Somerville, N.J. 08876. Applicant's representative: Lucy P. N. Sharp, 45 East High Street, Somerville, N.J. 08876. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in nonscheduled door-to-door service of not more than seven passengers in any one vehicle not including the driver, between points in Somerset, Hunterdon, Mercer, Middlesex, and Morris Counties, N.Y., on the one hand, and, on the other, points in New York City, N.Y., and its commercial zone, Nassau and Suffolk Counties, N.Y.; and Philadelphia, Pa., and its commercial zone and points in New Jersey, for 180 days. **SUPPORTING SHIPPERS:** There are approximately 30 statements of support attached to the application, which may

be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. **SEND PROTESTS TO:** Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

#### WATER CARRIER APPLICATION

No. W-1278 (Sub-No. 1 TA), filed June 11, 1974. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, Calif. 94104. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Applicant hereby applies for temporary authority for 180 days commencing July 1, 1974, to engage in operation, in interstate or foreign commerce, as a *common carrier* by water in the transportation of *lumber and lumber product*, in tug and barge service, from Coos Bay, Newport and Rainier, Ore. and Port Gamble, Longview and Vancouver, Wash., to Portsmouth, R.I.; Irvington, N.Y.; and Ports in the New York Harbor, N.Y.-N.J., area, Camden, N.J.; and Baltimore, Md.

**NOTE.**—Applicant holds contract carrier authority under docket series W-1189 and dual operations are involved.

**SUPPORTING SHIPPER:** Wood Products Division, Weyerhaeuser Company, E. M. Magarian, Vice President-Sales, Tacoma, Wash. 98401. **SEND PROTESTS TO:** Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, P.O. Box 36004, 13001 Federal Building, San Francisco, Calif. 94104.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-15147 Filed 7-1-74; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

JUNE 27, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before July 12, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be

numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-25798 (Sub-No. E33), filed May 13, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, in vehicles equipped for temperature control, from Holton, Kans., to points in Virginia (except points in Frederick, Clarke, Warren, Shenandoah, Loudoun, Fauquier, Fairfax, Prince William, Rappahannock, and Page Counties). The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E34), filed May 13, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, in vehicles equipped for temperature control, from Liberal, Kans., to points in Maryland, New Jersey, Virginia, Delaware, Connecticut, Massachusetts, Rhode Island, District of Columbia, New York on and east of U.S. Highway 209 beginning at the New York-New Jersey State line to its intersection with Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line; Pennsylvania on and east of Interstate Highway 83 beginning at the Pennsylvania-Maryland State line to its intersection with Interstate 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and points in West Virginia on and east of U.S. Highway 219 beginning at the West Virginia-Maryland State line to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to its intersection with U.S. Highway 19, thence along U.S. Highway 19 of West Virginia Highway 16, thence along West Virginia Highway 16 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E35), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, in containers, from points in Michigan to points in South Carolina and Georgia (except Atlanta). The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E36), filed April 28, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186,

Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food products and dairy products*, from points in North Carolina and South Carolina to points in Colorado, Iowa on and west of U.S. Highway 218, Kansas, Nebraska, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of California, Mo.

No. MC-25798 (Sub-No. E37), filed May 13, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, in vehicles equipped with temperature control, from Sioux Falls, S. Dak., to points in Virginia, on and south of Interstate Highway 81 beginning at the Virginia-North Carolina State line, to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E38), filed May 13, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, in vehicles equipped with temperature control, from York, Nebr., to points in Tennessee on and east of Interstate Highway 40 beginning at the Tennessee-North Carolina State line to its intersection with Interstate Highway 81, thence along Interstate Highway 81 to its intersection with U.S. Highway 25E, thence along U.S. Highway 25E, to the Tennessee-Kentucky State line and Virginia (except points in Page, Rappahannock, Prince William, Frederick, Clarke, Loudon, Shenandoah, Warren, Fauquier, and Fairfax Counties). The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-25798 (Sub-No. E39), filed May 13, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen meat products*, in containers, in vehicle equipped for temperature control, from Dodge City, Kans., to points in Pennsylvania on and east of U.S. Highway 15 beginning at the Pennsylvania-Maryland State line and north to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with U.S. Highway 222, thence along U.S. Highway 222 to its intersection with Pennsylvania Highway 309, thence along Pennsylvania Highway 309

to its intersection with Interstate Highway 78, thence along Interstate Highway 78 to Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to its intersection with Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to its intersection with U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-New York State line, and points in New York on and east of U.S. Highway 209 beginning at the New York-Pennsylvania State line and north to its intersection with Interstate Highway 87, thence along Interstate Highway 87 to its intersection with New York Highway 7, thence along New York Highway 7 to its intersection with New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line, points in West Virginia on and east of U.S. Highway 19 beginning at the West Virginia-Virginia State line and north on U.S. Highway 19 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to U.S. Highway 219, thence along U.S. Highway 219, to its intersection with West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, points in Maryland on and east of Interstate Highway 81, points in Virginia on and east of U.S. Highway 23, and points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC-52657 (Sub-No. E3), filed May 9, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle bodies*, and *hydraulic hoists*, from Wayne, Mich., to points in California, Idaho, Nevada, Oregon, and Washington; (2) *New truck bodies*, without wheels and *hydraulic hoists*, from Wayne, Mich., to points in Florida, Maine, New Hampshire, and Vermont; (3) *Truck bodies* and *hydraulic hoists*, from Wayne, Mich., to points in Arizona, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Utah; (4) *New bodies* without wheels (when shipped with hydraulic hoists) and *hydraulic hoists*, restricted against the transportation of commodities which require special equipment from Wayne, Mich., to Birmingham, Alabama, and points within 65 miles thereof; (5) *New bodies* without wheels and *hydraulic hoists*, from Detroit, Mich., to points in California, Idaho, Nevada, Oregon, and Washington; (6) *New truck bodies* without wheels and *hydraulic hoists*, from Detroit, Mich., to points in Florida, Maine, New Hampshire, and Vermont; (7) *New truck bodies* without wheels and *hydraulic hoists*, from Detroit, Mich., to points in Arizona, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, and Utah; (8) *New bodies* without wheels (when shipped with hydraulic hoists) and *hydraulic*

*hoists*, restricted against the transportation of commodities which require special equipment, from Detroit, Mich., to Birmingham, Ala., and points within 65 miles thereof; (9) *New foreign-made automobiles*, by the truckaway method, in secondary movements, from Minneapolis, Minn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia; (10) *New foreign-made automobiles*, in secondary movements, in truckaway service, from Minneapolis, Minn., to points in Kansas, restricted to shipments having a prior movement by rail, water, or motor carrier; (11) *New foreign-made automobiles* by the truckaway method, in secondary movements, from Gallon, Ohio, to points in Montana, North Dakota, South Dakota, Utah, and Wyoming; and (12) *New foreign-made automobiles*, in secondary movements in truckaway service, from Gallon, Ohio, to points in Kansas and Nebraska, restricted to shipments having a prior movement by rail, water or motor carrier. The purpose of this filing is to eliminate the gateways of Streator, Ill., in (1) above; Detroit, Mich., and Cleveland, Ohio, in (2); Detroit, Mich., and Mattoon, Ill., in (3); Detroit, Mich., and Kenton, Buck Township, Hardin County, Ohio, in (4); Wayne, Mich., and Streator, Ill., in (5); Cleveland, Ohio, in (6); Mattoon, Ill., in (7); Kenton, Buck Township, Hardin County, Ohio, in (8); Kenosha, Wis., in (9) and (11); and Kansas City, Mo., in (10) and (12).

No. MC-61592 (Sub-No. E2), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements* in mixed loads with tractors (except truck tractors and commodities the transportation of which because of their size and weight, require the use of special equipment), from New Orleans, La., to points in Minnesota and South Dakota. The purpose of this filing is to eliminate the gateways of O'Fallon Park, Mo., and Ida Grove, Iowa.

No. MC-64932 (Sub-No. E33), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 Chicago Heights, Ill., to points in Illinois. The purpose of this filing is to eliminate the gateways of Hammond, Ind. (a point within the Chicago, Ill., commercial zone) and the plantsite of Baird Chemical Industries, Inc., at or near Mapleton, Ill.

No. MC-64932 (Sub-No. E87), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 points in New York to points in Kansas, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Ferndale, Mich. (a point within the Detroit, Mich., commercial zone) and Chicago Heights, Ill.

No. MC-64932 (Sub-No. E111), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Arkansas, Delaware, Georgia, Louisiana, Maine, Mississippi, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of Marshall, Illinois.

No. MC-64932 (Sub-No. E112), filed May 10, 1974. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (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 Peoria, Ill. to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Marshall, Illinois.

No. MC-73165 (Sub-No. E18), filed May 20, 1974. Applicant: EAGLE MOTOR LINES, INC., 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: *Glass containers*, (1) from New Orleans, La., to points in Kentucky, Indiana, and West Virginia; (2) from points in Georgia on and north of a line beginning at Alabama-Georgia State line, thence over U.S. Highway 278 to Atlanta, thence U.S. Highway 41 to Macon, thence over U.S. Highway 80 to Savannah, to points in Louisiana on and north of U.S. Highway 84 and on and west of Louisiana Highway 7; (3) from points in Georgia to points in Oklahoma; (4) from points in Georgia on and south of Georgia Highway 82 and on and west of Interstate Highway 75 to points in Kentucky on and west of U.S. Highway 45; (5) from points in Alabama on and north of U.S. Highway 78, to points in Louisiana on and north of U.S. Highway 84 and on and west of Louisiana Highway 7; (6) from points in Alabama on and south of U.S.

Highway 80 and on and east of U.S. Highway 231, to points in Kentucky on and east of U.S. Highway 45; (7) from points in Alabama, to points in Oklahoma; (8) from points in Alabama on and south of U.S. Highway 84, to points in Indiana except those east of Interstate Highway 65 and south of Interstate Highway 70; (9) from points in Mississippi on and east of U.S. Highways 49 and 49-E, to points in Oklahoma on and north of Interstate Highway 40; (10) from points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line, thence over U.S. Highway 51 to Vaiden, thence over Mississippi Highway 35 to Taylorsville, thence over Mississippi Highway 28 to Laurel, thence over U.S. Highway 84 to the Mississippi-Alabama State line, to points in Kentucky on and east of U.S. Highway 231; (11) from points in Mississippi on and south of U.S. Highway 78, to points in Kentucky on and east of Interstate Highway 75; (12) from points in Mississippi on and south of U.S. Highway 78, to points in Indiana; (13) from points in Mississippi on and south of U.S. Highway 78, to points in West Virginia on and west of U.S. Highway 19;

(14) From points in Texas, to points in Kentucky, Indiana, West Virginia, North Carolina, and South Carolina; (15) from points in Arkansas on and south of a line beginning at the Tennessee-Arkansas State line, thence over Arkansas Highway 14 to intersection with U.S. Highway 167, thence over U.S. Highway 167 to the Arkansas-Missouri State line, to points in Kentucky; (16) from points in Arkansas, on and south of Interstate Highway 40, to points in Indiana; (17) from points in Arkansas, to points in West Virginia, North Carolina, and South Carolina; (18) from points in Tennessee on and east of Interstate Highway 75 to points in Louisiana on and west of Atchafalaya River; (19) from points in Tennessee, to points in Oklahoma, (20) from Memphis, Tenn., to points in Kentucky, Indiana, West Virginia, North Carolina, and South Carolina; (21) from points in Florida, to points in Oklahoma; (22) from points in Florida on and west of Florida Highway 231, to points in Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Mineral Wells, Miss.

No. MC-95540 (Sub-No. E524), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30331. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hastings, Nebr., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107295 (Sub-No. E59), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representa-

tive: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Chester, W. Va., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Paris, Ill.

No. MC-110525 (Sub-No. E285), 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*, in bulk, in tank vehicles, from points in Maryland to points in New Jersey. The purpose of this filing is to eliminate the gateways of Lima, Philadelphia, and Morrisville, Pa.

No. MC-110525 (Sub-No. E287), 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*, in bulk, in tank vehicles, from points in that part of Maryland on and south of U.S. Highway 40, to points in that part of New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateways of Lima, Philadelphia, and Morrisville, Pa.

No. MC-110525 (Sub-No. E293), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, PA 29335. 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 Maryland to points in Rhode Island. The purpose of this filing is to eliminate the gateways of Lima, PA., and Newark, N.J.

No. MC-110525 (Sub-No. E309), 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*, in bulk, in tank vehicles, from points in Mass. to the District of Columbia. The purpose of this filing is to eliminate the gateways of Carteret, N.J., and Morrisville, Pa.

No. MC-110525 (Sub-No. E339), 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*, in bulk, in tank vehicles, from points in Mass.,

to points in Va. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Morrisville, Pa.

No. MC-110525 (Sub-No. E341), 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* (except bituminous products and materials), in bulk, in tank vehicles, from points in Mass., to points in W. Va. The purpose of this filing is to eliminate the gateways of Newark, N.J., Morrisville, Pa., and Alexandria, Va.

No. MC-110525 (Sub-No. E378), 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* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from points in New Jersey to points in Alabama. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC-111545 (Sub-No. E35), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to Watertown, thence along Interstate Highway 81 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to Oklahoma City, thence along Interstate Highway 40, to junction U.S. Highway 281, thence along U.S. Highway 281 to Seiling, thence along U.S. Highway 183 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC-111545 (Sub-No. E37), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). 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, requires the use of special equipment, between points in that part of

Georgia within 175 miles of Chattanooga, Tenn., and on and north of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 221 to Kite, thence along Georgia Highway 57 to Macon, thence along U.S. Highway 80 to the Georgia-Alabama State line, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Greenwood, S.C.

No. MC-111545 (Sub-No. E38), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). 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, requires the use of special equipment, from points in Georgia to points in that part of Arkansas located on, north, and west of a line beginning at the Tennessee-Arkansas State line, thence along Arkansas Highway 137 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to junction Arkansas Highway 39, thence along Arkansas Highway 39 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Hol-land, Mo.

No. MC-111545 (Sub-No. E39), filed May 23, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of New Jersey, south of a line beginning at the New Jersey-New York State line, thence along U.S. Highway 202 to junction Interstate Highway 78, thence along Interstate Highway 78 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in that part of Wyoming on and west of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 85 to Cheyenne, thence along Interstate 80 to Rawlins, thence along U.S. Highway 287 to Lander, thence along Wyoming Highway 789 to Riverton, thence along U.S. Highway 76 to Shoshoni, thence along U.S. Highway 20 to Thermoplis, thence along Wyoming Highway 120 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Cairo, Ill.

No. MC-111545 (Sub-No. E75), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062.

Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas or liquids, (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids, and (3) *Parts, attachments, and accessories* for use in the installation and operation of (1) and (2) above, restricted in (1), (2), and (3) to the transportation of commodities which, because of size or weight, require the use of special equipment, from points in that part of Penn., on and east of U.S. Hwy. 15 to points in that part of Arkansas south and east of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 64 to Russellville, thence along Ark. Highway 7 to Harrison, thence along U.S. Highway 65 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and Clarksville, Tenn.

No. MC-111545 (Sub-No. E76), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage of transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the straining and picking up thereof, and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Mississippi, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Texarkana, Tex., and Nevada, Mo.

No. MC-111545 (Sub-No. E77), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). 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, requires the use of special equipment, from points in South Carolina to points in Colorado. The purpose of this filing is to eliminate the gateway of Joplin, Mo.

No. MC-111545 (Sub-No. E78), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E.

Born (same as above). 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, requires the use of special equipment, between points in that part of Okla., located on and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to Hugo, thence along U.S. Highway 271 to the Texas-Oklahoma State line, on the one hand, and, on the other, points in Utah, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Eve, Mo.

No. MC-117119 (Sub-No. E85), filed May 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk), from points in that part of Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line, to points in Washington on and west of Interstate Highway 5, and points in Oregon and Nevada. The purpose of this filing is to eliminate the gateway of Fort Smith, Ark.

No. MC-117883 (Sub-No. E1), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Harrisburg, York, Scranton, and Philadelphia, Pa., and New York, N.Y., to Chicago, Ill., and St. Louis, Mo. (except that no service is authorized from Scranton, Pa., to Chicago, Ill.). The purpose of this filing is to eliminate the gateways of Baltimore, Md., and Greenville, Ohio.

No. MC-117883 (Sub-No. E3), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Greenup, Carter, Boyd, Elliott, Lawrence, Johnson, Magoffin, Martin, Floyd, Pike, Knott, Perry, and Letcher Counties, Ky., points in that part of Massachusetts on and south of a line beginning at the New York-Massachusetts State line, thence

along Massachusetts Highway 41 to junction Massachusetts Highway 20, thence along Massachusetts Highway 20 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Massachusetts Highway 112, thence along Massachusetts Highway 112 to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 to Interstate Highway 91, thence along Interstate Highway 91 to the Massachusetts-Vermont State line, points in that part of New York, on the south of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 209 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 23, thence along New York Highway 23 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 66, thence along New York Highway 66, to junction New York Highway 295, thence along New York Highway 295 to the New York-Massachusetts State line, points in that part of Pennsylvania on and south of a line beginning at the West Virginia-Pennsylvania State line, thence along Pennsylvania Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Interstate Highway 81, thence along U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-New York State line, points in that part of Virginia on and east of U.S. Highway 23, points in that part of West Virginia on and south of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 250 to junction West Virginia Highway 89, thence along West Virginia Highway 89 to the West Virginia-Pennsylvania State line, and points in Connecticut, Delaware, and New Jersey, to Chicago, Illinois. The purpose of this filing is to eliminate the gateways of Jackson and Dayton, Ohio.

No. MC-117883 (Sub-No. E7), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such food and food products* as are dealt in by wholesale and retail grocery houses (except bananas and commodities in bulk), from points in Westchester, Suffolk, and Nassau Counties, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, West Virginia, and that part of Pennsylvania on and west of U.S. Highway 15, restricted (1) to shipments moving from, to, or between warehouses and other facilities of wholesale or retail food business houses, and (2) against the transportation of sugar to points in Indiana. The purpose of this filing is to eliminate the gateway of Jersey City, N.J.

No. MC-117883 (Sub-No. E8), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those port facilities in New York, N.Y., and New Jersey located in the New York, N.Y., commercial zone as defined by the Commission, to points in that part of New York on and north of a line beginning at the Vermont-New York State line, thence along New York Highway 7 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 20, thence along U.S. Highway 20 to New York Highway 12, thence along New York Highway 12 to junction Interstate Highway 81, thence along Interstate Highway 81 to the International Boundary line between the United States and Canada, points in that part of New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line, thence along New Hampshire Highway 11 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, points in that part of Vermont on and north of a line beginning at the New York-Vermont State line, thence along Vermont Highway 9 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Vermont Highway 11, thence along Vermont Highway 11 to the Vermont-New Hampshire State line, points in that part of Maine on and north of a line beginning at the New Hampshire-Maine State line, thence along Maine Highway 25 to junction Maine Highway 117, thence along Maine Highway 117 to junction Maine Highway 4, thence along Maine Highway 4 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean and points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of Albany, N.Y.

No. MC-117883 (Sub-No. E9), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products*, requiring refrigeration (except commodities in bulk, other than liquid), from the plant site and warehouse facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Elyria, Ohio.

No. MC-117883 (Sub-No. E10), filed May 13, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared or preserved foodstuffs*, requiring refrigeration, other than frozen (except in bulk, other than liquid), from Scranton, York, Harrisburg, and Philadelphia, Pa., and New York, N.Y., to Chicago, Ill. The purpose of this filing is to eliminate gateways of Baltimore, Md., and Youngstown, Ohio.

No. MC-117883 (Sub-No. E11), filed May 13, 1974. Applicant: **SUBLER TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, other than frozen (except in bulk, in tank vehicles), from Harrisburg, Pa., to points in Illinois (except Chicago), Indiana (except that no service is authorized for the transportation of sugar to points in Indiana), Iowa, Kentucky, Michigan (except Fennville and South Haven, and points in Berrien County), points in that part of Ohio on and west of a line beginning at the Michigan-Ohio State line, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction Ohio Highway 124, thence along Ohio Highway 124 to the Ohio-West Virginia State line, and points in Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-117883 (Sub-No. E12), filed May 13, 1974. Applicant: **SUBLER TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared or preserved foodstuffs*, other than frozen (except in bulk, in tank vehicles), from New York, N.Y., to points in Illinois (except Chicago), Indiana (except that no service is authorized for the transportation of sugar to points in Indiana), Iowa, Kentucky, Michigan (except Fennville and South Haven, and points in Berrien County), Ohio, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-117883 (Sub-No. E13), filed May 13, 1974. Applicant: **SUBLER TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except bananas and commodities in bulk), from Philadelphia, Pa., to points in that part of Illinois on and west of Illinois Highway 1, and points in Wisconsin, Minnesota, Iowa, Missouri, Nebraska, and Kansas. The purpose of

this filing is to eliminate the gateway of New York, N.Y.

No. MC-117883 (Sub-No. E14), filed May 14, 1974. Applicant: **SUBLER TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except bananas and commodities in bulk), from Scranton, Pa., to points in that part of Wisconsin on and west of a line beginning at the Michigan-Wisconsin State line, thence along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25, to the Wisconsin-Michigan State line, points in that part of Minnesota on and west of a line beginning at the Wisconsin-Minnesota State line, thence along Minnesota Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Wisconsin State line, points in Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 65 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line, thence along Missouri Highway 149 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 32, thence along Missouri Highway 32 to the Missouri-Illinois State line, and points in Nebraska and Kansas. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC-117883 (Sub-No. E15), filed May 13, 1974. Applicant: **SUBLER TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared or preserved foodstuffs*, other than frozen (except in bulk, in tank vehicles), from Philadelphia, Pa., to points in Illinois (except Chicago), Indiana (except that no service is authorized for the transportation of sugar to points in Indiana), Iowa, Kentucky, Michigan (except Fennville and South Haven, and points in Berrien County), Ohio, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-117883 (Sub-No. E16), filed May 13, 1974. Applicant: **SUBLER**

**TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared or preserved foodstuffs*, other than frozen (except in bulk, in tank vehicles), from Scranton, Pa., to points in Illinois (except Chicago), points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Illinois State line (except that no service is authorized for the transportation of sugar to points in Indiana), points in that part of Michigan on and north of Michigan Highway 55, points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36, to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to Ohio Highway 124, thence along Ohio Highway 124 to U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line, and points in Iowa, Kentucky, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-117883 (Sub-No. E17), filed May 13, 1974. Applicant: **SUBLER TRANSFER, INC.**, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared or preserved foodstuffs*, other than frozen (except in bulk, in tank vehicles), from York, Pa., to points in Illinois (except Chicago), Indiana (except that no service is authorized for the transportation of sugar to points in Indiana), Iowa, Kentucky, Michigan (except Fennville and South Haven, and points in Berrien County), points in Ohio on and west of a line beginning at Lake Erie, thence along Ohio Highway 193 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio-West Virginia State line, and points in Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC-123407 (Sub-No. E2), filed May 19, 1974. Applicant: **SAWYER TRANSPORT, INC.**, South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Building materials*, from L'Anse, Mich., to points in Pennsylvania and to Indianapolis, Ind. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC-123407 (Sub-No. E3), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, from Ford City, Pa., to points in Minnesota, South Dakota, Nebraska, and Kansas, restricted against the transportation of commodities, which, because of size or weight require the use of special equipment, or special handling. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC-123407 (Sub-No. E4), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from International Falls, Minn., to points in Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, and that part of Kansas south and east of a line beginning at the Missouri-Kansas State line at Kansas City, Kans., thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, near Liberal, Okla. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill.

No. MC-123407 (Sub-No. E5), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from International Falls, Minn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC-123407 (Sub-No. E6), filed May 19, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Marrero, La., to points in Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facilities of the Celotex Corporation at Marrero, La.

No. MC-124078 (Sub-No. E7), filed May 13, 1974. Applicant: SCHWERMAN

TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except hydrofluosilic acid, such as naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in Arkansas (except points in Desha, Drew, Chicot, Ashley, Bradley, and Union Counties), Kentucky (except points in and east of Bracken, Harrison, Scott, Fayette, Jessamine, Garrard, Lincoln, Pulaski, Russell, Cumberland, and Monroe Counties), Indiana, Michigan, Ohio (except points in Meigs, Jackson, Gallia, Scioto, and Lawrence Counties), Illinois (except points north and west of a line beginning at the Mississippi River at Quincy, Ill., and extending along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to Lake Michigan at Chicago), and Missouri (except points north and west of a line beginning at the Missouri River at Kansas City, Mo., and extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line). RESTRICTION: Restricted against the transportation of dry chemicals to St. Louis, Mo., and points within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. The purpose of this application is to eliminate the gateway of Robertson County, Tenn.

No. MC-124078 (Sub-No. E8), filed May 13, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags, from Buffington, Ind., to points in Iowa. The purpose of this application is to eliminate the gateway of the plantsite of Medusa Cement Company, Division of Medusa Corporation at Dixon, Ill.

No. MC-124078 (Sub-No. E9), filed May 12, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in bags, from Buffington, Indiana, to points in North Dakota, South Dakota, Nebraska, Kansas, and Missouri (except points in Franklin, Jefferson, Crawford, Washington, St. Genevieve, St. Francois, St. Louis, Perry, Dent, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Scott, Wayne, Stoddard, Mississippi, New Madrid, Steele, Dunklin, Ripley, Butler, Oregon, Shannon, Carter, and Phelps Counties, and St. Louis, Mo.). The purpose of this filing is to eliminate the gateway of Dixon, Ill.

No. MC-124078 (Sub-No. E10), filed May 12, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except sulphate), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in Arkansas, Illinois (except East St. Louis, Ill., and points in its commercial zone as defined by the Commission), Indiana, Kentucky, Louisiana, Mississippi, Missouri (except St. Louis and points in its commercial zone as defined by the Commission), Tennessee (except Kingsport and Elizabethton and points in their commercial zones as defined by the Commission), Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties), Virginia, West Virginia, and Wisconsin, restricted against the transportation (a) of potassium silicate and sodium silicate to points in Mississippi, and Tennessee; and (b) of orthodichlorobenzene, barium carbonate, barium chloride, and ammonium sulfide, to points in Kentucky, Louisiana, Mississippi, and Tennessee. The purpose of this application is to eliminate the gateway of Bartow County, Ga.

No. MC-124078 (Sub-No. E11), filed May 12, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in tank vehicles, and in packages, from Lima, Ohio, to points in Illinois in and south of Vermilion, Champaign, De Witt, Logan, Mason, Schuyler, and Adams Counties. The purpose of this filing is to eliminate the gateway of Greencastle Township, Putnam County, Ind.

No. MC-124078 (Sub-No. E12), filed May 12, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except hydrofluosilic acid, such as naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Atlanta, Ga., to points in Arkansas, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission), Indiana, Iowa, points in Kentucky in and west of points in Jefferson, Meade, Breckinridge, Grayson, Edmondson, Warren and Simpson Counties, Michigan, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission), and points in Ohio in and north of Paulding, Putnam, Hancock, Seneca,

Huron, Lorain, Medina, Summit, Portage, and Mahoning Counties, Ohio. The purpose of this application is to eliminate the gateway of Maury County, Tenn.

No. MC-124078 (Sub-No. E14), filed May 16, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except hydrofluosilic acid, such as naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, liquid alum and cryogenic liquids), in bulk, in tank vehicles, from Atlanta, Ga., to points in Nebraska, South Dakota, and Minnesota. The purpose of this filing is to eliminate the gateways of Maury County, Tenn., and the plant site of the Apple River Chemical Company at Niota, Ill.

No. MC-124078 (Sub-No. E19), filed June 3, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Liquid chemical naval stores*, in bulk, in tank vehicles, (1) from points in Wayne County, Ga., to points in Florida in and south of Nassau, Duval, St. Johns, Clay, Alachua, Gilchrist, and Dixie Counties; and (2) from points in Liberty County, Ga., to points in Florida (except points in Hamilton and Sewanee Counties).

(B) *Liquid chemical naval stores*, in bulk, from points in Wayne and Liberty Counties, Ga., to points in North Carolina and South Carolina.

(C) *Liquid chemical naval stores*, in bulk, from points in Appling and Lowndes Counties, Ga., to points in North Carolina.

(D) *Liquid chemical naval stores*, in bulk, in tank vehicles, (1) from points in Lowndes County, Ga., to points in South Carolina in and east of York, Chester, Fairfield, Richland, Lexington, and Aiken Counties; and (2) from points in Appling County, Ga., to points in South Carolina in and east of Marlboro, Darlington, Lee, Sumter, Richland, Calhoun, Orangeburg, and Barnwell Counties.

(E) *Liquid chemical naval stores*, in bulk, (1) from points in Lowndes County, Ga., to points in South Carolina in and west of Cherokee, Union, Newberry, Saluda, and Edgefield Counties; and (2) from points in Appling County, Ga., to points in South Carolina in and west of Chesterfield, Kershaw, Fairfield, Newberry, Lexington, and Aiken Counties. The purpose of this filing is to eliminate the gateways of (1) Brunswick, Ga., for (A) above; (2) Savannah, Ga., for (B) and (D) above; (3) points in Richmond County, Ga., for (C) and (E) above.

No. MC-124211 (Sub-No. E17), filed April 8, 1974. Applicant: HILT TRUCK LINES, INC., P.O. Box 988, Omaha, Nebr.

68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Asphalt paint and enamel*, from points in Nebraska to points in Connecticut, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, and South Carolina.

(B) *Paint materials*, from points in Nebraska to points in Alabama, Arkansas (except from points in Nebraska, south of U.S. Highway 34 to points in Arkansas), Illinois (except from points in Nebraska south of U.S. Highway 34 and east of U.S. Highway 81 to points in Illinois), Indiana (except from points in Nebraska south of a line beginning at the Missouri-Nebraska State line, and extending along U.S. Highway 136 to the junction of U.S. Highway 34, thence over U.S. Highway 34 to the Nebraska-Colorado State line), Kentucky, Louisiana (except from points in that part of Nebraska south and east of a line beginning at the Colorado-Nebraska State line, thence over U.S. Highway 34 to the junction of U.S. Highway 136, thence over U.S. Highway 136 to the junction of U.S. Highway 81, thence north over U.S. Highway 81 to the Nebraska-South Dakota State line), Michigan, Minnesota (except from points in Nebraska north of U.S. Highway 30, and except points west of U.S. Highway 83), Missouri (except from points in Nebraska south of U.S. Highway 30), Ohio, Tennessee, and Wisconsin (except from points in Nebraska east of U.S. Highway 83 and north of U.S. Highway 30), and to those points in Iowa on and east of U.S. Highway 169 (except from points in Nebraska north of U.S. Highway 30, and except from points in Nebraska east of U.S. Highway 281). The purpose of this filing is to eliminate the gateway of the plant and warehouses of William H. Harvey Company at Omaha, Nebr.

No. MC-127196 (Sub-No. E9), filed May 17, 1974. Applicant: KLINE TRUCKING INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) from points in that part of Texas south and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 380 near Decatur, thence along U.S. Highway 380 to junction U.S. Highway 69 near Greenville, thence along U.S. Highway 69 to junction U.S. Highway 10 near Beaumont, thence along U.S. Highway 10 to the Texas-Louisiana State line, points in that part of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 15 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 495, thence along U.S. Highway 495 to junction U.S. High-

way 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Delaware State line; (2) from points in Kansas to points in that part of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 15 to junction U.S. Highway 705, thence along U.S. Highway 705 to junction U.S. Highway 495, thence along U.S. Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Delaware State line; (3) from points in Iowa to points in that part of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 15 to junction U.S. Highway 705, thence along U.S. Highway 705 to junction U.S. Highway 495, thence along U.S. Highway 495 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Maryland-Delaware State line; and (4) from points in that part of Pennsylvania east and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 23, thence along Pennsylvania Highway 23 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 491, thence along Pennsylvania Highway 491 to the Pennsylvania-Delaware State line, to points in Georgia. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC-127196 (Sub-No. E10), filed May 17, 1974. Applicant: KLINE TRUCKING INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) from points in Illinois to points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Pennsylvania-Maryland State line, points in New Jersey, Delaware, and points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 13, thence along New York Highway 13 to Port Ontario; (2) from points in Indiana to points in New Jersey, Delaware, and points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway

26 to junction New York Highway 434, thence along New York Highway 434 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada; and (3) from points in that part of Indiana south of U.S. Highway 40 to points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction New York Highway 13, thence along New York Highway 13 to Port Ontario. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC-127196 (Sub-No. E11), filed May 17, 1974. Applicant: KLINE TRUCKING INC., P.O. Box 355, Millville, Pa. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile homes, (1) from points in that part of California west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 198, thence along California Highway 198 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction California Highway 14, thence along California Highway 14 to junction California Highway 138, thence along California Highway 138 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 74, thence along California Highway 74 to San Clemente, to points in that part of Virginia east of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, and points in that part of North Carolina north and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to Beaufort; (2) from points in Idaho to points in that part of Virginia east of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line, and points in that part of North Carolina north and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to Beaufort; and (3) from points in Texas to points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 19 to

junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester. The purpose of this filing is to eliminate the gateway of Millville, Pa.

No. MC-127840 (Sub-No. E3), filed May 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 So. Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: Elton B. Babbitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible products of animal fats, animal oils, and vegetable oils, not including liquid chemicals*, as are usually dealt in, or used in tank or hopper type vehicles, from points in Iowa (except points south of Interstate 80) to points in Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC-128273 (Sub-No. E2), filed May 12, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 187, 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: *Materials and supplies* used in the production of paper and paper products, from points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, Alabama, and Mississippi, and from New Orleans, La., to Brainerd and Cloquet, Minn. The purpose of this filing is to eliminate the gateway of Watervliet, Mich.

No. MC-129335 (Sub-No. E1), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Virginia on and south of U.S. Highway 460, and on and east of U.S. Highway 21, on the one hand, and, on the other, points in that part of Ohio on and west of a line beginning at the Michigan-Ohio State line thence along U.S. Highway 23 to junction U.S. Highway 33 thence along U.S. Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E2), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as de-

defined by the Commission, between points in that part of Virginia on, south, and west of U.S. Highway 460, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E5), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the New York, N.Y. commercial zone, on the one hand, and, on the other, points in Kentucky (except points in Boone, Kenton, and Campbell Counties). The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E7), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Virginia on and west of U.S. Highway 52, on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Pultneyville, thence along New York Highway 21 to Andover, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E8), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in those parts of Illinois and Indiana on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

No. MC-129335 (Sub-No. E9), filed June 5, 1974. Applicant: DEHAVEN TRANSFER & STORAGE CO., INC., 2009 Russell Avenue SW., Roanoke, Va. 24015. Applicant's representative: John R. Sims, Jr., 1707 H Street NW., Suite 600, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Household goods*, as defined by the Commission, between points in that part of North Carolina in and east of Ashe, Wilkes, Alexander, Catawba, Lincoln, and Gaston Counties, on the one hand, and, on the other, points in that part of Illinois in and north of Randolph, Perry, Jefferson, Wayne, Edwards, and Wabash Counties. The purpose of this filing is to eliminate the gateway of points in Logan County, W. Va.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 74-15154 Filed 7-1-74; 8:45 am]

[Amdt. 4 to Special Permission No. 74-1825]

**COMMON CARRIERS OF PASSENGERS,  
EXPRESS AND PROPERTY AND FREIGHT  
FORWARDERS**

**Rate Increase Account Increases in Fuel  
Cost**

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of June 1974.

*It appearing*, That by order entered herein on December 13, 1973, as amended by orders entered on January 10 and 31 and March 11, 1974, authority was granted to common carriers and freight forwarders (motor common carriers were later withdrawn from this special permission and made subject to Special Permission No. 74-2525) to increase rates, fares, and charges by means of surcharges to recover increased fuel costs on 10 working days' notice, subject to certain procedures;

*It further appearing*, That thereafter the following petitions, requests, and reply have been received:

1. Petition of the Freight Forwarders Institute to further amend paragraph numbered "3" of the order, as amended, to enable freight forwarders, which do not directly purchase fuel but which are subject to the surcharges applied by their underlying common carriers, to recoup those surcharges without the data required of the carriers.

2. Joint petition of the National Small Shipments Traffic Conference, the Drug and Toilet Preparation Traffic Conference, and the Eastern Industrial Traffic League, and Chicago Board of Trade's and Kansas City Board of Trade's letters in support, for clarification or amendment to require surcharges established hereunder to be "rolled back" when fuel prices decline.

3. Reply of the railroads to the joint petition next above, assuring the Commission and the petitioners that they do not intend to maintain surcharges that are not fully justified; that they are monitoring fuel prices monthly, and month by month reports will be made to the Commission; and that, therefore, the said petition should be denied.

4. Letter request of Farmland Industries, Inc., that the Commission authorize "a somewhat uniform scale" of sur-

charges to avoid rate disparities which adversely affect market competition, and to relate the surcharges to the weight of shipments.

5. Letter request of BASF Wyandotte, and wire support thereof by Gulf States Paper, to further amend the order to require the surcharge to be applied to total line-haul transportation charges instead of to rates, for uniformity of application and more efficient handling of bills for transportation.

*It further appearing*, That there is merit to the joint petition seeking specific roll-back provisions, as hereinafter provided; but the requests to have the surcharges apply against the total charges and the request for a uniform scale of surcharges, or surcharges varying with weights of shipments, have been considered and determined to be impractical, and that the procedures herein cannot appropriately be adapted to freight forwarders, as sought by the Freight Forwarders Institute, but under the provisions of the act they or their tariff publishing agents may file special permission applications requesting authority to publish surcharges on less than 30 days' notice, to offset similar charges for increased fuel costs assessed them by their underlying carriers, with appropriate supporting data;

*And it further appearing*, That, on the Commission's own motion, certain other amendments are deemed desirable; therefore.

*It is ordered*, That except to the extent granted, as indicated by the amendments hereinafter set forth, the said petitions and requests be, and they are hereby, denied.

*It is further ordered*, That freight forwarders be, and they are hereby, excluded from this special permission authority, and that the title hereof be, and it is hereby, changed to read as follows:

Common Carriers of Passengers, Express and Property (Except Motor Common Carriers)—Surcharges to Offset Increases in Fuel Cost.

*It is further ordered*, That paragraph numbered "1", as amended, be, and it is hereby, further amended, by striking the present amended paragraph, and substituting therefore the following:

1. Common carriers subject to the Interstate Commerce Act (except motor common carriers and freight forwarders) and their tariff publishing agents are hereby authorized to depart from the terms of the governing tariff circulars to file and post, on notice of effectiveness which will allow an elapse of not less than ten (10) working days of this Commission (that is, excluding Saturdays, Sundays, or legal holidays observed by this Commission) starting from the date filed with the Commission (which, if a working day, may be included as one of the ten days) to the date the publication(s) is indicated to become effective (which may not be counted as one of the aforesaid ten), increases in rates, fares and charges for line-haul transportation and charges for other services which consume fuel, such as switching and pickup and delivery, and which must be specified in the tariffs, by means of surcharges stated in percentages (see exception in para-

graph numbered "8") of rates, fares, or charges to produce additional revenue in an amount not to exceed increases in fuel costs, based on the difference in the price of fuel on May 15, 1973, on the one hand, and the lawful price of fuel on a specified date which is not later than the date of filing of the surcharge hereunder, on the other hand, except that fuel price increases relied upon in support of tariff increases effected by whatever means (including increases provided by previously published and filed general increases and/or surcharges) published and filed since May 15, 1973, must be excluded from any increases filed under the authority herein.

The surcharge provisions must include a rule for disposition of fractions of one cent or other stated amounts as to rates or charges, and in the case of passenger fares refer to a conversion table of increased fares.

*It is further ordered*, That paragraph numbered "2", as amended, be, and it is hereby, further amended by striking the phrase "of the Cost of Living Council".

*It is further ordered*, That paragraph numbered "8", as amended, be stricken, and that the following be, and it is hereby, substituted therefor:

Any surcharge established hereunder may be again increased upon not less than 10 working days' notice to produce additional revenue in an amount not to exceed increases in fuel costs resulting from increases in the lawful price of fuel over and above increases reflected in the evidence relied upon in support of the last effective general rate increase or in the surcharge being increased, whichever is later. Any surcharge established hereunder may be reduced or cancelled upon not less than 10 working days' notice to the public. Carriers and their tariff publishing agents shall, if and when the carriers' fuel costs decline to the level of those costs before the increases giving rise to the last surcharge, make appropriate reductions hereunder. Only one surcharge (this includes any kind of general increase, regardless of whether or not a percentage surcharge or conversion-type publication, which relied upon only fuel price increases as supporting evidence) as to a tariff may be in effect at one time. Any increase in a surcharge may not be published to become effective in the same calendar month as the surcharge which is proposed to be increased became effective. The provisions of the Third Ordering Paragraph herein must be fully complied with each time a surcharge is proposed to be increased. When it is desired to further increase or to reduce a surcharge and the increase provided by the surcharge to be superseded is applied to the base rate, fare, or charge by means of a conversion-type publication specifically listing rate, fare, or charge figures under authority or order of the Commission, the publication providing the conversion shall be amended and the increase provided by the superseding surcharge shall be published therein in substantially the same form and manner as the increase provided by the superseded surcharge.

*It is further ordered*, That paragraph numbered "9" be, and it is hereby stricken, and in lieu thereof the following shall be substituted:

Any surcharge established hereunder shall be maintained separately and not included in the rate or fare structure unless otherwise specifically authorized by the Commission. Each publication filed hereunder shall provide that the surcharge increase will be applied to the rates, fares, or charges before any other increase that becomes effective on or

after the effective date of this order, unless otherwise specifically authorized by the Commission. Each tariff subject to a surcharge shall provide a clear and definite method of determining the rate, fare, or charge upon which the surcharge is to be computed or to which it is to be applied when such rate, fare, or charge has been specifically changed. No surcharge filed hereunder shall provide for any exceptions (non-application) with respect to any particular traffic.

*It is further ordered,* That the effective date of this amendment shall be 15 days from the service date of this order.

Notice of these amendments shall be given to the general public by mailing a copy of this order to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the

Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.74-15148 Filed 7-1-74; 8:45 am]

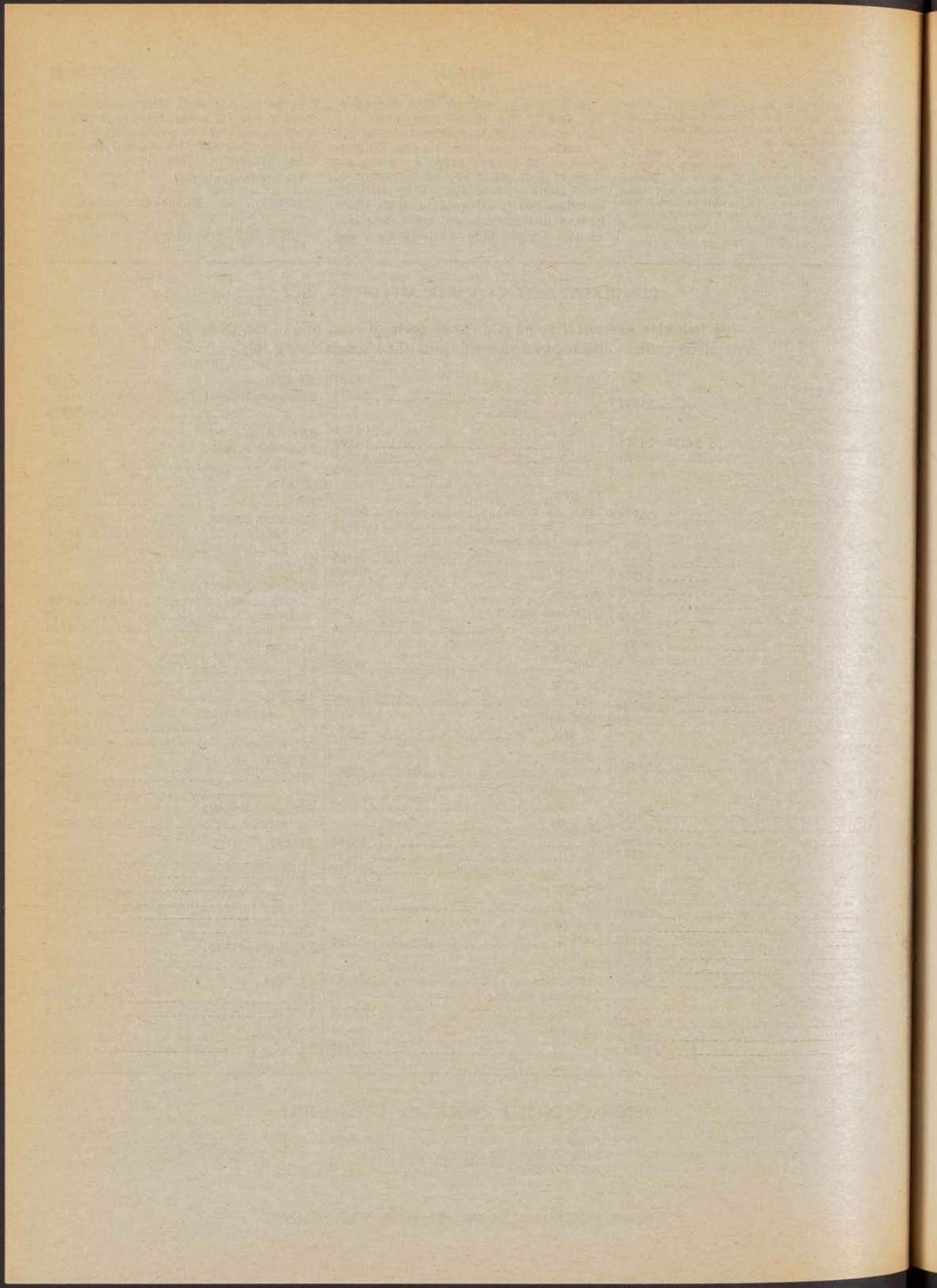
### CUMULATIVE LIST OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

<b>4 CFR</b>	Page	<b>14 CFR</b>	Page	<b>37 CFR</b>	Page
10.....	24345	373.....	24224	PROPOSED RULES:	
<b>5 CFR</b>		PROPOSED RULES:		1.....	24375
213.....	24350, 24351	21.....	24236	<b>38 CFR</b>	
713.....	24351	73.....	24238	PROPOSED RULES:	
<b>6 CFR</b>		75.....	24238	1.....	24380
PROPOSED RULES:		241.....	24238	<b>39 CFR</b>	
Ch. I.....	24378	<b>17 CFR</b>		3002.....	24230
<b>7 CFR</b>		239.....	24360	PROPOSED RULES:	
246.....	24217	249.....	24360	123.....	24244
401.....	24218	PROPOSED RULES:		124.....	24244
631.....	24218	1.....	24235	<b>40 CFR</b>	
706.....	24352	210.....	24379	PROPOSED RULES:	
989.....	24218	<b>20 CFR</b>		52.....	24241, 24378
1040.....	24357	PROPOSED RULES:		85.....	24379
1427.....	24357	405.....	24464	418.....	24489
1822.....	24218	<b>21 CFR</b>		<b>41 CFR</b>	
PROPOSED RULES:		146b.....	24360	5A-1.....	24362
27.....	24375	<b>24 CFR</b>		7-30.....	24363
946.....	24234	1914.....	24232-24233	<b>42 CFR</b>	
1701.....	24375	PROPOSED RULES:		52.....	24231
<b>8 CFR</b>		275.....	24377	55a.....	24363
214.....	24219	<b>29 CFR</b>		56a.....	24303
<b>10 CFR</b>		1926.....	24360	<b>45 CFR</b>	
2.....	24219	PROPOSED RULES:		190.....	24472
211.....	24357	1952.....	24376	410.....	24366
212.....	24358	<b>30 CFR</b>		PROPOSED RULES:	
Ruling.....	24359	55.....	24316	190.....	24481
<b>12 CFR</b>		56.....	24317	<b>47 CFR</b>	
207.....	24220	57.....	24319	11.....	24370
220.....	24220	<b>32 CFR</b>		13.....	24370
221.....	24220	920.....	24361	21.....	24372
225.....	24220	<b>32A CFR</b>		73.....	24371, 24373
528.....	24359	OPR-4.....	24224	74.....	24372
563c.....	24220	<b>33 CFR</b>		76.....	24372
572.....	24220	110.....	24361	PROPOSED RULES:	
PROPOSED RULES:		PROPOSED RULES:		76.....	24379
204.....	24243	110.....	24378	<b>49 CFR</b>	
541.....	24242	<b>36 CFR</b>		1033.....	24373, 24374
545.....	24242	7.....	24230	1125.....	24294
				<b>50 CFR</b>	
				32.....	24374

### FEDERAL REGISTER PAGES AND DATES—JULY

Pages	Date
24211-24338.....	July 1
24339-24491.....	2



# federal register

TUESDAY, JULY 2, 1974

WASHINGTON, D.C.

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PART II



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

### FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Proposed Conditions for Coverage of  
Services of Independent Laboratories

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Social Security Administration

[ 20 CFR Part 405 ]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE  
AGED AND DISABLED

Proposed Conditions for Coverage of  
Services of Independent Laboratories

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. For an independent laboratory to qualify for reimbursement under the supplementary medical insurance part of the health insurance program for the aged and disabled, the independent laboratory must meet certain statutory requirements of section 1861(s) of the Social Security Act and conditions established by regulations in the interest of health and safety.

Previously on February 16, 1972, there was published in the FEDERAL REGISTER (37 FR 3492) a notice of proposed rule making which set forth proposed amendments to regulations relating to the conditions for coverage of services of independent laboratories.

Interested parties were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments.

Comments were received from several persons, including representatives of professional societies, State agencies, and the Center for Disease Control. Most of the suggested changes were of a clarifying nature, with the exception of a major change agreed upon by the Social Security Administration, the Center for Disease Control, and the Bureau of Quality Assurance of the Public Health Service with regard to the condition for quality control. In order to achieve coordination of the technical standards with those promulgated under the Clinical Laboratories Improvement Act of 1967, it was decided to substitute the standard on quality control currently in effect under the Clinical Laboratories Improvement Act regulation for § 405.1317 (Quality Control) as announced under the notice of proposed rule making. Such substitution is in keeping with Congressional intent, as expressed in the Senate Finance Committee Report on Pub. L. 92-603.

Because of this substantive revision to the notice of proposed rule making of February 16, 1972, and because of the time which has elapsed since the comment period on that notice ended, the Commissioner of Social Security and the Secretary of Health, Education, and Welfare have determined that a new notice of proposed rule making should be pub-

lished. In view of the previous opportunity to comment, a further period of 15 days for comments is hereby afforded. Any comments previously submitted in connection with the prior notice of proposed rule making need not be resubmitted.

As indicated, the standards of quality control proposed herein are fully consistent with the standards currently in effect under authority of the Clinical Laboratories Improvement Act. Comments received on the quality control standards contained in this Notice will be reviewed in the context that the Center for Disease Control is expected to propose revised quality control regulations within the next year, and that conforming revisions will concurrently be proposed for the conditions for coverage of services of independent laboratories participating in the Medicare program in effect at that time.

All other amendments proposed under the notice of proposed rule making of February 16, 1972, are also proposed in this notice, with the following significant exceptions:

a. The material in §§ 405.1301-405.1309 has been incorporated into Subpart S—Certification Procedure for Providers and Suppliers of Services (formerly Subpart T).

b. Section 405.1310 has been redesignated § 405.1311.

c. Definitions of the terms "radiobiology" and "approved clinical laboratory," as well as the definition of "substitution of education for experience," have been located in the new § 405.1310. The term "group practice" has been deleted from this section as it is not used in the remainder of the regulations. In addition, a definition of "clinical laboratory tests," which appeared in § 405.1311 (b) of the notice of proposed rule making, has been recaptioned as "clinical laboratories" and conforming editorial changes made. This provision, which substantially reflects the provisions now contained in 20 CFR 405.1311, was thus revised because the term "clinical laboratory tests" is not mentioned in the regulations, whereas "clinical laboratory" appears several times.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before July 17, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW, Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: June 13, 1974.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: June 20, 1974.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

Subpart M of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart M—Conditions for Coverage of Services of Independent Laboratories

Sec.	
405.1310	Definitions.
405.1311	Condition—compliance with State and local laws.
405.1312	Condition—clinical laboratories; laboratory director.
405.1313	Condition—clinical laboratory; supervision.
405.1314	Condition—clinical laboratory; tests performed.
405.1315	Condition—clinical laboratory; technical personnel.
405.1316	Condition—clinical laboratory; management.
405.1317	Condition—quality control.

Subpart M—Conditions for Coverage of Services of Independent Laboratories

§ 405.1310 Definitions.

For purposes of this Subpart M, the following definitions apply:

(a) *Independent laboratory.* An independent laboratory performing diagnostic tests means one which is independent both of the attending or consulting physician's office and of a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act. A laboratory which: (1) is located in a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act or, if outside the hospital, is operated under the supervision of the hospital or its organized medical staff, and (2) serves the hospital's patients, is not an independent laboratory. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist, are considered to be subject to the conditions where the physician holds himself and the facilities of his office out to other physicians as being available for the performance of diagnostic tests. A laboratory maintained by a physician for performing diagnostic tests for his own patients is exempt from the conditions unless such laboratory performs a significant volume of diagnostic tests on referral from other physicians.

(b) *Clinical laboratory.* The term "clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radiobiology, cytological, biophysical, immunohematological, pathological or other examination

of materials derived from the human body, for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or assessment of a medical condition.

(c) *Proficiency testing program.* A proficiency testing program is one which (1) is either operated or approved by the State agency, or by the Secretary, and (2) meets at a minimum the requirements for a proficiency testing program acceptable to the Secretary.

(d) *Subsequent to graduation.* The phrase "subsequent to graduation" means laboratory training and experience acquired after receipt of the degree specified. However, for purposes of § 405.1312 or § 405.1313, experience as a technologist in an approved clinical laboratory, which was gained prior to acquiring such degree, or prior to qualifying as a technologist under § 405.1315 (b) (1) (iv), may be substituted on an equivalency basis of 1.5 years of such experience for every 1 year of postdegree training and experience, for up to one-half of the total years of training and experience specified; and experience as a general supervisor in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on a 1-for-1 basis without limitation. Furthermore, where part of the experience specified must be in one of the laboratory specialties, experience in the specialty must comprise at least half of the total required.

(e) *Director at the doctoral level.* The term "director at the doctoral level" means a person having the qualifications described in § 405.1312(b) except for paragraphs (b) (5) (ii), (iii), and (iv).

(f) *Consultation.* A "consultation" is a communication between two or more physicians concerning the diagnosis or treatment in a given case. Consultation would, when indicated, include history taking, examination of the patient, and rendering to the attending physician an opinion concerning diagnosis and/or treatment.

(g) *Technician trainee.* The term "technician trainee" means a high school graduate or equivalent who is gaining the required 2 years of clinical laboratory experience to qualify as a technician, and is participating in a structured training program designed to provide the trainee with a broad range of laboratory procedures of progressive technical difficulty.

(h) *Personal and direct supervision.* The phrase "personal and direct supervision" means that a qualified general supervisor or supervisory cytotechnologist, where applicable, is present in the immediate bench area when laboratory procedures are being performed.

(i) *Approved clinical laboratory.* The term "approved clinical laboratory" means a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, medical research institution or military installation of the United States Government; a clinical laboratory approved under this subpart, a clinical laboratory

licensed under The Clinical Laboratories Improvement Act of 1967; or, in a State which regulates clinical laboratory personnel, a clinical laboratory acceptable to that State.

(j) *Accredited.* The term "accredited" means having the approval conferred upon schools, institutions, or programs where appropriate by a nationally recognized accrediting agency or association as determined by the U.S. Commissioner of Education.

(k) *Substitution of education for experience.* The phrase "substitution of education for experience," applies only to §§ 405.1313(b) (5), 405.1315(b) (5), and 405.1315(d) (5) and means that a minimum of 30 semester hours of credit from an approved school of medical technology, or towards a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject is considered equivalent to 2 years of experience. Additional education is equated at the rate of 15 semester hours of credit for 1 year of experience.

(l) *Radiobioassay.* The term "radiobioassay" means (1) an examination to identify radionuclides or determine and quantitate body levels of radionuclides which are taken in by chronic or acute absorption, ingestion, or inhalation; or (2) following the administration of a radioactive material to a patient, the subsequent analysis of a body fluid, or excreta in order to evaluate body function.

#### § 405.1311 Condition—Compliance with State and local laws.

The laboratory shall conform with all applicable State and local laws.

(a) *Standard; licensure.* Any laboratory located in any State in which State or applicable local law provides for the licensing of laboratories is (1) licensed pursuant to such law, or (2) approved, by the agency of the State or locality responsible for licensing laboratories, as meeting the standards established for such licensing.

(b) *Standard; licensed staff.* The director and the staff of the laboratory are licensed or registered in accordance with applicable laws.

(c) *Standard; fire and safety.* The laboratory is in conformity with laws relating to fire and safety, and to other relevant matters.

#### § 405.1312 Condition—clinical laboratories; laboratory director.

The clinical laboratory is under the direction of a qualified person.

(a) *Standard; administration.* The laboratory has a director who administers the technical and scientific operation of the laboratory including the reporting of findings of laboratory tests. The factors explaining the standard are as follows:

(1) The director serves the laboratory full time, or on a regular part-time basis. If on a regular part-time basis, he (1) does not individually serve as director of more than three laboratories (hospital or independent), or (ii) if he does in-

dividually serve as director of more than three laboratories, provides for an associate, qualified under the standard in paragraph (b) of this section, to serve as assistant director in each laboratory. Such assistant director does not serve more than three laboratories.

(2) Commensurate with the laboratory workload, the director spends an adequate amount of time in the laboratory to direct and supervise the technical performance of the staff and is readily available for personal or telephone consultation.

(3) The director is responsible for the proper performance of all tests made in the laboratory.

(4) The director is responsible for the employment of qualified laboratory personnel and their inservice training.

(5) If the director is to be continuously absent for more than 1 month, arrangements are made for a qualified substitute director.

(b) *Standard; laboratory director—qualification.* The laboratory director meets one of the following requirements:

(1) Is a physician certified in anatomical and/or clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for such certification (board eligible);

(2) Is a physician who (i) is certified by the American Board of Pathology or the American Osteopathic Board of Pathology in at least one of the laboratory specialties, or (ii) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysis, or other national accrediting board in one of the laboratory specialties, or (iii) is certified by the American Society of Cytology to practice cytopathology or possesses qualifications which are equivalent to those required for such certification (also see the last sentence of § 405.1314(b) (9)), or (iv) subsequent to graduation has had 4 or more years of full-time general laboratory training and experience of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in an approved clinical laboratory;

(3) For the specialty of oral pathology only, is a dentist who is certified by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible);

(4) Holds an earned doctoral degree from an accredited institution with a chemical, physical, or biological science as a major subject and (i) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysis, or other national accrediting board acceptable to the Secretary in one of the laboratory specialties, or (ii) subsequent to graduation has had 4 or more years of full-time general clinical laboratory training and experience of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in an approved clinical laboratory; or

(5) With respect to individuals first qualifying prior to July 1, 1971, was responsible for the direction of a clinical laboratory for 12 months between July 1, 1961, and January 1, 1968, and, in addition, met one of the following requirements:

(i) Was a physician and subsequent to graduation has had at least 4 years of pertinent clinical laboratory experience;

(ii) Held a master's degree from an accredited institution with a chemical, physical, or biological science as a major subject and subsequent to graduation has had at least 4 years of pertinent clinical laboratory experience;

(iii) Held a bachelor's degree from an accredited institution with a chemical, physical, or biological science as a major subject and subsequent to graduation has had at least 6 years of pertinent clinical laboratory experience; or

(iv) Achieved a satisfactory grade through an examination conducted by or under the sponsorship of the U.S. Public Health Service on or before July 1, 1970.

**NOTE:** A laboratory that requests an initial certification, or a recertification by reason of a change in a director, and which meets all other requirements of this Subpart M, except that its director qualifies solely under the provisions of § 405.1312(b)(5), may be certified provided such laboratory requests approval based on such director's qualifications no later than 1 year following the effective date of these regulations and such individual has been employed in an approved clinical laboratory for at least 3 years of the 5 years preceding the date of submission of his qualifications.

#### § 405.1313 Condition—clinical laboratory; supervision.

The clinical laboratory is supervised by qualified personnel.

(a) **Standard; supervision.** The laboratory has one or more supervisors who, under the general direction of the laboratory director, supervise technical personnel and reporting of findings, perform tests requiring special scientific skills, and, in the absence of the director, are held responsible for the proper performance of all laboratory procedures. A laboratory director who qualifies under § 405.1312(b)(1), (2), (4), or (5) is also qualified as a general supervisor; therefore, depending upon the size and functions of the laboratory, the laboratory director may also serve as the laboratory supervisor. The factors explaining the standard are as follows:

(1) **Required supervisors.** There are two categories of required supervisors. A general supervisor—one who meets the requirements of paragraph (b) of this section—is on the laboratory premises during all hours in which tests are being performed. With respect to the specialty of diagnostic cytology, cytotechnologists do not perform laboratory procedures or examine specimens unless a supervisor who qualifies pursuant to the provisions of § 405.1313(b)(4) or § 405.1314(b)(9) is on the premises at all times when slide preparations are being examined. A technical supervisor—one who

meets the pertinent requirements of § 405.1314(b)—spends an adequate amount of time in the laboratory to supervise the technical performance of the staff in the specialty and is readily available for personal or telephone consultation. A general supervisor may also be a technical supervisor in those specialties in which the requirements of § 405.1314(b) are met.

(2) **Supervision of emergency procedures.** A supervisor is not required to be on the premises during the performance of procedures for emergency purposes provided that the person performing tests is qualified to perform such tests, the supervisor who is responsible for the results of the work reviews them during the next duty period, and a record is maintained to reflect the actual review.

(b) **Standard; general supervisor—qualification.** The laboratory supervisor meets one of the following requirements:

(1) (i) Is a physician, or has earned a doctoral degree from an accredited institution with a major in one of the chemical, physical, or biological sciences and (ii) subsequent to graduation has had at least 2 years of experience in one of the laboratory specialties in an approved clinical laboratory;

(2) (i) Holds a master's degree from an accredited institution with a major in one of the chemical, physical, or biological sciences and (ii) subsequent to graduation has had at least 4 years of pertinent laboratory experience of which not less than 2 years have been spent working in the designated laboratory specialty in an approved clinical laboratory;

(3) (i) Is qualified as a clinical laboratory technologist pursuant to the provisions of § 405.1315(b)(1), (2), (3), or (4), and (ii) subsequent to the date of qualifying as a clinical laboratory technologist, has had at least 6 years of pertinent laboratory experience of which not less than 2 years have been spent working in the designated laboratory specialty in an approved clinical laboratory;

(4) With respect to the specialty of diagnostic cytology, qualifies as a supervisory cytotechnologist because he: (i) is qualified as a cytotechnologist pursuant to the provisions of § 405.1315(b)(2), and (ii) has had 4 years of full-time experience as a cytotechnologist in a laboratory directed or supervised by a pathologist or other physician recognized as a specialist in diagnostic cytology within the preceding 10 years; or

(5) With respect to individuals first qualifying prior to July 1, 1971, has had at least 15 years of pertinent clinical laboratory experience prior to January 1, 1968; this required experience may be met by the substitution of education for experience.

#### § 405.1314 Condition—clinical laboratory; tests performed.

The requirements of this section apply only to those tests and procedures performed for individuals enrolled under the supplementary medical insurance

benefits program (see Subpart B of this Part 405). The clinical laboratory performs only those laboratory tests and procedures that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified. Furthermore, based on such individuals' qualifications, a laboratory may also be approved for a specialty or subspecialty notwithstanding the fact that tests in such specialty or subspecialty are not being performed; provided (1) the laboratory has the necessary equipment, space, facilities, and personnel to perform tests in such specialty or subspecialty, and (2) the laboratory successfully participates in a proficiency testing program if available in the specialty or subspecialty for which it seeks approval.

(a) **Standard; proficiency testing.** All clinical laboratories must successfully participate in a proficiency testing program as defined in § 405.1310(c) covering all clinical laboratory and anatomical pathology specialties and subspecialties as made available in which the laboratory is approved to perform tests. Laboratories shall: (1) receive and examine and/or analyze specimens delivered by mail or messenger at such times as designated by the proficiency testing service; and (2) maintain records of all proficiency testing results in programs in which it is a participant and make such records, including results and interpretations, available to the Secretary upon request. An exception to the requirements of this paragraph may be made provided the State agency determines that an appropriate proficiency testing program is not readily available. Such exception, however, shall not be effective beyond the last day of the twelfth month following the effective date of these regulations, or the date the laboratory first requests approval for its services, whichever date is the later.

(b) **Standard; procedures and tests—competency.** The laboratory performs only those laboratory procedures and tests that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified. The factors explaining the standard are as follows:

(1) If the laboratory director or supervisor is a physician certified in both anatomical and clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible), the laboratory may perform anatomical and clinical laboratory procedures and tests in all specialties.

(2) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of microbiology, including the subspecialties of bacteriology, virology, mycology, and parasitology, the director or a supervisor (i) holds an earned doctoral or master's degree in microbiology from an accredited institution or is a physician, and (ii) subsequent to graduation

has had at least 4 years of experience in clinical microbiology.

(3) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of serology, the director or a supervisor (i) holds an earned doctoral or master's degree in biology, chemistry, immunology, or microbiology from an accredited institution or is a physician and, (ii) subsequent to graduation has had at least 4 years experience in serology.

(4) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of hematology, including gross and microscopic examination of the blood, the director or a supervisor (i) holds a master's or a bachelor's degree in biology, immunology, microbiology, or chemistry from an accredited institution, and (ii) subsequent to graduation has had at least 4 years of experience in hematology.

(5) If the requirements of paragraph (b)(1) of this section are not met and (i) the laboratory performs tests in the specialty of immunohematology, the director or a supervisor is a physician with at least 2 years of experience in immunohematology subsequent to graduation; or (ii) within the specialty of immunohematology, the laboratory performs tests in the subspecialties of blood grouping and Rh typing, antibody detection, identification, and titrating only, the director or a supervisor holds a master's or bachelor's degree in biology, immunology, microbiology, or chemistry from an accredited institution and subsequent to graduation has had at least 4 years of experience in immunohematology.

(6) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of clinical chemistry, the director or a supervisor (i) holds an earned doctoral or master's degree in a chemical science or its equivalent from an accredited institution or is a physician, and (ii) subsequent to graduation has had at least 4 years of experience in clinical chemistry.

(7) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of radiobiology, the director or a supervisor (i) holds an earned doctoral, master's, or bachelor's degree in a chemical, physical, or biological science from an accredited institution or is a physician, and (ii) subsequent to graduation has had at least 4 years of experience in radiobiology.

(8) If the laboratory performs tests in the specialty of tissue pathology, the director or a supervisor (i) meets the requirements of paragraph (b)(1) of this section, or (ii) within the specialty of tissue pathology performs tests limited to skin pathology if the director or a supervisor is certified in dermatopathology by the American Board of Dermatology or possesses qualifications which are equivalent to those required for certification (board eligible).

(9) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of diagnostic cytology, the director or a supervisor, (i) is a physician who is certified by the American Society of Cytology to practice cytopathology or possesses qualifications which are equivalent to those required for certification (under this provision the laboratory is qualified to perform such tests only on that anatomic site for which the director or supervisor is certified); or (ii) is an individual who, pursuant to a request to establish his qualifications filed prior to January 1, 1971, has demonstrated competency (A) through at least 7 years of accumulative experience in a position of diagnostic responsibility in the field of clinical cytology or through 5 years of full-time training in diagnostic clinical cytology with suitable endorsement by a physician who has been supervisor in such activity; (B) by the publishing of treatises, texts, or other publications on the subject of diagnostic cytology which are generally acknowledged and recognized by the medical profession as authoritative in the field; (C) by appointment to and service in pertinent teaching and research positions in recognized schools of medicine; (D) by acceptance into or award of membership and office in professional societies in this field; and (E) by receipt of other professional honors for excellence in the use of procedures in exfoliative cytology for the diagnosis of a pathological condition (under this provision the laboratory is qualified to perform such tests only on that anatomic site with respect to which such competency is so established). The Administration, after documentation of the individual's qualifications by the State agency, will, with appropriate professional advice from Public Health Service, make all determinations with respect to the requirements set forth in this paragraph (b)(9)(ii). An individual who qualifies under this paragraph (b)(9)(ii) is deemed also to meet the requirements of § 405.1312(b)(2)(iii).

(10) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in oral pathology, the director or supervisor is a dentist who is certified in oral pathology by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(11) An exception to the requirements in paragraphs (b)(2), (3), (5)(ii), (6), and (7) of this section is made with respect to an individual who qualifies as a director under § 405.1312(b)(5)(iii). The laboratory such individual directs may perform tests in:

(i) *Microbiology*: If the director has a bachelor's degree in a biological science and subsequent to graduation has had at least 6 years of experience in microbiology;

(ii) *Hematology*: If the director has a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has

had at least 6 years of clinical laboratory experience of which at least 4 years of experience are in hematology;

(iii) *Serology*: If the director has a bachelor's degree in biology, chemistry, immunology, or microbiology and subsequent to graduation has had at least 6 years of experience in serology;

(iv) *Radiobiology*: If the director has a bachelor's degree in a chemical, physical, or biological science and subsequent to graduation has had at least 6 years of laboratory experience at least 1 year of which is in radiobiology;

(v) *Blood grouping and Rh typing, antibody detection, identification, and titrating*: If the director has a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years of experience are in immunohematology;

(vi) *Clinical chemistry*: If the director has a bachelor's degree in a chemical science or its equivalent and subsequent to graduation has had at least 6 years of experience in clinical chemistry;

(vii) *Any of the above specialties*: If the director has a bachelor's degree in medical technology and subsequent to graduation has had at least the designated years of specialized experience.

(12) A laboratory whose director qualifies under § 405.1312(b)(5)(iv) may perform tests in the laboratory specialties in which such director achieved a satisfactory grade in the examination conducted or sponsored by the Public Health Service. Further, a director who achieved a satisfactory grade in chemistry and/or blood grouping and Rh typing is deemed to meet the requirements of paragraphs (b)(5)(ii) and/or (7) of this section.

#### § 405.1315 Condition—clinical laboratory; technical personnel

The clinical laboratory has a sufficient number of properly qualified technical personnel for the volume and diversity of tests performed.

(a) *Standard; technologist—duties*. The laboratory employs a sufficient number of clinical laboratory technologists to proficiently perform under general supervision the clinical laboratory tests which require the exercise of independent judgment. The factors explaining the standard are as follows:

(1) The clinical laboratory technologists perform tests requiring the exercise of independent judgment and responsibility with minimal supervision by the director or supervisors only in those specialties or subspecialties in which the laboratory technologists are qualified by education, training, and experience.

(2) Specialties in which the clinical laboratory technologist is not qualified by education, training, or experience are performed only under the direct supervision of the laboratory supervisor or qualified technologist.

(3) Clinical laboratory technologists are in sufficient number to adequately

supervise the work of technicians and trainees.

(4) An individual qualified as a cytotechnologist solely under paragraph (b)(2) of this section may supervise technicians and trainees only in the specialty of cytology.

(b) *Standard; technologists—qualifications.* Each clinical laboratory technologist and cytotechnologist possesses a current license as a clinical laboratory technologist or cytotechnologist issued by the State, if such licensing exists, and:

(1) *In the case of a laboratory technologist.* (i) Has earned a bachelor's degree in medical technology from an accredited college or university; or

(ii) Has successfully completed 3 years of academic study (a minimum of 90 semester hours or equivalent) in an accredited college or university, which met the specific requirements for entrance into a school of medical technology accredited by an accrediting agency approved by the Secretary, and has successfully completed a course of training of at least 12 months in such a school; or

(iii) Has earned a bachelor's degree in one of the chemical, physical, or biological sciences and, in addition, has at least 1 year of pertinent laboratory experience and/or training in the specialty or subspecialty in which the individual performs tests; or

(iv) Has successfully completed 3 years (90 semester hours or equivalent) in an accredited college or university with the following distribution of courses:

(A) For those whose training was completed prior to September 15, 1963. At least 24 semester hours in chemistry and biology courses of which:

(1) At least 6 semester hours were in inorganic chemistry and at least 3 semester hours were in other chemistry courses, and

(2) At least 12 semester hours in biology courses pertinent to the medical sciences, or

(B) For those whose training was completed after September 14, 1963. (1) 16 semester hours in chemistry courses which included at least 6 semester hours in inorganic chemistry and which are acceptable toward a major in chemistry; or

(2) 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in the biological sciences; and

(3) 3 semester hours of mathematics; and

(C) Has experience and/or training covering several fields of medical laboratory work of at least 1 year and of such quality as to provide him with education and training in medical technology equivalent to that described in paragraphs (b)(1)(i) and (ii) of this section; or

(v) With respect to individuals first qualifying prior to July 1, 1971; the technologist:

(A) Was performing the duties of a clinical laboratory technologist at any

time between July 1, 1961, and January 1, 1968, and

(B) Has had at least 10 years of pertinent clinical laboratory experience prior to January 1, 1968 (This required experience may be met by the substitution of education for experience); or

(2) *In the case of a cytotechnologist.*

(i) Has successfully completed 2 years in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and (A) has had 12 months of training in a school of cytotechnology accredited by an accrediting agency approved by the Secretary, or (B) has received 6 months of formal training in a school of cytotechnology accredited by an accrediting agency approved by the Secretary and 6 months of full-time experience in cytotechnology in a laboratory acceptable to the pathologist who directed such formal 6 months of training, or

(ii) Prior to January 1, 1969, has: (A) been graduated from high school, (B) completed 6 months of training in cytotechnology in a laboratory directed by a pathologist or other physician recognized as a specialist in cytology, and (C) completed 2 years of full-time supervised experience in cytotechnology; or

(3) *In the case of a laboratory technologist or cytotechnologist not meeting the training and experience requirements defined in paragraph (b)(1) or (2) of this section.* Achieves a satisfactory grade in a proficiency examination approved by the Secretary except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State or seeking initial qualifications as a technologist or cytotechnologist after December 31, 1977. (Such individuals will be deemed to meet the requirements of paragraph (b)(1) or (2) of this section, whichever is appropriate.)

(c) *Standard; technician—duties.* Clinical laboratory technicians are employed in sufficient number to meet the workload demands of the laboratory and they function only under direct supervision of a clinical laboratory technologist. The factors explaining the standard are as follows:

(1) Each technician performs only those clinical laboratory procedures which require a degree of skill commensurate with the education, training, and technical abilities and which involve limited exercise of independent judgment.

(2) No clinical laboratory technician performs procedures in the absence of a qualified clinical laboratory technologist, supervisor, or director.

(3) A technician trainee performs only repetitive procedures which require a minimal exercise of independent judgment and he may perform such procedures only under the personal and direct supervision of a qualified supervisor or technologist.

(d) *Standard; technician—qualifications.* Each clinical laboratory technician possesses a current license as a clinical laboratory technician issued by the State, if such licensing exists, and meets one of the following requirements:

(1) Has successfully completed 60 semester hours of academic credit including chemistry and biology as well as a structured curriculum in medical laboratory techniques at an accredited institution or has an associate degree based on a course of study including those subjects from an accredited institution;

(2) Is a high school graduate or equivalent and has completed at least 1 year in a technician training program in a school accredited by an accrediting agency approved by the Secretary;

(3) Is a high school graduate or equivalent and has 2 years of pertinent laboratory experience as a technician trainee in an approved clinical laboratory;

(4) Is a high school graduate or equivalent and has successfully completed an official military medical laboratory procedures course of at least 50 weeks duration and has held the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician);

(5) With respect to a technician not meeting the training and experience requirements defined in paragraph (d)(1), (2), (3), or (4),

(i) Was performing the duties of a clinical laboratory technician any time between July 1, 1961, and January 1, 1968, and

(ii) Has had at least 5 years of pertinent clinical laboratory experience prior to January 1, 1968. (This required experience may be met by the substitution of education for experience.)

(6) With respect to a clinical laboratory technician not meeting the training and experience requirements defined in paragraph (d)(1), (2), (3), (4), or (5): Achieves a satisfactory grade in a proficiency examination approved by the Secretary except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State or seeking initial qualifications as a technologist or cytotechnologist after December 31, 1977. (These individuals will be deemed to meet the requirements of paragraph (d)(1) of this section.)

(e) *Standard; personnel policies.* There are written personnel policies, practices, and procedures that adequately support sound laboratory practice. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a resume of each employee's training, experience, duties, and date or dates of employment.

(2) Files contain evidence of adequate health supervision of employees, such as results of preemployment physical examinations, including chest X-rays, immunization records, and records of all illnesses and accidents occurring on duty.

(3) Work assignments are consistent with qualifications.

(4) There is a documented program for employee orientation and inservice education.

§ 405.1316 Condition—clinical laboratory; management.

The clinical laboratory maintains records and facilities which are adequate and appropriate for the services offered.

(a) *Standard; laboratory procedure manual.* A compilation is kept of all automated and manual methods for tests which are performed in or offered by the laboratory. Changes in methods are dated and approved in writing by the technical supervisor. Each procedure is reviewed and dated by the technical supervisor at least annually. For those tests which are normally performed on automated test equipment, provision is made and documented for performing such tests by alternate methods, or for storing the test specimens, in the event this equipment becomes inoperable.

(b) *Standard; laboratory management.* Space and facilities are adequate to properly perform the services which are performed in or offered by the laboratory. The factors explaining the standards are as follows:

(1) Workbench space is ample, well-lighted, and convenient to sink, water, gas, and suction and electrical outlets as necessary.

(2) Work areas are arranged so as to minimize problems in transportation and communication.

(3) The laboratory is properly ventilated.

(4) Volatile chemicals and inflammable solvents are properly stored in areas unlikely to ignite same or restricted from open flame or heat.

(5) Temperature and humidity are controlled within limits required for proper performance of tests and operation of instruments affected by these variations.

(6) Voltage levels at electrical sources to which automated equipment is connected are monitored and recorded.

(7) Adequate fire precautions and occupational safety and health laws are known, posted, and observed.

(c) *Standard; collection of specimens.* No persons other than a licensed physician, or one otherwise authorized by law, manipulates a patient for the collection of specimens except that qualified technical personnel of the laboratory may collect blood or remove stomach contents and collect material for smears and culture under the direction or upon the written request of a licensed physician.

(d) *Standard; sterilization.* Syringes, needles, lancets, or other blood-letting devices capable of transmitting infection from one person to another are not re-used unless they are properly sterilized prior to each use and wrapped or covered in a manner which will insure that they remain sterile until used. Appropriate sterilization and disinfection techniques are utilized, as required, for tests performed on potentially contaminated material and for the protection of laboratory personnel. Disposable syringes, needles, pipettes, Petri dishes, and other disposable items are appropriately discarded immediately after use. Each sterilizing cycle contains a device which indi-

cates proper sterilization or an adequate recording thermometer is used and records kept of temperature readings. Proper operation of the autoclave is checked monthly with viable spores.

(e) *Standard; examination and reports.* The laboratory examines specimens only at the request of a licensed physician, dentist, or other person authorized by law to use the findings of laboratory examinations and reports only to those authorized by law to receive such results. The factors explaining the standard are as follows:

(1) If the patient is sent to the laboratory, a written request for the desired laboratory procedures is obtained from a person authorized by law to use findings of laboratory examination.

(2) If only a specimen is sent, it is accompanied by a written request.

(3) If the laboratory receives reference specimens from another laboratory, it reports back to the laboratory submitting the specimens.

(f) *Standard; specimens—records.* The laboratory maintains a record indicating the daily accession of specimens, each of which is numbered or otherwise appropriately identified. The factor explaining the standard is as follows: Records contain the following information:

(1) The laboratory number or other identification of the specimen.

(2) The name and other identification of the person from which the specimen was taken.

(3) The name of the licensed physician or other authorized person or clinical laboratory which submitted the specimen.

(4) The date the specimen was collected by the physician or other authorized person.

(5) The date the specimen was received in the laboratory.

(6) The condition of unsatisfactory specimens when received (e.g., broken, leaked, hemolyzed, or turbid, etc.).

(7) The type of test performed.

(8) The date that test was performed.

(9) The results of the laboratory test or cross-reference to results and the date of reporting.

(10) The name and address of the laboratory to which forwarded if the procedure is not performed at this laboratory.

(g) *Standard; laboratory report and record.* The laboratory report is sent promptly to the licensed physician or other authorized person who requested the test and a suitable record of each test result is preserved by the laboratory for a period of at least 2 years after the date of submittal of the report or for a period of time required by State law for such records, whichever is longer. The factors explaining the standard are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) Duplicate copies or a suitable record of laboratory reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(3) Tissue pathology reports utilize acceptable terminology of a recognized system of disease nomenclature.

(4) The results of laboratory tests or procedures or transcripts thereof are not sent to the patient concerned except with the written consent of the physician or other authorized person who requested the test.

(5) The report forms are designed to facilitate comparison with pertinent "normal" ranges as determined by the laboratory performing the tests.

(6) A list of analytical methods employed by the laboratory and a basis for the listed "normal" range is maintained in the laboratory. The list shall be made available to any physician ordering an examination upon request.

(7) If the laboratory refers specimens to another laboratory, the laboratory receiving the specimens meets the applicable conditions under the health insurance program. Each physician ordering an examination is notified that the specimen was referred to another laboratory. Such notice must show the name and address or other identification of the laboratory to which the specimen is referred.

§ 405.1317 Condition—quality control.

(a) *Standard; general.* Quality controls imposed and practiced by the laboratory must provide for and assure:

(1) Preventive maintenance, periodic inspection, and testing for proper operation of equipment and instruments as may be appropriate; validation of methods; evaluation of reagents and volumetric equipment; surveillance of results; and remedial action to be taken in response to detected defects.

(2) Adequacy of facilities, equipment, instruments, and methods for performance of the procedures or categories of procedures for which a certification is approved; proper lighting for accuracy and precision; convenient location of essential utilities; monitoring of temperature-controlled spaces and equipment, including water baths, incubators, sterilizers, and refrigerators, to assure proper performance; evaluation of analytical measuring devices, such as photometers and radioactivity counting equipment, with respect to all critical operating characteristics.

(3) Labeling of all reagents and solutions to indicate identity, and when significant, titer, strength, or concentration, recommended storage requirements, preparation or expiration date, and other pertinent information. Materials of substandard reactivity and deteriorated materials may not be used.

(4) The availability at all times, in the immediate bench area of personnel engaged in examining specimens and performing related procedures within a category (e.g., clinical chemistry, hematology, and pathology), of current laboratory manuals or other complete written descriptions and instructions relating to (i) the analytical methods used by those personnel, properly designated and dated to reflect the most recent supervisory reviews, (ii) reagents, (iii) control and calibration procedures, and (iv) pertinent

literature references. Textbooks may be used as supplements to such written descriptions but may not be used in lieu thereof.

(5) Written approval by the director or supervisor of all changes in laboratory procedures.

(6) Maintenance and availability to laboratory personnel and to the Secretary of records reflecting dates and, where appropriate, the nature of inspection, validation, remedial action, monitoring, evaluation, and changes and dates of changes in laboratory procedures.

(7) Solicitation designed to provide for collection, preservation, and transportation of specimens sufficiently stable to provide accurate and precise results suitable for clinical interpretation.

(b) *Standard; quality control system—methodologies.* Provision is made for an acceptable quality control program covering all types of analysis performed by the laboratory for verification and assessment of accuracy, measurement of precision, and detection of error. The factors explaining the standard are as follows:

(1) *Microbiology.* Chemical and biological solutions, reagents, and antisera shall be tested and inspected each day of use for reactivity and deterioration.

(i) *Bacteriology and mycology.* Staining materials shall be tested for intended reactivity by concurrent application to smears of microorganisms with predictable staining characteristics. Each batch of medium shall be tested before or concurrently with use with selected organisms to confirm required growth characteristics, selectivity, enrichment, and biochemical response.

(ii) *Parasitology.* A reference collection of slides, photographs, or gross specimens of identified parasites shall be available and used in the laboratory for appropriate comparison with diagnostic specimens. A calibrated ocular micrometer shall be used for determining the size of ova and parasites, if size is a critical factor.

(iii) *Virology.* Systems for the isolation of viruses and reagents for the identification of viruses shall be available to cover the entire range of viruses which are etiologically related to clinical diseases for which services are offered. Records shall be maintained which reflect the systems used and the reactions observed. In tests for the identification of viruses, controls shall be employed which will identify erroneous results. If serodiagnostic tests for virus diseases are performed, requirements for quality control as specified for serology shall apply.

(2) *Serology.* (i) Serologic tests on unknown specimens shall be run concurrently with a positive control serum of known titer or controls of graded reactivity plus a negative control in order to detect variations in reactivity levels. Controls for all test components (antigens, complement, erythrocyte indicator systems, etc.) shall be employed to insure reactivity and uniform dosage. Test results shall not be reported unless the predetermined reactivity pattern of the controls is obtained.

(ii) Each new lot of reagent shall be tested concurrently with one of known acceptable reactivity before the new reagent is placed in routine use.

(iii) Equipment, glassware, reagents, controls, and techniques for tests for syphilis shall conform to those recommended in the "Manual of Tests for Syphilis 1969," U.S. Public Health Service Publication No. 411, January 1969.

(3) *Clinical chemistry.* (i) Each instrument or other device shall be recalibrated or rechecked at least once on each day of use. Records which document the routine precision of each method, automated or manual, and its recalibration schedule shall be maintained and be available to laboratory personnel and the Secretary. At least one standard and one reference sample (control) shall be included with each run of unknown specimens where such standards and reference samples are available. Control limits for standards and reference samples shall be recorded and displayed and shall include the course of action to be instituted when the results are outside the acceptable limits.

(ii) Screening or qualitative chemical urinalysis shall be checked daily by use of suitable reference samples.

(4) *Immuno-hematology.* (i) ABO grouping shall be performed by testing unknown red cells with anti-A and anti-B grouping serums licensed under Part 73, Title 42, Code of Federal Regulations, or possessing equivalent potency, using the technique for which the serum is specifically designed to be effective. For confirmation of ABO grouping, the unknown serum shall be tested with known A1 and B red cells.

(ii) The potency and reliability of reagents shall be checked each day of use.

(iii) The Rh<sub>0</sub> (D) type shall be determined by testing unknown red cells with anti-Rh<sub>0</sub> (anti-D) typing serum licensed under 42 CFR Part 73, or possessing equivalent potency, using the technique for which the serum is specifically designed to be effective. Anti-Rh<sub>0</sub> (CD), anti-Rh<sub>0</sub> (DE), and anti-Rh<sub>0</sub> rh'rh'' (CDE) serums licensed pursuant to 42 CFR Part 73, or possessing an equivalent potency may be used for typing donor blood. All Rh<sub>0</sub> negative donor and patient cells shall be tested for the Rh<sub>0</sub> variant (D<sup>v</sup>). A control system of patient's cells suspended in his own serum or in albumin shall be employed when the test is performed in a protein medium.

(iv) Rh<sub>0</sub> (D) positive and negative control tests shall be used for each test system employed to check the reactivity of the anti-Rh<sub>0</sub> (D) serum each day of use. Reactivity of known red cells used for antibody screening shall be tested each day of use with a suitable positive and negative control. The reactivity of anti-human globulin reagents (Coombs' serum) shall be tested each day of use and whenever a new lot of reagent is used.

(5) *Hematology.* Instruments and other devices used in hematological examination of specimens shall be recalibrated or retested or reinspected, as may

be appropriate, each day of use. Each procedure for which standards and controls are available shall be rechecked each day of use with standards or controls covering the entire range of expected values. Tests such as the one-stage prothrombin time test shall be run in duplicate unless the laboratory can demonstrate that low frequency of random error or high precision makes such testing unnecessary. Reference materials, such as hemoglobin pools, and stabilized cells, shall be tested at least once each day of use to insure accuracy of results. Standard deviation, coefficient of variation, or other statistical estimates of precision shall be determined by random replicate testing of specimens. The accuracy and precision of blood cell counts and hematocrit and hemoglobin measurements shall be tested each day of use.

(6) *Exfoliative cytology; histopathology; oral pathology—(i) Exfoliative cytology.* The laboratory director or supervisor qualified in cytology or cytotechnologist shall rescreen for proper staining and correct interpretation at least a 10-percent random sample of gynecological smears which have been interpreted to be in one of the benign categories by personnel not possessing director or supervisor qualifications. All gynecological smears interpreted to be in the "suspicious" or positive categories by screeners shall be confirmed by the laboratory director or qualified supervisor and the report shall be signed by a physician qualified in pathology or cytology. All nongynecological cytological preparations, positive and negative, shall be reviewed by a director or supervisor qualified in cytology. Nonmanual methods shall provide quality control similar to that provided in other nonmanual laboratory procedures. All smears shall be retained for not less than 2 years from date of examination.

(ii) *Histopathology and oral pathology.* All special stains shall be controlled for intended reactivity by use of positive slides. Stained slides shall be retained for not less than 2 years from date of examination and blocks shall be retained for not less than 1 year from such date. Remnants of tissue specimens shall be retained in a fixative solution until those portions submitted for microscopy have been examined and a diagnosis made by a pathologist.

(7) *Radiobioassay.* The counting equipment shall be checked for stability at least once on each day of use, with radioactive standards or reference sources. Reference samples with known activity and within expected levels of normal samples shall be processed in replicate quarterly. For each method, records which document the routine precision and the recalibration schedule shall be maintained and be available to the staff and to the Secretary.

(Secs. 1102, 1861(s) (10) and (11), 1864, 1871, 49 Stat. 617, as amended, 79 Stat. 322, 79 Stat. 325-326, 79 Stat. 331; 42 U.S.C. 1302, 1395x(s) (10) and (11), 1395aa, and 1395hh).

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PART III



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## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

### BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Expected Family Contribution for  
Academic Years 1974-1976

## Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION,  
DEPARTMENT OF HEALTH, EDUCA-  
TION, AND WELFAREPART 190—BASIC EDUCATIONAL  
OPPORTUNITY GRANT PROGRAMExpected Family Contribution for Academic  
Year 1974-75

A notice of proposed rulemaking was published in the FEDERAL REGISTER on September 24, 1973 (38 FR 26660), to amend subparts C and D of part 190 of Title 45 of the Code of Federal Regulations dealing with the Family Contribution Schedules for the Basic Educational Opportunity Grant Program. Such amendments were to apply for academic year 1974-75. The key provisions of these amendments were essentially as follows:

1. Subpart C set forth methods to be used in determining the expected family contribution for dependent students, which is used in determining a student's grant under the Basic Educational Opportunity Grant Program. It established the procedures for determining the expected family contribution from parental income and assets, including the allowances to be made against income and assets and the rates of contribution against income and assets after such allowances have been made, and the expected contribution from the effective income of the dependent student and from the dependent student's assets.

2. Subpart D set forth the methods to be used in determining the expected family contribution for independent students. It established the definition of the independent student and further set forth procedures for determining the expected family contribution from the effective income of the independent student, the contribution from the income of the independent student, including allowances against such income and the rates of contribution to be used in determining the contribution from the income after the allowances have been made, and the rates to be used in determining the contribution from the assets of the independent student.

Interested parties were invited to submit written comments, suggestions, or objections with regard to the proposed Family Contribution Schedules. In addition, as required by § 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a(a)(3)(A)(ii)), the schedules were submitted to the President of the Senate and the Speaker of the House.

Hearings on these Schedules were held by the Senate Subcommittee on Education on October 11, 1973, and by the House Special Subcommittee on Education on November 30, 1973. During both of these hearings, the Congressional comments centered around four major issues in the Schedules: the treatment of assets; the treatment of effective income of the student; the level of the family size offsets; and, the treatment of other assets.

The major concern expressed regarding the treatment of assets concerned those families with farm or small business assets as well as those families with a significant equity in their homes. It appears that in a large number of such cases, these families have a relatively high asset position and low annual incomes. The proposed Schedules did not sufficiently accommodate families in this type of financial situation. As a result of the Congressional comments, the asset treatment was modified. The modification provides that in those cases where the allowable deductions from income (Federal taxes, living expenses, unusual expenses, employment expenses) exceed the family income, a deduction is made from the contribution from assets in an amount equal to the amount by which the allowable deductions from income exceed that income. This amount is called "negative discretionary income". This adjustment will provide a more equitable treatment for those low-income families with a relatively high asset position.

With regard to the treatment of effective income of the student, the problem appears to be that, in many instances, social security benefits represent the primary source of income for the family. In the very lowest income group, these benefits are often the sole source of family income.

It should also be noted that effective income of the student, as specified in the legislation, includes both social security benefits and benefits from the Veterans Administration. As such, any modification proposed to alleviate the problems affecting social security recipients will have the same impact on recipients of veterans educational assistance. However, the objections to the treatment of V.A. benefits were minimal.

While it was determined that this issue must be thoroughly examined before any long-term solution could be reached, the Schedules have been modified to provide a more equitable treatment of effective income of the student. This change will provide for a treatment which is similar to that utilized in the treatment of assets. In those cases where there is negative discretionary income, a deduction will be made from the effective income of the student to offset this negative amount.

However, in those cases where there is negative discretionary income and an expected contribution from both assets and effective income of the student, the deduction will be first taken from effective income of the student.

The comments on the family size offset dealt with the base data used to determine the level of these offsets. The base used in the proposed Schedules is the "Weighted Average Thresholds at the Low-Income Level" developed by the Social Security Administration. It was suggested that as an alternative, the base for determining the family size offsets be the Bureau of Labor Statistics low-income thresholds.

However, it was determined that it would be best to continue using the social security base for the following reasons. First, this base is currently being used to determine need for other Federal programs such as Title I, ESEA. Second, maintaining the system utilized in the Schedules and increasing the family size offsets by using the BLS data would make the Family Contribution Schedule for Basic Grants far more liberal than any of the need analysis systems currently in use. Finally, given the overriding concern regarding the early approval of the Schedules, it was determined that such an extensive revision in the formula could not be accomplished in a timely enough manner to achieve the early decisions necessary for the success of the Program.

The family size offsets utilized in the Family Contribution Schedules for 1974-75 have been increased by 8.8 percent, which represents the rise in the Consumer Price Index for 1973.

Finally, as a result of both the comments received and the statistical data collected on 1973-74 Basic Grant applicants, it was determined to eliminate "other assets" from the Family Contribution Schedule.

These modifications were presented to the Congress and both the House and the Senate approved the Schedules with these changes.

In addition to the comments received in the Congressional Hearings, comments were received from the public. These comments primarily dealt with the four issues discussed above.

Other comments were received which discussed such aspects of the Schedules as the treatment of independent students, student earnings, and the comparison of the results of the Schedules with the results of other need analysis systems. At the present time, we do not have sufficient experience in the operation of this program to determine whether the changes should be made in line with these comments.

However, the Family Contribution Schedules are required to be submitted annually and, therefore, there will be an opportunity to make further modifications on the basis of these comments if subsequent experience shows that such modifications are necessary.

The Family Contribution Schedules, as published, also contained some technical inaccuracies and omissions. These inaccuracies and omissions have been corrected in this publication of the regulations. There has also been some rearrangement of text to give greater clarity, and deletion of text where the material published was more appropriate for some other portion of the regulations.

In light of the foregoing, Subparts C and D of part 190 of Title 45 of the Code of Federal Regulations are amended as set forth below.

*Effective Date.* These regulations shall become effective August 1, 1974.

(Catalog of Federal Domestic Assistance No. 13.559, Basic Educational Opportunity Grant Program.)

Dated: June 18, 1974.

PETER P. MUIRHEAD,  
Acting U.S. Commissioner  
of Education.

Approved: June 21, 1974.

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

Subpart C of 45 CFR Part 190 is amended as set forth below:

**Subpart C—Expected Family Contribution for Dependent Students**

- Sec. 190.31 Indicators of financial strength.
- 190.32 Special definitions.
- 190.33 The expected family contribution for dependent students from parents' income.
- 190.34 Computation of expected contribution from the student's effective income.
- 190.35 Computation of standard expected contribution from parents' assets.
- 190.36 Computation for expected contribution from parents' income and assets, adjusted for number of family members attending institutions of postsecondary education.
- 190.37 Computation of expected contribution from the student's assets.
- 190.38 Computation of the total expected family contribution.

**AUTHORITY:** Subpart 1 of Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

**Subpart C—Expected Family Contribution for Dependent Students**

§ 190.31 Indicators of financial strength.

"Expected family contribution" means with respect to each dependent student means the amount which the family of that student may reasonably be expected to contribute toward the cost of his education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for dependent students:

- (a) The amount of the effective income of the student.
  - (b) The amount of the effective income of the student's parent(s).
  - (c) The number of dependents of the student's parent(s).
  - (d) The number of dependents of the student's parent(s) who are in attendance, on at least a half-time basis, in a program of postsecondary education.
  - (e) The amount of assets of the student.
  - (f) The amount of assets of the student's parent(s).
  - (g) Unusual expenses of the student and the unusual expenses of the student's parent(s). Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.
  - (h) The additional expenses incurred in providing an income when two parents are employed or when a family is headed by a single parent.
- (20 U.S.C. 1070a(a) (3) (B) (ii).)

§ 190.32 Special definitions.

For purposes of this subpart:

(a) (1) "Annual adjusted family income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student's parents, whether or not the parents file an income tax return, investment income of the student's parents upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the parents upon which no Federal income tax is required to be paid such as child support payments, income of the parents received under income maintenance programs including welfare benefits, social security benefits paid to the student's parents except those educational benefits paid on account of the student or other members of the student's family, and Veteran's benefits paid to the student's parents except those educational benefits paid on account of the student or other members of the student's family under Chapter 35 of Title 38 of the United States Code.

(2) In the case of the student whose parents are divorced, or are separated and file separate returns for Federal income tax purposes, only the income as described in paragraph (a) (1) of this section of the parent who provides more than one-half of the student's support for the base year. Shall be considered in determining the annual adjusted family income. If no parent provides more than one-half of the support of the student, only the income as described in paragraph (a) (1) of this section, of the parent who provides the greater amount of that student's financial support in the base year shall be considered in determining the annual adjusted family income.

(3) In the case of the student whose parents are married, not separated and file separate returns for Federal income tax purposes, the income as described in subparagraph (a) (1) of this section of both parents shall be combined to determine the annual adjusted family income for that student.

(b) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, any other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the student's parents and by the student.

(c) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(d) "Dependent student" means any student who does not qualify as an independent student as defined in § 190.42 (a).

(e) "Effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student, i.e., under section 202(d)

of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which Basic Grant assistance is requested.

(20 U.S.C. 1070a(a) (3) (B) (iv).)

(f) "Effective family income" of a student's parents means the annual adjusted family income received for the base year minus the Federal income tax paid or payable with respect to such income during the base year.

(20 U.S.C. 1070a(a) (3) (B) (iii).)

(g) "Employment expenses offset" means an allowance to meet expenses relating to employment where both parents are employed or where one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(h) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c) (3) of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(20 U.S.C. 1070a(a) (3) (B) (ii) (V).)

(i) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of a family. For purposes of this part the "Weighted Average Threshold at the Low Income Level," as developed by the Social Security Administration shall be used as a basis to determine the amount for the family size offset.

(j) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a) (3) (B) (iii).)

(k) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(l) "Net assets" means the current market value of the assets included in paragraph (b) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(m) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's

support and claims or is eligible to claim the student as an exemption for Federal income tax purposes for the base year, in which case such person shall be considered the parent.

(n) "Student's parents' dependents" means any of the following persons for whom the parents provide or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one-half of support: (1) Any other children of the student's parents, (2) any other persons related to the student's parents by blood or marriage, or (3) any person living with the parents.

(20 U.S.C. 1070a(a)(3)(B) unless otherwise noted.)

#### § 190.33 The expected family contribution for dependent students from parents' income.

The expected family contribution for dependent students from parents' income for each grant shall be an amount determined in the following manner:

(a) Determine the effective family income of the student's parents.

(b) Add to the amount determined in paragraph (a) of this section the effective income of the student attributable to the dependents of the student who is a veteran.

(c) Determine discretionary income by deducting from the amount calculated in paragraph (b) of this section the following:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student, the student's parents and the student's parents' dependents. If the parents are divorced or separated, family size shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents.

FAMILY SIZE OFFSETS

Family size	Dollar amount
2	3,050
3	3,650
4	4,650
5	5,500
6	6,200
7	6,900
8	7,600
9	8,300
10	9,000
11	9,700
12	10,400

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses and losses resulting from catastrophes incurred in the base year and not compensated by insurance exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the student, the student's parents and/or the student's parents' dependents.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by the parent earning the lesser income if both

parents are employed, or 50 percent of the adjusted gross income earned in the base year of a parent qualifying as surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed \$1,500. The expense may be claimed only if the income of both parents or the income of the surviving spouse or head of household is taken into account for the purposes of computing the annual adjusted family income.

(d) To determine the expected family contribution from parental income the following rates shall be applied to discretionary income:

\$0	(No contribution expected.)
\$1 to 4,999	20 percent of Discretionary Income.
\$5,000 or more	\$1,000 plus 30 percent of Discretionary Income in excess of 5,000.

(20 U.S.C. 1070a(a)(3)(B).)

#### § 190.34 Computation of expected contribution from the student's effective income.

(a) Except as provided for in paragraph (b) of this section the expected family contribution shall include 100 percent of the student's effective income for the academic year for which aid is requested; provided that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of the discretionary income of the student's parents.

(b) (1) The contribution from the student's effective income calculated in paragraph (a) of this section shall be reduced by the amount of negative discretionary income as defined in paragraph (b) (2) of this section.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.33(c)(1) through § 190.33(c)(3) exceeds the amount of family income determined in § 190.33(b).

(20 U.S.C. 1070a(a)(3)(B).)

#### § 190.35 Computation of standard expected contribution from parents' assets.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from parental assets shall be an amount determined in the following manner:

(1) Determine the net assets owned by the parents.

(2) Deduct an asset reserve of \$7,500 from net assets as determined in paragraph (a) (1) of this section.

(3) The contribution from parental assets shall be an amount equal to 5 percent of the remainder obtained in subparagraph (2) of paragraph (a) of this section.

(b) Where the calculations required by § 190.33(c) produce an amount of negative discretionary income as defined in § 190.34(b) (2), the expected contri-

bution from parents' assets, calculated in paragraph (a) (3) of this section, shall be reduced by the amount of such negative discretionary income except to the extent that pursuant to § 190.34 (b) (1) such income was used to offset the expected contribution from the student's effective income.

(c) If the student's parents are divorced or separated only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a)(3)(B).)

#### § 190.36 Computation for expected contribution from parents' income and assets, adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from parents' income as determined in § 190.33 shall be added to the amount expected from parents' assets as determined in § 190.35.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is required:

Number of family members attending institutions of postsecondary education	Expected contribution from combined contribution per student
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members include the student, the student's parents and the student's parents' dependents. When the student's parents are divorced or separated and are filing separate returns for Federal income tax purposes, family members shall include the student and any parent whose income is taken into account for the purpose of computing annual adjusted family income and that parents' dependents.

(20 U.S.C. 1070a(a)(3)(B).)

#### § 190.37 Computation of expected contribution from student's assets.

For each grant the contribution from the student's assets shall be an amount equal to 33 percent of his net assets as defined in § 190.32(1).

(20 U.S.C. 1070a(a)(3)(B).)

**190.38 Computation of the total expected family contribution.**

For each grant the total expected family contribution shall be the sum of:

- (a) The expected contribution from the student's effective income as determined in § 190.34.
- (b) The expected contribution from parents' discretionary income and parents' assets as determined in § 190.36.
- (c) The expected contribution from the student's assets as determined in § 190.37.

Subpart D of 45 CFR Part 190 is amended as set forth below.

**Subpart D—Expected Family Contribution for Independent Students**

- Sec. 190.41 Indicators of financial strength.
- 190.42 Special definitions.
- 190.43 The expected family contribution from annual adjusted family income.
- 190.44 Computation of the expected family contribution from effective income for independent students.
- 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.
- 190.46 Computation for expected contribution from income and assets, adjusted for number of family members attending institutions of postsecondary education.
- 190.47 Computation of the total expected family contribution.

**AUTHORITY:** Subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

**Subpart D—Expected Family Contribution for Independent Students**

**§ 190.41 Indicators of financial strength.**

"Expected Family Contribution" with respect to each independent student means the amount which that student, and his or her spouse, if any, may reasonably be expected to contribute toward the cost of his or her education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for independent students:

- (a) The amount of effective income of the independent student.
- (b) The amount of annual adjusted family income of the independent student and the independent student's spouse.
- (c) The number of persons whom the independent student can claim as an exemption.
- (d) The number of dependents of the independent student who in addition to the student will be in attendance, on at least a half-time basis, in a program of postsecondary education.
- (e) The amount of the assets of the independent student and his or her spouse.
- (f) The unusual expenses of the independent student, and his or their dependents. Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.
- (g) The additional expenses incurred in providing an income where both the

independent student and his spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(20 U.S.C. 1070a(a)(3)(C).)

**§ 190.42 Special definitions.**

For the purposes of this subpart:

(a) "Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested,

(2) Has not received and will not receive financial assistance of more than \$600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(b) (1) "Annual Adjusted Family Income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student and the student's spouse, whether or not the student or the student's spouse files an income tax return, investment income upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the student and the student's spouse upon which no Federal income tax is required to be paid such as child support payments, income of the student and the student's spouse received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (f) of this section, and veteran's benefits except those veteran's benefits paid to the independent student under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student who is divorced, or is separated only the student's own income shall be considered in determining the annual adjusted family income.

(3) In the case where the student and his spouse are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (b)(1) of this section of both the applicant and spouse shall be combined to determine the annual adjusted family income for that student.

(c) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, and other securities, real estate, home (if owned), income pro-

ducing property, business equipment and business inventory which are held by the independent student and/or his spouse.

(d) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(e) "Dependent" means the independent student's spouse and any of the following persons for whom the student or his spouse provides or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one-half of support: (1) any children of the student or his spouse; (2) any other persons related to the student or his spouse by blood or marriage; or (3) any person living with the student and his spouse.

(f) The "effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student; i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which basic grant assistance is requested.

(g) "Effective family income" means the annual adjusted family income received during the base year minus the Federal income tax paid or payable with respect to such income.

(h) "Employment expense offset" means an allowance to meet expenses relating to employment where both the independent student and his or her spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(i) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred by the independent student and his dependents during the base year.

(j) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of the independent student and his dependents. For purposes of this part the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration, shall be used as a basis to determine the amount for the family size offset except in the case of a single independent student, where an amount estimated to be equal to living expenses during periods of nonenrollment shall be utilized.

(k) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico,

Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a) (3) (B) (iii).)

(l) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code, which were incurred by the independent student and his dependents during the base year.

(m) "Net assets" means the current market value at the time of application of the assets included in paragraph (c) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a) (3) (C).)

**§ 190.43 The expected family contribution for independent students from annual adjusted family income.**

The expected family contribution of the independent student from annual adjusted family income shall be an amount determined in the following manner:

(a) Determine effective family income by subtracting from the annual adjusted family income (including the portion of the effective income of the student attributable to the dependents of a veteran) the amount of Federal income tax paid or payable with respect to such income.

(b) Determine discretionary income by deducting the following from effective family income:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

FAMILY SIZE OFFSETS

Family size	Dollar amount
2	3,050
3	3,650
4	4,650
5	5,500
6	6,200
7	6,900
8	7,600
9	8,300
10	9,000
11	9,700
12	10,400

An offset of \$850 shall be made for the single independent student.

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses, and losses resulting from catastrophes incurred in the base year and not compensated by insurance, exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the independent student and his dependents during the base year.

(3) *Employment expense offset.* An employment expense offset in an amount

equal to 50 percent of the adjusted gross income earned in the base year by either a married independent student or the student's spouse, whoever earns the lesser, or 50 percent of the adjusted gross income earned during the base year by an independent student qualifying as a surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed \$1,500.

(c) Determine the expected family contribution from the family income of the independent student and his or her spouse by applying the following rates to discretionary income:

(1) 75 percent of discretionary income for the single independent student with no dependents;

(2) 50 percent of discretionary income for the married independent student with no dependents other than spouse; and

(3) 40 percent of discretionary income for the independent student who has dependents other than spouse.

(20 U.S.C. 1070a(a) (3) (C).)

**§ 190.44 Computation of the expected family contribution from effective income for independent students.**

(a) Except as provided for in paragraph (b) of this section, the expected family contribution shall include 100 percent of the student's effective income for the academic year for which aid is requested; except that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of, and treated as, annual adjusted family income.

(b) (1) The contribution from the student's effective income calculated in paragraph (a) of this section shall be reduced by the amount of negative discretionary income as defined in paragraph (b) (2) of this section.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.43(b) exceeds the amount of family income determined in § 190.43(a).

**§ 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.**

(a) Except as provided for in paragraph (b) of this section, the expected contribution from the assets of the independent student and his or her spouse shall be determined in the following manner:

(1) Determine the total amount of net assets owned by the student and the student's spouse.

(2) The contribution from assets shall be an amount equal to 33 percent of the amount determined in paragraph (a) (1) of this section.

(b) Where the calculations required by § 190.43(b) produce an amount of negative discretionary income as defined in § 190.44(b) (2), the expected contribution from the assets of the student and his spouse calculated in paragraph (a) of this section shall be reduced by the

amount of such negative discretionary income except to the extent that pursuant to § 190.44(b) (1) such income was used to offset the expected contribution from the student's effective income.

**§ 190.46 Computation for expected contribution from annual adjusted family income and assets adjusted for number of family members attending institutions of postsecondary education.**

(a) For each grant the amount expected from family income as determined in § 190.43 shall be added to the amount expected from assets as determined in § 190.45.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education	Expected contribution from combined contribution per student
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

**§ 190.47 Computation of the total expected family contribution.**

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from the student's effective income as determined in § 190.44, and

(b) The expected contribution from discretionary income and assets as determined in § 190.46.

**APPENDIX—EXPECTED FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS, ACADEMIC YEAR 1974-75**

**SUMMARY OF CALCULATIONS**

1. Parents' adjusted gross income in 1973	_____
a. Amount earned by father	_____
b. Amount earned by mother	_____
2. Other parental income in 1973	_____
3. Parents' annual adjusted income in 1973	_____
4. Parents' Federal Income Tax paid for 1973	_____
5. Effective family income in 1973	_____
6. Family size offset (table 1)	_____

- 7. Unusual expenses..... +
- 8. Employment expense offset (table 3)..... +
- 9. Total offsets against income (lines 6+7+8)..... =
- 10. Discretionary income (line 5 minus line 9)..... =
- 11. If line 10 is a positive amount, multiply discretionary income by applicable rate (\$1-\$4,999 at 20 percent, \$5,000 or more, \$1,000+30 percent of amount in excess of \$5,000) to obtain standard contribution from income. If line 10 is a negative amount, enter 0..... =
- 12. Effective income of the student (social security and one-half of Veterans benefits)..... =
- 13. If line 10 is a negative amount, enter that amount as a positive number; otherwise enter 0..... =
- 14. Subtract line 13 from line 12 to obtain contribution from effective income of the student. (May be a negative number.)..... =
- 15. If line 14 is a negative amount, change to 0; if line 14 is a positive amount, enter as a contribution from the effective income of the student..... =
- 16. Determine net assets of parents..... =
- 17. Subtract asset reserve of \$7,500..... -\$7,500
- 18. Available parental assets (line 16 minus line 17)..... =
- 19. Multiply available parental assets by 0.05..... =
- 20. Enter line 19 as standard contribution from available parental assets. If line 19 is negative, enter 0..... =
- 21. If line 14 is negative, enter as a positive amount; if line 14 is 0 or positive, enter 0..... =
- 22. Subtract line 21 from line 20 to obtain contribution from parental assets..... =
- 23. Add lines 11 and 22 to obtain contribution from parents' income and assets..... =
- 24. Multiply line 23 by multiple student rate to determine expected family contribution for each family in postsecondary education (table 2)..... =
- 25. Determine net assets of student..... =
- 26. Multiply student's net assets by 0.33..... =
- 27. Student Eligibility Index equals sum of lines 15, 24, and 26..... =

EXPLANATION OF CALCULATION<sup>1</sup>

1. *Parents' adjusted gross income in 1973 (line 1).* All income which is available to the parents should be considered in the evaluation of parental ability to support the cost of postsecondary education. The most valid reference for parental income subject to Federal income tax is the adjusted gross income item in the family's Federal income tax return. This information is readily available to most families, and the information can be verified by referring to the IRS forms actually filed by the parents.

If it may be assumed that family income will be measured on an annual basis, which year of family income shall be used? Parents provide from their current income for the education of their children. However, if we attempted to use current year information, a parent would have to estimate the amount of income which he will receive during a year

<sup>1</sup>Reference numbers are keyed to the line numbers in preceding summary.

in which a child is a student since application for aid is made before the student enrolls for a particular year of study. A study by Orwig and Jones shows that income received during the tax year prior to the year in which the student is applying for aid is the best practical indicator of the income from which a student's actual expenses will be paid.<sup>2</sup> If estimates of the income received during the actual year of attendance are provided by parents, middle income families systematically underestimate their earnings, and lower income families systematically overestimate their earnings. The amount to be entered here, therefore, is from the previous year's Federal income tax form.

2. *Other parental income in 1973 (line 2).* Information on other family income must also be collected since this income does clearly contribute to family financial strength and may represent a considerable portion of the parental income of many Basic Grant recipients. Elements of other family income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, welfare benefits, social security benefits (except those benefits paid to or on account of the student or other educational benefits paid to other members of the family), child support payments, which are received for all children for whom the parents provide more than one-half support, income of families which didn't file income tax returns, that portion of capital gains on which no Federal income tax is required, etc.

3. *Parents' annual adjusted income in 1973 (line 3).* Parents' annual adjusted income is the sum of parents' adjusted gross income (line 1) plus other family income (line 2).

4. *Parents' Federal income tax paid for 1973 (line 4).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

5. *Effective family income in 1973 (line 5).* The result of subtracting Federal income tax paid (line 4) from the annual adjusted income (line 3) is effective family income and is the base for calculating expected contribution from parental income.

6. *Family size offset (line 6).* In addition to taxes, a family has basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on size of the family involved. For purposes of the basic grant, the "Weighted Average Thresholds At the Low Income Level," developed by the Social Security Administration and published by the Bureau of the Census, have been used as a reasonable approximation of basic family expenses.<sup>3</sup> These expenses are based on the food costs of a family of a given size, and make certain assumptions about the additional expenses of shelter and other family needs.

The data are revised annually, and thus can be used to update the family contribution schedules from year to year. The figures supplied by the Bureau of the Census have been incremented by 8.8 percent to reflect estimated cost of living increases from the fall of 1972 to the present, and then rounded to facilitate calculation. The resulting figures have been called "Family Size Offsets." Their derivation is illustrated below:

<sup>2</sup>Orwig and Jones, "Can Financial Need Analysis Be Simplified?" The American College Testing Program, Iowa City, Iowa, 1970—p. 11.

FAMILY SIZE OFFSETS

Family size	Dollar amount
2	3,050
3	3,650
4	4,650
5	5,500
6	6,200
7	6,900
8	7,600
9	8,300
10	9,000
11	9,700
12	10,400

7. *Unusual expenses (line 7).* The Basic Grant program is required by law to take into consideration two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions of medical and dental expenses and casualty loss in determining "unusual expenses" for the Basic Grant program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" as used for the Basic Grant legislation.

For purposes of the Basic Grant program, those items which may be included as unusual expenses are:

1. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all such medical, dental and drug expenses is to be used in the Basic Grant calculation.

2. Those casualty or theft loss(es) permitted by the Internal Revenue Service (Form 1040, Schedule A, line 29).

The amount of unusual expenses which may be deducted from effective family income (line 5 of this illustration) is that amount of unusual expenses (as defined above) in excess of 20 percent of effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

8. *Employment expense offset (line 8).* In constructing budgets which recognize expenses for families, due provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, and other items are attributable to occupational needs. When both parents work, additional employment expenses are incurred. Also, if a household is headed by a single parent, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two parent family where both parents work, or the single parent household. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grant eligibility

<sup>3</sup>From "Weighted Average Thresholds At the Low Income Level" in 1972 by size of family and sex of head, by farm-nonfarm residence; current population reports, consumer income, characteristics of the low-income population; 1972 series p. 60, No. 88, June 1973.

is greatest. The offset provides that 50 percent of the earnings of that parent with the lesser earnings, or 50 percent of the earnings of the single parent, will be protected from any contribution toward education. The maximum offset is \$1,500 and would thus assure that up to \$30 a week would be available for the additional expenses which these parents face.

9. *Total offsets against income (line 9).* The sum of line 6 (family size offset) plus line 7 (unusual expenses) plus line 8 (employment expense offset) is the total amount which can be deducted from effective family income (line 5) in order to determine discretionary parental income.

10. *Discretionary income (line 10).* The income which remains after allowance has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchases of goods and services which enhance the standard of living of the family including the cost of postsecondary education.

11. *Standard income contribution (line 11).* A contribution of 20 percent is expected from the first \$5,000 of discretionary income. When discretionary income exceeds \$5,000, the expected income contribution is \$1,000 plus 30 percent of the amount in excess of \$5,000. The contribution rates will generally be at the 20 percent level for most of the income range where basic grant eligibility will occur.

These contribution rates appear reasonable in terms of the several demands made on family income, especially in light of the fact that the cost of supporting the student for the academic year is included in the cost of education and does not have to be met from the general budget resources.

12. *Effective income of the student (line 12).* For purposes of the Basic Grants program, the enabling legislation requires that effective income of the student is: That amount of social security benefits paid to or on behalf of a student because he is a student; and one-half of that amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases, the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Veteran's dependency allowances are clearly not for the support of the Veteran himself. Therefore they are included with, and given the same treatment as, "effective family income."

13. *Adjustment of effective income of the student for negative income (line 13).* In the event that the family has a negative income, that is, if the effective family income is less than the various offsets against income, the support of basic family needs must be given priority over the support of postsecondary education. Therefore, the effective income of the student may be decremented by the amount of the negative income before effective income is added into family contribution. In the event that the negative income of the parents exceeds the effective income of the student, the amount of the excess is preserved to be subtracted from any contribution from parental assets as calculated below.

14. *(Line 14).* Subtract line 13 from line 12 to obtain the difference between the effective income of the student and the discretionary income of the family.

15. *(Line 15).* If line 14 is a negative amount, enter 0; if line 14 is a positive amount, enter it as the effective income component of the family contribution.

16. *Net assets of parents (line 16).* For purposes of Basic Grants, the following types

of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

17. *Available parental assets (line 18).*—In order to determine the amount of parental assets which can be assessed for contribution for educational purposes, an asset reserve of \$7,500 is subtracted from the net assets of parents. Since families accumulate assets for several purposes including retirement, future consumption, the postsecondary education of their children and the provision of an economic buffer in the event of catastrophe, some portion of assets should be reserved from any contribution toward postsecondary education, and remaining assets be assessed at some rate less than 100 percent. A review of the net asset positions of the 1973-74 Basic Grant recipients indicates that \$7,500 is an adequate reserve since it appears that the average home equity for Basic Grant applicants is this amount. Subtracting line 17 (asset reserve) from line 16 (net assets of parents) results in available parental assets. In addition, the \$7,500 amount would allow for emergencies and retirement needs.

18. *Asset assessment rate (line 19).*—Once the available parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of \$7,500. Because the value of assets grows, this rate of asset assessment will generally leave the family's asset position largely unimpaired.

A 5% rate is equal to or below current real estate and savings account appreciation rates, and therefore seems reasonable.

19. *Standard contribution from available parental assets (line 20).*—Multiplying available parental assets (line 18) by 5% results in the standard contribution from parental assets. The total measure of available family resources in a particular year is the assessment of both income and assets of the family. This procedure takes into consideration the interdependent relationship between assets and income. In the event that there is a negative assessment of income (e.g. there exist offsets (line 9) exceeding total effective income (line 5)), the amount of negative assessment should be taken into account when determining the total measure of available family resources. This can be accomplished by offsetting the standard asset contribution by that amount which the negative income exceeds the effective income of the student. Entering the standard parental asset component in line 20 allows for this offset to occur.

20. *(Line 21).*—Entering line 14 (the difference between effective income of the student and the discretionary income of the family) allows for the offset against the contribution from family assets. If line 14 is 0 or positive, enter 0.

21. *(Line 22).*—Subtracting line 21 (offset against contribution from assets) from line 20 (parental asset contribution) results in the component of contribution from family assets.

22. *Standard contribution from parental income and assets (line 23).*—Adding line 11 (parental income contribution) to line 22 (parental asset contribution) provides the parental income and asset components of the family contribution.

23. *Multiple student adjustment (line 24).*—Adding the parental income contribution to the parental asset contribution results in the expected contribution from parents with one family member in postsecondary education. Some adjustment must then be made for those families in which more than one family member will be en-

rolled in postsecondary education for the academic year 1974-75.

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when there is more than one family member in postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one child would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed 40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Family contribution for all students as a percent of standard contribution	
	Contribution per student as a percent of standard contribution	Percent
1	100	100
2	70	140
3	50	150
4 or more	40	160+

24. *Net assets of the student (line 25).*—The applicant's net assets would be defined in the same fashion as the assets of the parents. Debts against these assets would be deducted. Trust funds in the student's name would be included.

25. *Student asset contribution (line 26).*—In determining a fair treatment of student assets the theory of the major need analysis systems has been followed; i.e., that because the student himself is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than should be expected from his parents.

For the Basic Grants program, one-third of the student's assets (recalculated each year) would be expected. This method is simple, and provides a modest reserve for the student.

The result of multiplying the student's net assets (line 25) by the student asset assessment rate (.33) is that amount expected from student assets for educational purposes.

26. *Total family contribution (line 27).*—The total expected family contribution for a dependent student is determined by adding line 15 plus line 24 plus line 26.

#### EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS, ACADEMIC YEAR 1974-75

##### SUMMARY OF CALCULATIONS

1. Adjusted gross income of applicant (and spouse) in 1973	_____
a. Amount earned by applicant	_____
b. Amount earned by spouse	_____
2. Other family income in 1973	_____ +
3. Annual adjusted family income of applicant (and spouse) (line 1+line 2)	_____ =
4. Federal Income Tax Paid for 1973	_____ =
5. Effective family income	_____ =
6. Family size offset (table 1)	_____ +
7. Unusual expenses	_____ +

- 8. Employment expense offset (table 3) ----- + -----
- 9. Total offsets against income (lines 6+7+8) ----- = -----
- 10. Discretionary income (line 5 minus line 9) ----- = -----
- 11. If line 10 is a positive amount, enter that amount. If line 10 is a negative amount, enter 0. -----
- 12. Multiply discretionary income of line 11 by applicable rate to obtain standard contribution (table 4) -----
- 13. Effective income of student. -----
- 14. If line 10 is a negative amount, enter as a positive number; otherwise enter 0. -----
- 15. Subtract line 14 from line 13. (May be a negative amount). -----
- 16. If line 15 is positive, enter as contribution from effective income of student. If line 15 is negative or 0, enter 0 as contribution from effective income of student. -----
- 17. Determine net assets of applicant (and spouse) -----
- 18. Multiply amount of assets of applicant (and spouse), entered in line 17 by 0.33 to obtain standard contribution from assets. -----
- 19. If line 15 is a negative number, enter as a positive number; otherwise enter 0. -----
- 20. Subtract line 19 from line 18 to obtain standard contribution from student assets. If negative number, change to 0. -----
- 21. Add lines 12 and 20 to obtain standard contribution from income and assets. -----
- 22. Multiply standard contribution by multiple student rate to determine expected family contribution for each member in postsecondary education (table 2) -----
- 23. Student Eligibility Index equals sum of lines 16 and 22. -----

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS ACADEMIC YEAR 1974-75

*Explanation of calculations.*<sup>1</sup> For the purposes of the Basic Grants program, independent (self-supporting) student status may be claimed if the applicant:

- (1) Has not been and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and
  - (2) Has not received and will not receive financial assistance of more than \$600 (in cash or kind) from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and
  - (3) Has not lived or will not live for more than two consecutive weeks in the home of a parent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.
- Once a student has been determined to meet these criteria and is defined as an independent student, his expected family contribution is calculated according to the process outlined below.

1. *Adjusted gross income of applicant (and spouse) (line 1).* All income which is avail-

able to the applicant (and spouse) should be considered in the evaluation of ability to support the cost of postsecondary education. The most valid reference for taxable income is the adjusted gross income item in the Federal income tax return. This information is readily available and can be verified by referring to the IRS forms actually filed.

The decision as to which year's income is to be considered is a difficult one for independent students. Traditionally, a student's income may vary considerably from year to year. While it may be preferable to ask the student to estimate his earnings for the current year, obtaining realistic projections of earnings would not be possible without establishing counseling centers where students could be assisted in preparing this information.

Because this is not feasible at this time, it has been determined that the adjusted gross income to be considered is that amount entered on the previous year's Federal income tax form.

This also has the advantage of being consistent with the data collected for dependent students and assures that the family contribution of all students is determined from the same base.

2. *Other income of the independent student (line 2).* Information on other income of the independent student must also be collected since this income does clearly contribute to financial strength and may represent a considerable portion of the income of many Basic Grant recipients. Elements of other income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, that portion of capital gains on which no Federal income tax is required, welfare benefits, social security retirement that portion of the veteran's benefits attributable to the dependents of the veteran, child support payments, veteran's disability, income of persons who did not file income tax returns, etc.

3. *Annual adjusted family income of applicant (and spouse) (line 3).*—Annual adjusted family income is the sum of adjusted gross income (line 1), and other family income (line 2).

4. *Federal income tax paid by applicant (and spouse) (line 4).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

5. *Effective family income (line 5).* The result of subtracting Federal income tax paid (line 4) from the annual adjusted family income (line 3) is effective family income.

6. *Family size offset (line 6).* In addition to taxes, there are basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on the size of the family involved. For the single independent student, this offset is \$850 which covers the student's summer living expenses. Using the same base for deriving family size offsets as is used for multiple member families (weighted average thresholds at the low-income level) and adjusting for an 8.8 percent increase in the cost of living, the family size offset for a single member family is \$2361 per year. Generally, a student is in school for approximately 65 percent of the year (two 16-week semesters plus a 2-week break between semesters). Since his expenses during this 34-week academic year are covered in his cost of attendance, the \$850 offset provides for his expenses during that period of time when he is not in school.

For married independent students and those with additional dependents, the family size offset is the same as that for the parent's of dependent students:

FAMILY SIZE OFFSETS	
Family size	Dollar amount
2	3,050
3	3,650
4	4,650
5	5,500
6	6,200
7	6,900
8	7,600
9	8,300
10	9,000
11	9,700
12	10,400

7. *Unusual expenses (line 7).* The Basic Grants program is required by law to take into consideration at least two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions for medical and dental expenses and casualty loss(es) to constitute "unusual expenses" for the Basic Grants program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" for Basic Grants.

For purposes of the Basic Grants program those items which may be included as unusual expenses are:

1. Those medical and dental expenses incurred during the base year (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all medical, dental and drug expenses may be listed.

2. In addition, those casualty or theft loss(es) incurred during the base year permitted by the Internal Revenue Service (Form 1040, Schedule A, line 29).

The amount of unusual expenses which may be deducted is that amount of unusual expenses (as defined above) in excess of 20 percent of the effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

8. *Employment expense offset (line 8).* In constructing budgets which recognize minimum expenses for families, provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, food, and other items are attributable to occupational needs. When two persons work, additional employment expenses are incurred. Also, if a household is headed by a single person, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore, in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two-person family where both persons work during the base year, or the single person who heads a household during the base year. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grants eligibility is greatest. The offset provides that 50 percent of the earnings of that person with the lesser earnings, or 50 percent of the earnings of the single head of household, will be protected from any contribution toward education. The maximum offset would be \$1,500 and would thus assure that up to \$30 a week would be available for the additional expenses which these persons face.

<sup>1</sup>Reference numbers are keyed to line items of preceding summary.

9. *Total offsets from income (line 9).* The sum of line 6 (family size offset) plus line 7 (unusual expenses) plus line 8 (employment expense offset) is the total amount which can be deducted from effective family income (line 5) in order to determine discretionary income.

10. *Discretionary income (line 10).* The income which remains after adjustment has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchase of goods and services which enhance the standard of living of the family, including postsecondary education.

11. *Adjusted Discretionary Income (line 11).* Adjusted discretionary income is the discretionary income determined in line 10 and adjusted to eliminate negative amounts in the calculation of contribution from income. If the discretionary income in line 10 is a negative amount, or 0, it should be entered as a zero (0); if positive, that amount should be entered.

12. *Standard income contribution (line 12).* Because of the direct benefits of postsecondary education received by the independent student, the expected contribution rate for such students from income has traditionally been much greater than the rate applied to the discretionary income of the parents of dependent students. In fact, the independent student has usually been expected to use all of his discretionary income for educational purposes.

In developing a system for the Basic Grants program, it was felt that a 100 percent contribution rate was excessive, especially for independent students with family responsibilities.

The following income contribution schedule was developed to accommodate these responsibilities:

(a) 75 percent of discretionary income for the single independent student with no dependents.

(b) 50 percent of discretionary income for the married independent student with no dependents other than spouse.

(c) 40 percent of discretionary income for the married independent student who has dependents other than spouse.

13. *Effective income of the student (line 13).* For purposes of Basic Grants, effective income of the student is: That amount of social security benefits paid to or on behalf of the student because he is a student; and

one-half of the amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases, the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Dependency allowances are clearly not for the support of the Veteran himself. Therefore, they are included with, and given the same treatment as, "effective family income."

14. *Statement of negative income (line 14).* In the event that the independent student and his family have a negative income (that is the income of the independent student and spouse are less than the sum of the various offsets against income (line 9)), the support of basic family needs must be given priority over support of postsecondary education. Therefore, the effective income of the student may be decremented by the amount of the negative income before effective income is added into family contribution. Line 14 allows any negative income to be restated as a positive figure for purposes of further calculations.

15. *Subtraction of negative income from effective income of the student (line 15).* This subtraction establishes the amount of effective income remaining after any negative income is subtracted. In the event that negative income exceeds effective income, a negative balance will remain after this subtraction. Such a negative amount is preserved for subtraction from the contribution from assets.

16. *Statement of contribution from effective income of the student (line 16).* The amount of effective income which remains after the adjustment for negative income of the student is the contribution from effective income. This amount may be 0 (zero) or positive. It may not be a negative number.

17. *Net assets of applicant (and spouse) (line 17).*—For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

18. *Asset contribution rate (line 18).*—In determining a fair treatment of student assets, it has been assumed that since a student is the direct beneficiary of postsecondary education, he should be expected to invest a portion of his resources in meeting his educational costs.

Therefore, one-third of the student's assets (recalculated each year) would be expected. This method is simple and provides a modest reserve for the student.

The result of multiplying the student's net assets (line 17) by the student asset assessment rate is that amount expected from student assets for educational purposes.

19. *Offset against the asset contribution of the applicant and spouse (line 19).*—Line 15 is the amount that is remaining after the offset of negative discretionary income against student effective income. It is entered here as an offset against student asset contribution.

20. *Contribution from assets of the applicant and spouse (line 20).*—The amount of the asset contribution that remains after the adjustment for negative discretionary income is that amount expected from their assets for educational purposes.

21. *Standard contribution from income and assets (line 21).*—The amount of standard contribution from the applicant's and spouse's income (line 12) and the amount of contribution from the assets of the applicant and spouse (line 20) are added here to determine the amount of expected family contribution from income and assets for Basic Grants purposes.

22. *Multiple student adjustment (line 22).* Adjusted family income to the asset contribution results in the expected contribution for one family member in postsecondary education from family income and assets. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1974-75.

The adjustments used for the dependent student may also be used for the independent student. The use of the same adjustments for both groups of students assures consistency of treatment, and implements the general principle that a family with more than one person in postsecondary education should contribute less per person than a family with only one member engaged in such study.

23. *Total family contribution (line 23).* The total expected family contribution for an independent student is determined by adding line 16 plus line 22.

CONTRIBUTION FROM ANNUAL ADJUSTED INCOME FOR INDEPENDENT STUDENTS—NO DEPENDENTS

[FR Doc. 74-14715 Filed 6-26-74; 8:45 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFAREOffice of Education  
[ 45 CFR Part 190 ]BASIC EDUCATIONAL OPPORTUNITY  
GRANT PROGRAMExpected Family Contribution for  
1975-1976 Academic Year

Pursuant to the authority contained in the subpart 1 of part A of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a) notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following regulations as an amendment to 45 CFR Part 190, covering the basis for determining the expected family contribution of both dependent and independent students for academic year 1975-76. The regulations appear below in their entirety.

These regulations are being submitted for public comment and review by both Houses of Congress in advance of the February 1 deadline specified in section 411(a) of the Higher Education Act of 1965 as amended (20 U.S.C. 1070(a)) so that review of the Schedules may be completed earlier than May 1, which is the date listed in the statute.

It is the opinion of the Commissioner that the May 1 deadline for Congressional action does not permit students, parents, and educational institutions sufficient time to make effective decisions concerning the packaging of student financial aid resources. This opinion is also shared by the House Special Subcommittee on Education, and legislation has been introduced which, if adopted, would require that the Commissioner submit the Family Contribution Schedules, to be used for Fiscal Year 1976, no later than July 1, 1974, and would give the Congress until October 1, 1974, to review the proposed Schedules. Although this legislation has not yet been enacted into law, the Commissioner has testified in support of it and is submitting the Family Contribution Schedules at this time.

The Schedules submitted for use in academic year 1975-76 are identical to those in use during academic year 1974-75. It is realized that changes in the Family Contribution Schedules will need to be considered as comments are received by the Office of Education on the basis of experience gained regarding the effect of the Schedules during academic year 1974-75.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Mr. Peter K. U. Voigt, Director, Division of Basic Grants, U.S. Office of Education, Room 5678, ROB-3, 400 Maryland Avenue, SW, Washington, D.C. 20202. All relevant material received on or before September 3, 1974, will be considered. Comments received will be available for public inspection at the above office Monday through Friday between 8 a.m. and 4:30 p.m.

(Catalogue of Federal Domestic Assistance  
Program Number 13.539, Basic Educational  
Opportunity Grant Program)

Dated: June 18, 1974.

PETER P. MUIRHEAD,  
Acting U.S. Commissioner  
of Education.

Approved: June 26, 1974.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.It is proposed to amend Subparts C and  
D of 45 CFR Part 190 to read as set forth  
below.Subpart C—Expected Family Contribution for  
Dependent Students

- Sec.
- 190.31 Indicators of financial strength.
- 190.32 Special definitions.
- 190.33 The expected family contribution for dependent students from parents' income.
- 190.34 Computation of expected contribution from the student's effective income.
- 190.35 Computation of standard expected contribution from parents' assets.
- 190.36 Computation for expected contribution from parents' income and assets, adjusted for number of family members attending institutions of postsecondary education.
- 190.37 Computation of expected contribution from the student's assets.
- 190.38 Computation of the total expected family contribution.

Subpart C—Expected Family Contribution  
for Dependent Students

## § 190.31 Indicators of financial strength.

"Expected family contribution" with respect to each dependent student means the amount which the family of that student may reasonably be expected to contribute toward the cost of his education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for dependent students:

- (a) The amount of the effective income of the student.
- (b) The amount of the effective income of the student's parent(s).
- (c) The number of dependents of the student's parent(s).
- (d) The number of dependents of the student's parent(s) who are in attendance, on at least a half-time basis, in a program of postsecondary education.
- (e) The amount of assets of the student.
- (f) The amount of assets of the student's parent(s).
- (g) Unusual expenses of the student and the unusual expenses of the student's parent(s). Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.
- (h) The additional expenses incurred in providing an income when two parents are employed or when a family is headed by a single parent.

(20 U.S.C. 1070a (a) (3) (B) (ii))

## § 190.32 Special definitions.

For purposes of this subpart:

- (a) (1) "Annual adjusted family income" for any base year means the sum

of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student's parents, whether or not the parents file an income tax return, investment income of the student's parents upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the parents upon which no Federal income tax is required to be paid such as child support payments, income of the parents received under income maintenance programs including welfare benefits, social security benefits paid to the student's parents except those educational benefits paid on account of the student or other members of the student's family, and Veteran's benefits paid to the student's parents except those educational benefits paid on account of the student or other members of the student's family under Chapter 35 of Title 38 of the United States Code.

(2) In the case of the student whose parents are divorced, or are separated and file separate returns for Federal income tax purposes, only the income as described in subparagraph (1) of paragraph (a) of this section of the parent who provides more than one-half of the student's support for the base year shall be considered in determining the annual adjusted family income. If no parent provides more than one-half of the support of the student, only the income as described in subparagraph (1) of paragraph (a) of this section of the parent who provides the greater amount of that student's financial support in the base year shall be considered in determining the annual adjusted family income.

(3) In the case of the student whose parents are married, and not separated and file separate returns for Federal income tax purposes, the income as described in subparagraph (1) of paragraph (a) of this section of both parents shall be combined to determine the annual adjusted family income for that student.

(b) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, any other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the student's parents and by the student.

(c) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(d) "Dependent student" means any student who does not qualify as an independent student as defined in § 190.42 (a).

(e) "Effective income of the student" means any amount paid to or on account of, the student under the Social Security Act which would not be paid if he were not a student, i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C.

1651 et seq.) and chapter 35 of title 38, United States Code, War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which Basic Grant assistance is requested.

(20 U.S.C. 1070a(a) (3) (B) (iv))

(f) "Effective family income" of a student's parents means the annual adjusted family income received for the base year minus the Federal income tax paid or payable with respect to such income during the base year.

(20 U.S.C. 1070a(a) (3) (B) (iii))

(g) "Employment expenses offset" means an allowance to meet expenses relating to employment where both parents are employed or where one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(h) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c) (3) of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(20 U.S.C. 1070a(a) (3) (B) (ii) (V))

(i) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of a family. For purposes of this part the "Weighted Average Threshold at the Low Income Level," as developed by the Social Security Administration shall be used as a basis to determine the amount for the family size offset.

(j) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a) (3) (B) (iii))

(k) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(l) "Net assets" means the current market value of the assets included in paragraph (b) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(m) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes for the

base year, in which case such person shall be considered the parent.

(n) "Student's parents' dependents" means any of the following persons for whom the parents provide or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one half of support: (1) Any other children of the student's parents; (2) any other persons related to the student's parents by blood or marriage; or (3) any person living with the parents.

(20 U.S.C. 1070a(a) (3) (B) unless otherwise noted)

#### § 190.33 The expected family contribution for dependent students from parents' income.

The expected family contribution for dependent students from parents' income for each grant shall be an amount determined in the following manner:

(a) Determine the effective family income of the student's parents.

(b) Add to the amount determined in paragraph (a) of this section the effective income of the student attributable to the dependents of the student who is a veteran.

(c) Determine discretionary income by deducting from the amount calculated in paragraph (b) of this section the following:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student, the student's parents and the student's parents' dependents. If the parents are divorced or separated, family size shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents.

#### FAMILY SIZE OFFSETS

Family size	Dollar amount
2	3050
3	3650
4	4650
5	5500
6	6200
7	6900
8	7600
9	8300
10	9000
11	9700
12	10400

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses and losses resulting from catastrophes incurred in the base year and not compensated by insurance exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the student, the student's parents or the student's parents' dependents.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by the parent earning the lesser income if both parents are employed, or 50 percent of the adjusted gross income earned in the base year of a parent qualifying as surviving spouse or as head of household as

defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed \$1,500. The expense may be claimed only if the income of both parents or the income of the surviving spouse or head of household is taken into account for the purposes of computing the annual adjusted family income.

(d) To determine the expected family contribution from parental income the following rates shall be applied to discretionary income:

\$0	(No contribution expected.)
\$1 to 4,999	20 percent of Discretionary Income.
\$5,000 or more	\$1,000 plus 30 percent of Discretionary Income in excess of 5,000.

(20 U.S.C. 1070(a) (3) (B))

#### § 190.34 Computation of expected contribution from the student's effective income.

(a) Except as provided for in paragraph (b) of this section the expected family contribution shall include 100 percent of the student's effective income for the academic year for which aid is requested: *Provided, That,* that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of the discretionary income of the student's parents.

(b) (1) The contribution from the student's effective income calculated in paragraph (a) of this section shall be reduced by the amount of negative discretionary income as defined in subparagraph (2) of paragraph (b) of this section.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.33(c) (1) through § 190.33(c) (3) exceeds the amount of family income determined in § 190.33(b).

(20 U.S.C. 1070a(a) (3) (B))

#### § 190.35 Computation of standard expected contribution from parents' assets.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from parental assets shall be an amount determined in the following manner:

(1) Determine the net assets owned by the parents.

(2) Deduct an asset reserve of \$7500 from net assets as determined in subparagraph (1) of paragraph (a) of this section.

(3) The contribution from parental assets shall be an amount equal to 5 percent of the remainder obtained in subparagraph (2) of paragraph (a) of this section.

(b) Where the calculations required by § 190.33(c) produce an amount of negative discretionary income as defined in § 190.34(b) (2), the expected contribution from parents' assets, calculated in subparagraph (3) of paragraph (a) of this section, shall be reduced by the

amount of such negative discretionary income except to the extent that pursuant to § 190.34(b) (1) such income was used to offset the expected contribution from the student's effective income.

(c) If the student's parents are divorced or separated only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a) (3) (B).)

**§ 190.36 Computation for expected contribution from parents' income and assets, adjusted for number of family members attending institutions of postsecondary education.**

(a) For each grant the amount expected from parents' income as determined in § 190.33 shall be added to the amount expected from parents' assets as determined in § 190.35.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is required:

<i>Number of family members attending institutions of postsecondary education</i>	<i>Expected contribution from combined contribution per student</i>
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members include the student, the student's parents and the student's parents' dependents. When the student's parents are divorced or separated and are filing separate returns for Federal income tax purposes, family members shall include the student and any parent whose income is taken into account for the purpose of computing annual adjusted family income and that parents' dependents.

(20 U.S.C. 1070a(a) (3) (B).)

**§ 190.37 Computation of expected contribution from student's assets.**

For each grant the contribution from the student's assets shall be an amount equal to 33 per centum of his net assets as defined in § 190.32 (1).

(20 U.S.C. 1070a(a) (3) (B).)

**§ 190.38 Computation of the total expected family contribution.**

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from the student's effective income as determined in § 190.34.

(b) The expected contribution from parents' discretionary income and parents' assets as determined in § 190.36.

(c) The expected contribution from the student's assets as determined in § 190.37.

**Subpart D—Expected Family Contribution for Independent Students**

- Sec. 190.41 Indicators of financial strength.
- 190.42 Special definitions.
- 190.43 The expected family contribution for independent students from annual adjusted family income.
- 190.44 Computation of the expected family contribution from effective income for independent students.
- 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.
- 190.46 Computation for expected contribution from income and assets, adjusted for number of family members attending institutions of postsecondary education.
- 190.47 Computation of the total expected family contribution.

**Subpart D—Expected Family Contribution for Independent Students**

**§ 190.41 Indicators of financial strength.**

"Expected Family Contribution" with respect to each independent student means the amount which that student, and his or her spouse, if any, may reasonably be expected to contribute toward the cost of his or her education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for independent students:

- (a) The amount of effective income of the independent student.
- (b) The amount of annual adjusted family income of the independent student and the independent student's spouse.
- (c) The number of persons whom the independent student can claim as an exemption.
- (d) The number of dependents of the independent student who in addition to the student will be in attendance, on at least a half-time basis, in a program of postsecondary education.
- (e) The amount of the assets of the independent student and his or her spouse.
- (f) The unusual expenses of the independent student, and his or their dependents. Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.
- (g) The additional expenses incurred in providing an income where both the independent student and his spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(20 U.S.C. 1070a(a) (3) (C).)

(20 U.S.C. 1070a(a) (3) (C).)

(20 U.S.C. 1070a(a) (3) (C).)

**§ 190.42 Special definitions.**

For the purposes of this subpart:

(a) "Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested,

(2) Has not received and will not receive financial assistance of more than \$600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(b) (1) "Annual Adjusted Family Income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student and the student's spouse, whether or not the student or the student's spouse files an income tax return, investment income upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the student and the student's spouse upon which no Federal income tax is required to be paid such as child support payments, income of the student and the student's spouse received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (f) of this section, and veteran's benefits except those veteran's benefits paid to the independent student under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student who is divorced, or is separated only the student's own income shall be considered in determining the annual adjusted family income.

(3) In the case where the student and his spouse are married and not separated but file separate returns for Federal income tax purposes, the income as described in subparagraph (1) of paragraph (b) of this section of both the applicant and spouse shall be combined to determine the annual adjusted family income for that student.

(c) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, and other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the independent student and/or his spouse.

(d) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(e) "Dependent" means the independent student's spouse and any of the following persons for whom the student or his spouse provides or will provide during the calendar year in which the student

applies to have his expected family contribution determined more than one-half of support:

(1) Any children of the student or his spouse; (2) any other persons related to the student or his spouse by blood or marriage; or (3) any person living with the student and his spouse.

(f) The "effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student; i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which basic grant assistance is requested.

(g) "Effective family income" means the annual adjusted family income received during the base year minus the Federal income tax paid or payable with respect to such income.

(h) "Employment expense offset" means an allowance to meet expenses relating to employment where both the independent student and his or her spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(i) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred by the independent student and his dependents during the base year.

(j) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of the independent student and his dependents. For purposes of this part the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration, shall be used as a basis to determine the amount for the family size offset except in the case of a single independent student, where an amount estimated to be equal to living expenses during periods of nonenrollment shall be utilized.

(k) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii))

(l) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code, which were

incurred by the independent student and his dependents during the base year.

(m) "Net assets" means the current market value at the time of application of the assets included in paragraph (c) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a)(3)(C))

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

The expected family contribution of the independent student from annual adjusted family income shall be an amount determined in the following manner:

(a) Determine effective family income by subtracting from the annual adjusted family income (including the portion of the effective income of the student attributable to the dependents of a veteran) the amount of Federal income tax paid or payable with respect to such income.

(b) Determine discretionary income by deducting the following from effective family income:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family size includes the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

FAMILY SIZE OFFSET

Family size	Dollar Amount
2	3050
3	3650
4	4650
5	5500
6	6200
7	6900
8	7600
9	8300
10	9000
11	9700
12	10400

An offset of \$850 shall be made for the single independent student.

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses, and losses resulting from catastrophes incurred in the base year and not compensated by insurance, exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the independent student and his dependents during the base year.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by either a married independent student or the student's spouse, whoever earns the lesser, or 50 percent of the adjusted gross income earned during the base year by an independent student qualifying as a surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed \$1,500.

(c) Determine the expected family contribution from the family income of the independent student and his or her spouse by applying the following rates to discretionary income:

(1) 75 percent of discretionary income for the single independent student with no dependents;

(2) 50 percent of discretionary income for the married independent student with no dependents other than spouse; and

(3) 40 percent of discretionary income for the independent student who has dependents other than spouse.

(20 U.S.C. 1070a(a)(3)(C))

§ 190.44 Computation of the expected family contribution from effective income for independent students.

(a) Except as provided for in paragraph (b) of this section, the expected family contribution shall include 100 percent of the student's effective income for the academic year for which aid is requested; except that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of, and treated as, annual adjusted family income.

(b)(1) The contribution from the student's effective income calculated in paragraph (a) of this section shall be reduced by the amount of negative discretionary income as defined in subparagraph (2) of paragraph (b) of this section.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.43(b) exceeds the amount of family income determined in § 190.43(a).

§ 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from the assets of the independent student and his or her spouse shall be determined in the following manner:

(1) Determine the total amount of net assets owned by the student and the student's spouse.

(2) The contribution from assets shall be an amount equal to 33 percent of the amount determined in subparagraph (1) of paragraph (a) of this section.

(b) Where the calculations required by § 190.43(b) produce an amount of negative discretionary income as defined in § 190.44(b)(2), the expected contribution from the assets of the student and his spouse calculated in paragraph (a) of this section shall be reduced by the amount of such negative discretionary income except to that extent that pursuant to § 190.44(b)(1) such income was used to offset the expected contribution from the student's effective income.

**§ 190.46 Computation for expected contribution from annual adjusted family income and assets adjusted for number of family members attending institutions of postsecondary education.**

(a) For each grant the amount expected from family income as determined in § 190.43 shall be added to the amount expected from assets as determined in § 190.45.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education	Expected contribution from combined contribution per student
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

**§ 190.47 Computation of the total expected family contribution.**

For each grant the total expected family contribution shall be the sum of:

- (a) The expected contribution from the student's effective income as determined in § 190.44, and
- (b) The expected contribution from discretionary income and assets, as determined in § 190.46.

APPENDIX

EXPECTED FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS, ACADEMIC YEAR 1975-76

Summary of Calculations

1. Parents' adjusted gross income in 1974	_____
a. Amount earned by father	_____
b. Amount earned by mother	_____
2. Other parental income in 1974	+ _____
3. Parents' annual adjusted income in 1974	= _____
4. Parents' Federal Income Tax paid for 1974	- _____
5. Effective family income in 1974	= _____
6. Family size offset (table 1)	+ _____
7. Unusual expenses	+ _____
8. Employment expense offset (table 3)	+ _____
9. Total offsets against income (lines 6+7+8)	= _____
10. Discretionary income (line 5 minus line 9)	= _____

11. If line 10 is a positive amount, multiply discretionary income by applicable rate (\$1-\$4999 @20%; \$5000 or more, \$1000 +30% of amount in excess of \$5000) to obtain standard contribution from income. If line 10 is a negative amount, enter 0 \_\_\_\_\_
12. Effective income of the student (social security and one-half of Veterans benefits) \_\_\_\_\_
13. If line 10 is a negative amount, enter that amount as a positive number; otherwise enter 0 \_\_\_\_\_
14. Subtract line 13 from line 12 to obtain contribution from effective income of the student. (May be a negative number.) \_\_\_\_\_
15. If line 14 is a negative amount, change to 0; if line 14 is a positive amount, enter as a contribution from the effective income of the student \_\_\_\_\_
16. Determine net assets of parents \_\_\_\_\_
17. Subtract asset reserve of \$7500 \_\_\_\_\_ - \$7500
18. Available parental assets (line 16 minus line 17) \_\_\_\_\_
19. Multiply available parental assets by 0.05 \_\_\_\_\_
20. Enter line 19 as standard contribution from available parental assets. If line 19 is negative, enter 0 \_\_\_\_\_
21. If line 14 is negative, enter as a positive amount; if line 14 is 0 or positive, enter 0 \_\_\_\_\_
22. Subtract line 21 from line 20 to obtain contribution from parental assets \_\_\_\_\_
23. Add lines 11 and 22 to obtain contribution from parents' income and assets \_\_\_\_\_
24. Multiply line 23 by multiple student rate to determine expected family contribution for each family in postsecondary education (table 2) \_\_\_\_\_
25. Determine net assets of student \_\_\_\_\_
26. Multiply student's net assets by 0.33 \_\_\_\_\_
27. Student Eligibility Index equals sum of lines 15, 24, and 26 \_\_\_\_\_

EXPLANATION OF CALCULATION<sup>1</sup>

1. *Parents' adjusted gross income in 1974 (line 1).* All income which is available to the parents should be considered in the evaluation of parental ability to support the cost of postsecondary education. The most valid reference for parental income subject to Federal income tax is the adjusted gross income item in the family's Federal income tax return. This information is readily available to most families, and the information can be verified by referring to the IRS forms actually filed by the parents.

If it may be assumed that family income will be measured on an annual basis, which year of family income shall be used? Parents provide from their current income for the education of their children. However, if we attempted to use current year information, a parent would have to estimate the amount of income which he will receive during a year in which a child is a student since application for aid is made before the student enrolls for a particular year of study. A study by Orwig and Jones shows that income received during the tax year prior to the year in which the student is applying for aid is the

<sup>1</sup> Reference numbers are keyed to the line numbers in preceding summary.

best practical indicator of the income from which a student's actual expenses will be paid.<sup>2</sup> If estimates of the income received during the actual year of attendance are provided by parents, middle income families systematically underestimate their earnings, and lower income families systematically overestimate their earnings. The amount to be entered here, therefore, is from the previous year's Federal income tax form.

2. *Other parental income in 1974 (line 2).* Information on other family income must also be collected since this income does clearly contribute to family financial strength and may represent a considerable portion of the parental income of many Basic Grant recipients. Elements of other family income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, welfare benefits, social security benefits (except those benefits paid to or on account of the student or other educational benefits paid to other members of the family), child support payments which are received for all children for whom the parents provide more than one-half support, income of families which didn't file income tax returns, that portion of capital gains on which no Federal income tax is required, etc.

3. *Parents' annual adjusted income in 1974 (line 3).* Parents' annual adjusted income is the sum of parents' adjusted gross income (line 1) plus other family income (line 2).

4. *Parents' Federal income tax paid for 1974 (line 4).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

5. *Effective family income in 1974 (line 5).* The result of subtracting Federal income tax paid (line 4) from the annual adjusted income (line 3) is effective family income and is the base for calculating expected contribution from parental income.

6. *Family size offset (line 6).* In addition to taxes, a family has basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on size of the family involved. For purposes of the basic grant, the "Weighted Average Thresholds At the Low Income Level," developed by the Social Security Administration and published by the Bureau of the Census, have been used as a reasonable approximation of basic family expenses.<sup>3</sup> These expenses are based on the food costs of a family of a given size, and make certain assumptions about the additional expenses of shelter and other family needs.

The data are revised annually, and thus can be used to update the family contribution schedules from year to year. The figures supplied by the Bureau of the Census have been incremented by 8.8 percent to reflect estimated cost of living increases from the fall of 1972 to the present, and then rounded to facilitate calculation. The resulting figures have been called "Family Size Offsets." Their derivation is illustrated below:

<sup>2</sup> Orwig and Jones, "Can Financial Need Analysis Be Simplified?" The American College Testing Program, Iowa City, Iowa, 1970—p. 11.

<sup>3</sup> From "Weighted Average Thresholds At the Low Income Level" in 1972 by size of family and sex of head, by farm-nonfarm residence; current population reports, consumer income, characteristics of the low-income population; 1972 series p. 60, No. 88, June 1973.

## FAMILY SIZE OFFSETS

Family size	Dollar Amount
2	3060
3	3650
4	4650
5	5500
6	6200
7	6900
8	7600
9	8300
10	9000
11	9700
12	10400

7. *Unusual expenses (line 7).* The basic Grant program is required by law to take into consideration two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions of medical and dental expenses and casualty loss in determining "unusual expenses" for the Basic Grant program. The use of Internal Revenue Service definitions avoid the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" as used for the Basic Grant legislation.

For purposes of the Basic Grant program, those items which may be included as unusual expenses are:

1. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all such medical, dental and drug expenses is to be used in the Basic Grant calculation.

2. Those casualty or theft loss(es) permitted by the Internal Revenue Service (Form 1040, Schedule A, line 29).

The amount of unusual expenses which may be deducted from effective family income (line 5 of this illustration) is that amount of unusual expenses (as defined above) in excess of 20 percent of effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

8. *Employment expense offset (line 8).* In constructing budgets which recognize expenses for families, due provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, and other items are attributable to occupational needs. When both parents work, additional employment expenses are incurred. Also, if a household is headed by a single parent, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two parent family where both parents work, or the single parent household. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grant eligibility is greatest. The offset provides that 50 percent of the earnings of that parent with the lesser earnings, or 50 percent of the earnings of the single parent, will be protected from any contribution toward education. The maximum offset is \$1,500 and would thus assure that up to \$30 a week would be available for the additional expenses which these parents face.

9. *Total offset against income (line 9).* The sum of line 6 (family size offset) plus line 7 (unusual expenses) plus line 8 (employment expense offset) is the total amount which can be deducted from effective family income (line 5) in order to determine discretionary parental income.

10. *Discretionary income (line 10).* The income which remains after allowance has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchases of goods and services which enhance the standard of living of the family including the cost of postsecondary education.

11. *Standard income contribution (line 11).* A contribution of 20 percent is expected from the first \$5000 of discretionary income. When discretionary income exceeds \$5000, the expected income contribution is \$1000 plus 30 percent of the amount in excess of \$5000. The contribution rates will generally be at the 20 percent level for most of the income range where Basic Grant eligibility will occur.

These contribution rates appear reasonable in terms of the several demands made on family income, especially in light of the fact that the cost of supporting the student for the academic year is included in the cost of education and does not have to be met from the general budget resources.

12. *Effective income of the student (line 12).* For purposes of the Basic Grants program, the enabling legislation requires that effective income of the student is: That amount of social security benefits paid to or on behalf of a student because he is a student; and one-half of that amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases, the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Veteran's dependency allowances are clearly not for the support of the Veteran himself. Therefore they are included with, and given the same treatment as, "effective family income."

13. *Adjustment of effective income of the student for negative income (line 13).* In the event that the family has a negative income, that is, if the effective family income is less than the various offsets against income, the support of basic family needs must be given priority over the support of postsecondary education. Therefore, the effective income of the student may be decremented by the amount of the negative income before effective income is added into family contribution. In the event that the negative income of the parents exceeds the effective income of the student, the amount of the excess is preserved to be subtracted from any contribution from parental assets as calculated below.

14. *(line 14).* Subtract line 13 from line 12 to obtain the difference between the effective income of the student and the discretionary income of the family.

15. *(line 15).* If line 14 is a negative amount, enter 0; if line 14 is a positive amount, enter it as the effective income component of the family contribution.

16. *Net assets of parents (line 16).*—For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

17. *Available parental assets (line 18).*—In order to determine the amount of parental

assets which can be assessed for contribution for educational purposes, an asset reserve of \$7,500 is subtracted from the net assets of parents. Since families accumulate assets for several purposes including retirement, future consumption, the postsecondary education of their children and the provision of an economic buffer in the event of catastrophe, some portion of assets should be reserved from any contribution toward postsecondary education, and remaining assets be assessed at some rate less than 100 percent. A review of the net asset positions of the 1973-74 Basic Grant recipients indicates that \$7500 is an adequate reserve since it appears that the average home equity for Basic Grant applicants is this amount. In addition, the \$7,500 amount would allow for emergencies and retirement needs.

Subtracting line 17 (asset reserve) from line 16 (net assets of parents) results in available parental assets.

18. *Asset assessment rate (line 19).*—Once the available parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of \$7,500. Because the value of assets grows, this rate of asset assessment will generally leave the family's asset position largely unimpaired.

A 5% rate is equal to or below current real estate and savings account appreciation rates, and therefore seems reasonable.

19. *Standard contribution from parental assets (line 20).* Multiplying available parental assets (line 18) by 5% results in the standard contribution from parental assets. The total measure of available family resources in a particular year is the assessment of both income and assets of the family. This procedure takes into consideration the interdependent relationship between assets and income. In the event that there is a negative assessment of income (e.g. there exists offsets (line 9) exceeding total effective income (line 5)), the amount of negative assessment should be taken into account when determining the total measure of available family resources. This can be accomplished by offsetting the standard asset contribution by that amount which the negative income exceeds the effective income of the student. Entering the standard parental asset component in line 20 allows for this offset to occur.

20. *(line 21).* Entering line 14 (the difference between effective income of the student and the discretionary income of the family) allows for the offset against the contribution from family assets. If line 14 is 0 or positive, enter 0.

21. *(line 22).* Subtracting line 21 (offset against contribution from assets) from line 20 (parental asset contribution) results in the component of contribution from family assets.

22. *Standard Contribution from parental income and assets (line 23).* Adding line 11 (parental income contribution) to line 22 (parental asset contribution) provides the parental income and asset components of the family contribution.

23. *Multiple student adjustment (line 24).* Adding the parental income contribution to the parental asset contribution and the other parental asset contribution results in the expected contribution from parents with one family member in postsecondary education. Some adjustments must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1975-76.

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when

there is more than one family member in postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one child would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed 40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Contribution per student as a percent of standard contribution	Family contribution for all students as a percent of standard contribution
	Percent	Percent
1.....	100	100
2.....	70	140
3.....	50	150
4 or more.....	40	160+

24. *Net assets of the student (line 25).*—The applicant net assets would be defined in the same fashion as the assets of the parents. Debts against these assets would be deducted. Trust funds in the student's name would be included.

25. *Student asset contribution (line 26).*—In determining a fair treatment of student assets the theory of the major need analysis systems has been followed; i.e., that because the student himself is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than should be expected from his parents.

For the Basic Grants program, one-third of the student's assets (recalculated each year) would be expected. This method is simple and provides a modest reserve for the student.

The result of multiplying the student's net assets (line 25) by the student asset assessment rate (.33) is that amount expected from student assets for educational purposes.

26. *Total family contribution (line 27).*—The total expected family contribution for a dependent student is determined by adding line 15 plus line 24 plus line 26.

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS, ACADEMIC YEAR 1975-76

Summary of Calculations

1. Adjusted gross income of applicant (and spouse) in 1974.....	_____
a. Amount earned by applicant.....	_____
b. Amount earned by spouse.....	_____
2. Other family income in 1974.....	+ _____
3. Annual adjusted family income of applicant (and spouse) (line 1 + line 2).....	= _____
4. Federal Income Tax Paid for 1974.....	- _____
5. Effective family income.....	= _____
6. Family size offset (table 1).....	+ _____
7. Unusual Expenses.....	+ _____
8. Employment expense offset (table 3).....	+ _____

9. Total offsets against income (lines 6+7+8)..... = \_\_\_\_\_
10. Discretionary income (line 5 minus line 9)..... = \_\_\_\_\_
11. If line 10 is a positive amount, enter that amount. If line 10 is a negative amount, enter 0..... \_\_\_\_\_
12. Multiply discretionary income of line 11 by applicable rate to obtain standard contribution (table 4)..... \_\_\_\_\_
13. Effective income of student..... \_\_\_\_\_
14. If line 10 is a negative amount, enter as a positive number; otherwise enter 0..... \_\_\_\_\_
15. Subtract line 14 from line 13. (May be a negative amount)..... \_\_\_\_\_
16. If line 15 is positive, enter as contribution from effective income of student. If line 15 is negative or 0, enter 0 as contribution from effective income of student..... \_\_\_\_\_
17. Determine net assets of applicant (and spouse)..... \_\_\_\_\_
18. Multiply amount of assets of applicant (and spouse), entered in line 17 by 0.33 to obtain standard contribution from assets..... \_\_\_\_\_
19. If line 15 is a negative number, enter as a positive number; otherwise enter 0..... \_\_\_\_\_
20. Subtract line 19 from line 18 to obtain standard contribution from student assets. If negative number, change to 0..... \_\_\_\_\_
21. Add lines 12 and 20 to obtain standard contribution from income and assets..... \_\_\_\_\_
22. Multiply standard contribution by multiple student rate to determine expected family contribution for each member in postsecondary education (table 2)..... \_\_\_\_\_
23. Student Eligibility Index equals sum of lines 16 and 22..... \_\_\_\_\_

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS ACADEMIC YEAR 1975-76

*Explanation of calculations.*<sup>1</sup> For the purposes of the Basic Grants program, independent (self-supporting) student status may be claimed if the applicant:

(1) Has not been and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(2) Has not received and will not receive financial assistance of more than \$600 (in cash or kind) from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than two consecutive weeks in the home of a parent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

Once a student has been determined to meet these criteria and is defined as an independent student, his expected family contribution is calculated according to the process outlined below.

1. *Adjusted gross income of applicant (and spouse) (line 1).* All income which is available to the applicant (and spouse) should

<sup>1</sup> Reference numbers are keyed to line items of preceding summary.

be considered in the evaluation of ability to support the cost of postsecondary education. The most valid reference for taxable income is the adjusted gross income item in the Federal income tax return. This information is readily available and can be verified by referring to the IRS forms actually filed.

The decision as to which year's income is to be considered is a difficult one for independent students. Traditionally, a student's income may vary considerably from year to year. While it may be preferable to ask the student to estimate his earnings for the current year, obtaining realistic projections of earnings would not be possible without establishing counseling centers where students could be assisted in preparing this information.

Because this is not feasible at this time, it has been determined that the adjusted gross income to be considered is that amount entered on the previous year's Federal income tax form.

This also has the advantage of being consistent with the data collected for dependent students and assures that the family contribution of all students is determined from the same base.

2. *Other income of the independent student (line 2).* Information on other income of the independent student must also be collected since this income does clearly contribute to financial strength and may represent a considerable portion of the income of many Basic Grant recipients. Elements of other income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, that portion of capital gains on which no Federal income tax is required, welfare benefits, social security retirement, that portion of the veteran's benefits attributable to the dependents of the veteran, child support payments, veteran's disability, income of persons who did not file income tax returns, etc.

3. *Annual adjusted family income of applicant (and spouse) (line 3).*—Annual adjusted family income is the sum of adjusted gross income (line 1), and other family income (line 2).

4. *Federal income tax paid by applicant (and spouse) (line 4).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

5. *Effective family income (line 5).* The result of subtracting Federal income tax paid (line 4) from the annual adjusted family income (line 3) is effective family income.

6. *Family size offset (line 6).* In addition to taxes, there are basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on the size of the family involved. For the single independent student, this offset is \$850 which covers the student's summer living expenses. Using the same base for deriving family size offsets as is used for multiple member families (weighted average thresholds at the low-income level) and adjusting for an 8.8 percent increase in the cost of living, the family size offset for a single member family is \$2,361 per year. Generally, a student is in school for approximately 65 percent of the year (two 16-week semesters plus a 2-week break between semesters). Since his expenses during this 34-week academic year are covered in his cost of attendance, the \$850 offset provides for his expenses during that period of time when he is not in school.

For married independent students and those with additional dependents, the family

size offset is the same as that for the parent's of dependent students:

FAMILY SIZE OFFSETS

Family size	Dollar amount
2	3,050
3	3,650
4	4,650
5	5,500
6	6,200
7	6,900
8	7,600
9	8,300
10	9,000
11	9,700
12	10,400

7. *Unusual expenses (line 7).*—The Basic Grants program is required by law to take into consideration at least two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions for medical and dental expenses and casualty loss(es) to constitute "unusual expenses" for the Basic Grants program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" for Basic Grants.

For purposes of the Basic Grants program those items which may be included as unusual expenses are:

1. Those medical and dental expenses incurred during the base year (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all medical, dental and drugs expenses may be listed.

2. In addition, those casualty or theft loss(es) incurred during the base year permitted by the Internal Revenue Service (Form 1040, Schedule A, line 29).

The amount of unusual expenses which may be deducted is that amount of unusual expenses (as defined above) in excess of 20 percent of the effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

8. *Employment expense offset (line 8).* In constructing budgets which recognize minimum expenses for families, provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, food, and other items are attributable to occupational needs. When two persons work, additional employment expenses are incurred. Also, if a household is headed by a single person, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore, in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two-person family where both persons work during the base year, or the single person who heads a household during the base year. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grants eligibility is greatest. The offset provides that 50 percent of the earnings of that person with the lesser earnings, or 50 percent of the earnings of the single head of household, will be protected from any contribution toward education. The maximum offset would be \$1,500 and would thus assure that up to \$30 a week would be

available for the additional expenses which these persons face.

9. *Total offsets from income (line 9).* The sum of line 6 (family size offset) plus line 7 (unusual expenses) plus line 8 (employment expense offset) is the total amount which can be deducted from effective family income (line 5) in order to determine discretionary income.

10. *Discretionary income (line 10).* The income which remains after adjustment has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchase of goods and services which enhance the standard of living of the family, including postsecondary education.

11. *Adjusted Discretionary Income (line 11).* Adjusted discretionary income is the discretionary income determined in line 10 and adjusted to eliminate negative amounts in the calculation of contribution from income. If the discretionary income in line 10 is a negative amount, or 0, it should be entered as a zero (0); if positive, that amount should be entered.

12. *Standard income contribution (line 12).* Because of the direct benefits of postsecondary education received by the independent student, the expected contribution rate for such students from income has traditionally been much greater than the rate applied to the discretionary income of the parents of dependent students. In fact, the independent student has usually been expected to use all of his discretionary income for educational purposes.

In developing a system for the Basic Grants program, it was felt that a 100 percent contribution rate was excessive, especially for independent students with family responsibilities.

The following income contribution schedule was developed to accommodate these responsibilities:

(a) 75 percent of discretionary income for the single independent student with no dependents;

(b) 50 percent of discretionary income for the married independent student with no dependents other than spouse;

(c) 40 percent of discretionary income for the married independent student who has dependents other than spouse.

13. *Effective income of the student (line 13).* For purposes of Basic Grants, effective income of the student is: That amount of social security benefits paid to or on behalf of the student because he is a student; and one-half of the amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student.

In both cases, the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Dependency allowances are clearly not for the support of the Veteran himself. Therefore, they are included with, and given the same treatment as, "effective family income."

14. *Statement of negative income (line 14).* In the event that the independent student and his family have a negative income (that is the income of the independent student and spouse are less than the sum of the various offsets against income (line 9)), the support of basic family needs must be given priority over support of postsecondary education. Therefore, the effective income of the student may be decremented by the amount of the negative income before effective income is added into family contribution. Line 14 allows any negative income to be restated as a positive figure for purposes of further calculations.

15. *Subtraction of negative income from effective income of the student (line 15).* This subtraction establishes the amount of effective income remaining after any negative income is subtracted. In the event that negative income exceeds effective income, a negative balance will remain after this subtraction. Such a negative amount is preserved for subtraction from the contribution from assets.

16. *Statement of contribution from effective income of the student (line 16).* The amount of effective income which remains after the adjustment for negative income of the student is the contribution from effective income. This amount may be 0 (zero) or positive. It may not be a negative number.

17. *Net assets of applicant (and spouse) (line 17).* For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

18. *Asset contribution rate (line 18).* In determining a fair treatment of student assets, it has been assumed that since a student is the direct beneficiary of postsecondary education, he should be expected to invest a portion of his resources in meeting his educational costs. Therefore, one-third of the student's assets (recalculated each year) would be expected. This method is simple and provides a modest reserve for the student. The result of multiplying the student's net assets (line 13) by the student asset assessment rate (line 17) is that amount expected from student assets for educational purposes.

19. *Offset against the asset contribution of the applicant and spouse (line 19).* Line 15 is the amount that is remaining after the offset of negative discretionary income against student effective income. It is entered here as an offset against student asset contribution.

20. *Contribution from assets of the applicant and spouse (line 20).* The amount of the asset contribution that remains after the adjustment for negative discretionary income is that amount expected from their assets for educational purposes.

21. *Standard contribution from income and assets (line 21).* The amount of standard contribution from the applicant's and spouse's income (line 12) and the amount of contribution from the assets of the applicant and spouse (line 20) are added here to determine the amount of expected family contribution from income and assets for Basic Grants purposes.

22. *Multiple student adjustment (line 22).*—Adding the contribution from annual adjusted family income to the asset contribution results in the expected contribution for one family member in postsecondary education from family income and assets. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1975-76.

The adjustments used for the dependent student may also be used for the independent student. The use of the same adjustments for both groups of students assures consistency of treatment, and implements the general principle that a family with more than one person in postsecondary education should contribute less per person than a family with only one member engaged in such study.

23. *Total family contribution (line 23).*—The total expected family contribution for an independent student is determined by adding line 16 plus line 22.

(Subpart 1 of Part A of title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a))

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PART IV



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## **ENVIRONMENTAL PROTECTION AGENCY**

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### **FERTILIZER MANUFACTURING POINT SOURCE CATEGORY**

**Proposed Effluent Limitations and  
Guidelines**

**ENVIRONMENTAL PROTECTION  
AGENCY**

[ 40 CFR Part 418 ]

**FERTILIZER MANUFACTURING POINT  
SOURCE CATEGORY**

**Proposed Effluent Limitations and  
Guidelines**

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR 418—Fertilizer Manufacturing Point Source Category, Subpart C—Urea Subcategory, §§ 418.32 and 418.35 as set forth below. 40 CFR 418 was promulgated on April 8, 1974 pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

During the preparation of Subpart C, information was collected concerning discharges from urea manufacturing. The information provided by one of the respondents was labeled in a misleading manner in that a part of the waste water coming from a prill tower operation was identified as shipping and blending loss. This led to an incorrect interpretation of the data supplied by the respondent and of the data collected by EPA during the preparation of Subpart C. As a result of comments received after the close of the public comment period, the matter was further investigated and the incorrect interpretation discovered.

A special visit was made to the exemplary plant in question, which had been used as the basis for establishing effluent limitations, to confirm the validity of the above referenced comment and to collect additional data. On the basis of this investigation it was confirmed that the comment was valid. On the basis of the previously available data plus new data collected during this visit a re-evaluation of the organic nitrogen limitations was made resulting in a substantially increased discharge level for urea manufacturing based on best practicable control technology currently available and best available control technology.

A brief summary of the findings and data collected on this inspection trip will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as

to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act. All comments received on or before August 1, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973. (38 FR 21202)

In consideration of the foregoing it is proposed to amend 40 CFR 418 in the manner set forth below.

Dated: June 25, 1974.

JOHN QUARLES,  
*Acting Administrator.*

**PART 418—FERTILIZER MANUFACTURING  
POINT SOURCE CATEGORY**

1. In § 418.32 paragraphs (a) and (b) are amended to read as follows:

§ 418.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is not prilled:

Effluent Limitations		
Effluent Characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Ammonia (as N)...	0.075	0.0375
Organic nitrogen (as N).....	0.44	0.175
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Ammonia (as N)...	0.075	0.0375
Organic nitrogen (as N).....	0.44	0.175
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is prilled:

Effluent Limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Ammonia (as N)...	0.1	0.05
Organic nitrogen (as N).....	1.25	0.5
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Ammonia (as N)...	0.1	0.05
Organic nitrogen (as N).....	1.25	0.5
pH.....	Within the range 6.0 to 9.0.	

2. In § 418.35 paragraphs (a) and (b) are amended to read as follows:

§ 418.35 Standards of performance for new source.

(a) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is not prilled:

Effluent Limitations		
Effluent characteristic	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
Ammonia (as N)...	0.065	0.0325
Organic nitrogen (as N).....	0.24	0.12
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Ammonia (as N)...	0.065	0.0325
Organic nitrogen (as N).....	0.24	0.12
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations constitute the maximum permissible discharge for urea manufacturing operations in which urea is prilled:

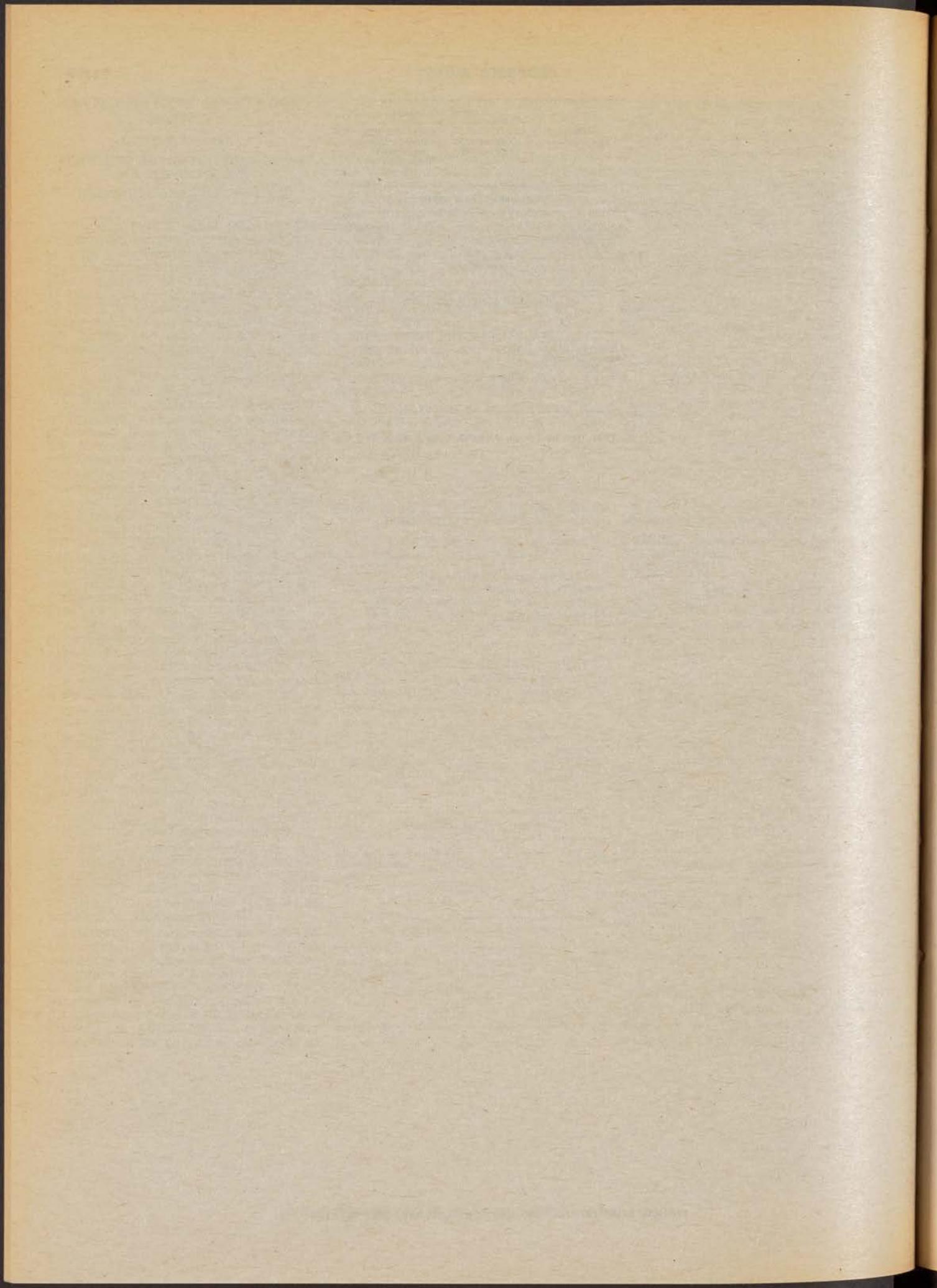
PROPOSED RULES

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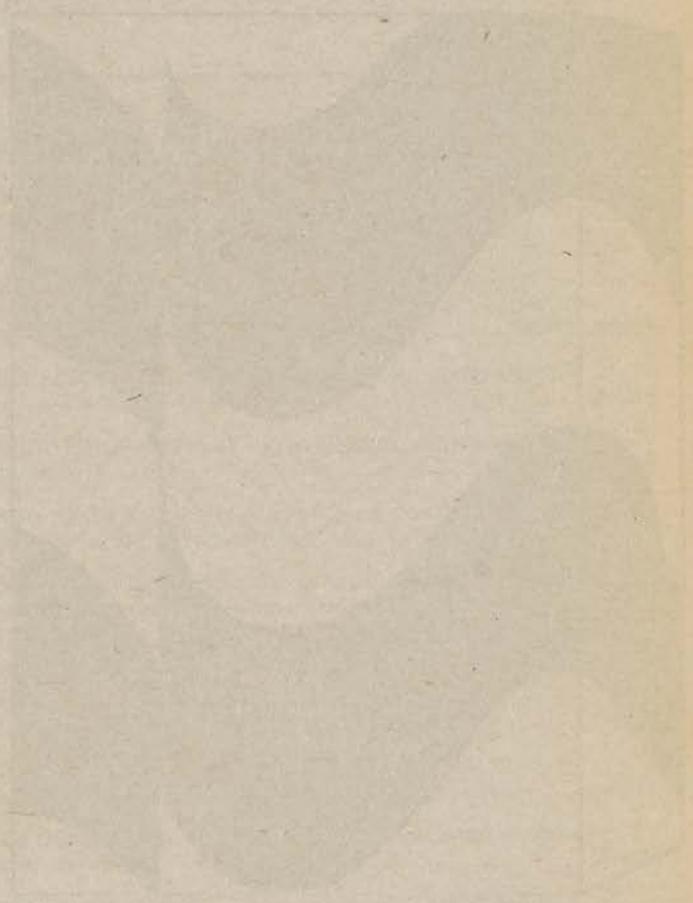
Effluent characteristic	Effluent limitations	
	Maximum for any one day	Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
Ammonia (as N).....	0.065.....	0.0325
Organic nitrogen (as N).....	0.7.....	0.35
pH.....	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
Ammonia (as N).....	0.065.....	0.0325
Organic nitrogen (as N).....	0.7.....	0.35
pH.....	Within the range 6.0 to 9.0.	

\* \* \* \* \*

[FR Doc.74-15029 Filed 7-1-74;8:45 am]



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"Bureaucrat's Bible" or  
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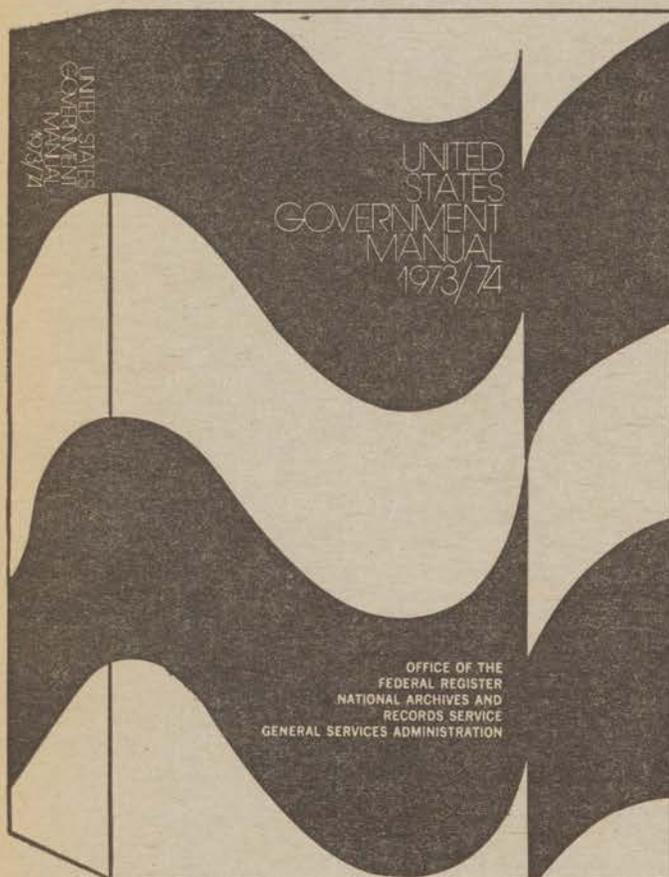
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