AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

WEDNESDAY, JULY 17, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 138

Pages 26127–26270

PART I

HIGHLIGHTS OF THIS ISSUE

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

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federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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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 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published February 12, 1974 (39 FR 5303), and June 3, 1974 (39 FR 19446), which were designated for barley crop insurance for the 1975 crop year.

CALIFORNIA

San Joaquin.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.74-16300 Filed 7-16-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published June 3, 1974 (39 FR 19446), which were designated for cotton crop insurance for the 1975 crop year.

LOUISIANA

Lafayette

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.74-16299 Filed 7-16-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published June 3, 1974 (39 FR 19447), which were designated for grain sorghum crop insurance for the 1975 crop year.

SOUTH DAKOTA

Lyman Tripp

TEXAS

Fannin

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.74-16298 Filed 7-16-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published June 3, 1974 (39 FR 19447), which were designated for sugarcane crop insurance for the 1975 crop year.

LOUISIANA

Lafayette

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.74-16297 Filed 7-16-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 12, 1974 (39 FR 5303), and June 3, 1974 (39 FR 19447), which were designated for wheat crop insurance for the 1975 crop year.

CALIFORNIA

San Joaquin

GEORGIA

Houston

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON, *Manager.*

[FR Doc.74-16296 Filed 7-16-74;8:45 am]

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS

PART 662—EQUIPMENT GRANTS TO CONSERVATION DISTRICTS

Soil, Water and Other Conservation Districts

Notice of proposed rulemaking was published in the FEDERAL REGISTER on April 16, 1974 (39 FR 13666-13667) setting forth the plan to codify long-standing Soil Conservation Service (SCS) policy and procedures for the granting of equipment and materials to soil, water and other conservation districts.

Interested persons were invited to submit written data, views, or arguments to SCS on the policy and procedures outlined.

A. *Summary of comments and SCS response.* The following summarizes comments received by SCS. Following the summary of each, a response is set forth stating the changes made or the reasons why change is unnecessary.

1. *Comment.* Comments of many writers assumed that the proposal is a new or re-activated SCS grant program.

Response. The proposal is not a new or re-activated program; it covers SCS policy that has been in effect since the 1930's. Pub. L. 74-46, dated April 27, 1935, authorizes granting of equipment and materials. National policy on making equipment and materials available to districts by loan or grant dates from 1938.

Historically, the SCS equipment grant program has shown a steady decline. During fiscal year 1958, 25 state offices of SCS granted equipment and materials valued at approximately $11,730,000. In fiscal year 1973, 13 state offices granted equipment and materials valued at approximately $532,000. Indications are that the program will continue to decline.

2. *Comment.* Numerous comments objected to SCS making grants to districts under any condition because this would result in unfair competition to the private sector of the economy.

Response. SCS proposes to continue the equipment grant program until it is demonstrated that there is no need for the program in any locality to accomplish needed soil and water conservation work. It is not the intent of the program to compete in any manner with private contractors and the equipment industry, but the intent is to complement soil and water conservation work at needed locations until such time the volume of work supports private contractors.

3. *Comment.* Many of the comments received which objected to SCS making equipment or materials grants to districts also requested that surplus government equipment be disposed of by public sales.

Response. SCS has practically no machines or equipment that can be employed in applying conservation practices and techniques. Equipment obtained for grant has been declared excess by other federal agencies and reported to General Services Administration as prescribed

in the Federal Property Management Regulations. SCS acquires excess property for grant from other federal agencies by the request and transfer system administered by the General Services Administration. SCS is not authorized to sell equipment or materials meeting the requirements of this part. Many federal activities grant equipment to public bodies. SCS equipment grants are a minor part of the total grant program.

4. *Comment.* Numerous comments objected to the conditions set forth in § 663.1(c). This provides as one grant condition that equipment grants may be made to districts if there is not a sufficient number of local contractors available at a reasonable cost. The comments said that the condition is indefinable, is subject to varying interpretations, discretionary in application, and is impracticable as a condition on which to base a grant determination. Many said that the "at a reasonable cost" provision would permit districts to acquire equipment indiscriminately, and thus would not provide adequate protection against unfair competition for the private contractor.

Response. SCS has deleted the "at a reasonable cost" provision. The policy permits districts to be eligible for grants only if qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work. All references to granting equipment if contractors or equipment are not available at a reasonable cost in §§ 663.1, 663.3 and 663.4 are deleted.

5. *Comment.* Numerous comments requested that districts be required to certify in grant requests that qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work.

Response. SCS requires districts to certify in their grant requests that this condition exists. See § 662.2.

6. *Comment.* Comments were received on § 663.2(c), sixth line, as to "state soil and conservation districts." The comments questioned whether this language meant the state soil conservation committee, board or commission which aids local districts.

Response. The language refers to the state governmental body; therefore the language is revised.

7. *Comment.* Numerous comments concerned publication of grant eligibilty determinations as contained in § 663.2(c). A majority requested that in addition to publishing grant determinations in the FEDERAL REGISTER, SCS state conservationists be required to publish a similar notice in a newspaper of general circulation in the district involved. Some questioned the need for the determination to be published in the FEDERAL REGISTER. Some expressed the view that publication was not necessary and served no useful purpose.

Response. SCS has instructed state conservationists to publish grant determinations in a newspaper of general circulation in the district involved, as well as in the FEDERAL REGISTER. The notices are to be at least 30 days prior to the intended date of the grant.

8. *Comment.* One comment said the provisions of § 663.2(d)(2)(i) and (iii) on disposal did not provide adequate safeguards to prevent granted equipment from being placed on the market soon after acquisition.

Response. SCS has revised the requirements on disposals within the first year as set forth in § 663.2(d)(2). The requirement is revised to provide that during the first year after grant equipment may be disposed of only if fully justified by the district, and with the written concurrence of the state conservationist.

9. *Comment.* One comment objected to the equipment use provisions of § 663.2(d)(4) as too restrictive. It proposed that the equipment usage provision be broadened to include projects which are clearly within the public interest as approved by the state conservationist, and to permit districts to lease the equipment to other public agencies.

Response. SCS declines to modify its policy to permit granted equipment to be used for any purpose other than the installation of soil and water conservation measures. SCS also continues to limit equipment loan or use by other public agencies, except in cases of emergency involving danger to property or life.

10. *Comment.* Several comments contended grantable and nongrantable items of equipment of §§ 663.3 and 663.4 were too restrictive. One requested that the listing of grantable items be revised to include light motor vehicles, engineering equipment and office equipment. Another requested that the listing of grantable items be revised to include repair parts and assemblies, and tires and tubes which are not commonly available from commercial sources.

Response. SCS declines to modify its policy on grantable and nongrantable items. Long-standing SCS policy provides for granting only items which are usually considered as heavy field equipment and materials in the construction trade.

B. *The following changes are made.*

1. Part 663 is changed to Part 662 to conform to the present SCS outline of the Code of Federal Regulations.

2. § 662.1 (formerly § 663.1):

(a) The first sentence is changed as follows to differentiate "materials" from "plant materials," and to make an editorial change.

This part sets forth Soil Conservation Service (SCS) policy and procedures for the granting of equipment and materials (other than plant materials) to soil, water and other conservation districts (districts).

(b) The third sentence is changed as follows:

If districts choose to acquire and operate equipment to install soil and water conservation measures, the SCS may grant equipment and materials to districts for the purpose only if qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work.

3. § 662.2 (formerly § 663.2):

(a) Paragraph (b)(2) is changed as follows:

Certify that the condition specified in § 662.1 exists.

(b) Paragraph (c) is changed as follows:

The state conservationist shall determine if the request meets the conditions and requirements of this part and, as applicable, give due consideration to the equipment grant policies of the state soil conservation committee, board or commission which aids local districts, in making this determination. If the state conservationist determines that the district's request meets the grant requirements, he shall make and document a grant eligibility determination and cause the determination evidencing the proposed grant to be published in (1) the FEDERAL REGISTER as a general notice document and (2) a newspaper of general circulation in the distrct which requested the grant at least 30 days prior to the intended date of the grant.

(c) Paragraph (d)(2) is changed as follows:

The property is granted by title transfer, and the district intends to retain the granted property throughout the remainder of its economic life or until it is no longer needed for the purpose for which it was granted, except that during the first year after date of grant granted equipment may be disposed of only if fully justified by the district and with the written concurrence of the state conservationist. The equipment may be disposed of by:

(d) Paragraph (d)(4) is changed as follows to clarify what is considered cases of emergencies:

The property is to be used only for the installation of soil and water conservation measures, and will not be used in other work or leased or otherwise made available to contractors, units of state or local governments, or public authorities or districts, except in cases of emergencies involving danger to property or life.

4. § 662.3 (formerly § 663.3):

First sentence is changed to read as follows:

Only the types of equipment or materials that are used to install soil and water conservation measures, and are not generally owned by or otherwise available to landusers within a district may be granted to districts.

5. § 662.4 (formerly § 663.4):

The phrase "at reasonable cost" appearing in the seventh and eighth lines of the section is deleted.

After consideration of the above comments, Chapter VI of Title 7 of the Code of Federal Regulations is amended as set forth below.

Effective date. These regulations shall be effective on July 17, 1974.

Dated: July 11, 1974.

KENNETH E. GRANT,
Administrator.

Chapter VI of Title 7 of the Code of Federal Regulations is amended by adding a new Part 662, reading as follows:

PART 662—EQUIPMENT GRANTS TO CONSERVATION DISTRICTS

Sec.
662.1 Purpose and policy.
662.2 Conditions and requirements of equipment and material grants.
662.3 Grantable items.
662.4 Nongrantable items.

AUTHORITY: Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a(3)).

§ 662.1 Purpose and policy.

This part sets forth Soil Conservation Service (SCS) policy and procedures for the granting of equipment and materials (other than plant materials) to soil, water and other conservation districts (districts). SCS encourages districts and their cooperating land-users to deal directly with independent contractors in applying soil and water conservation measures requiring the use of heavy equipment and materials. If districts choose to acquire and operate equipment to install soil and water conservation measures, the SCS may grant equipment and materials to districts for this purpose only if qualified contractors are not available or that they indicate they are not interested in performing soil and water conservation work.

§ 662.2 Conditions and requirements for equipment and material grants.

(a) SCS will grant only equipment and materials that are available from federal excess property sources at no cost to SCS. Handling, packing, loading, transporting, servicing, repairing, and reconditioning expenses associated with equipment and materials granted must be borne by the district.

(b) A request from a district for grant of equipment and materials must be submitted in writing to the SCS state conservationist and include the following:

(1) Identify the specific items of equipment or materials requested and describe the type of work for which the items will be used.

(2) Certify that the condition specified in § 662.1 exists.

(3) Agree to pay all handling, packing, loading, transporting, servicing, repairing, and reconditioning expenses that may be involved.

(c) The state conservationist shall determine if the request meets the conditions and requirements of this part and, as applicable, give due consideration to the equipment grant policies of the state soil conservation committee, board or commission which aids local districts, in making this determination. If the state conservationist determines that the district's request meets the grant requirements, he shall make and document a grant eligibility determination and cause the determination evidencing the proposed grant to be published in (1) the FEDERAL REGISTER as a general notice document and (2) a newspaper of general circulation in the district which requested the grant at least 30 days prior to the intended date of the grant.

(d) Prior to the grant and as a condition thereof, the district must enter into a grant agreement with SCS which provides that:

(1) The purpose of the grant is to enable the district to carry out soil and water conservation work more effectively, and the district will use the granted property only for this purpose on lands under cooperative or working agreement with the district or on lands otherwise under control of the district.

(2) The property is granted by title transfer, and the district intends to retain the granted property throughout the remainder of its economic life or until it is no longer needed for the purpose for which it was granted, except that during the first year after date of grant granted equipment may be disposed of only if fully justified by the district and with the written concurrence of the state conservationist. The equipment may be disposed of by:

(i) Trade-in or sale with proceeds applied on the acquisition of other grantable type items of property named in § 662.3 to be used to accomplish soil and water conservation work; or

(ii) Transfer of title to another district which SCS is assisting to be used to accomplish soil and water conservation work; or

(iii) Other methods that are mutually satisfactory to the district and the state conservationist. After the first year, the district may dispose of the granted property by informing the state conservationist in writing at least 30 days prior to making disposal.

(3) The district will maintain the granted property in good operating condition, properly service it, and make necessary repairs.

(4) The property is to be used only for the installation of soil and water conservation measures, and will not be used in other work or leased or otherwise made available to contractors, units of State or local governments, or public authorities or districts, except in cases of emergencies involving danger to property or life.

(5) The district will comply with the nondiscrimination provision required by the Civil Rights Act of 1964 (Secs. 601, 602, Pub. L. 88-352, 78 Stat. 252 (42 U.S.C. 2000d, 2000d-1)).

(6) Noncompliance with the terms and conditions of the grant agreement will make the district ineligible for further grants of property until district policy is revised to conform to the requirements of this part.

§ 662.3 Grantable items.

Only the types of equipment or materials that are used to install soil and water conservation measures, and are not generally owned by or otherwise available to landusers within a district, may be granted to districts. This category includes those items which are usually considered as "heavy field equipment and materials" in the construction trade. This category is illustrated as follows:

(a) Motorized equipment such as crane-shovels, draglines, shovels, backhoes, ditching machines, motorized road scrapers, motorized road graders, crawler tractors, wheeled-type industrial tractors, semitractor trailers and dump and other types of trucks, 1½-tons or larger.

(b) Heavy construction equipment such as trailer-mounted air compressors and concrete mixers, towed-type ditchers, earth borers and drilling equipment, road towed type graders, land levelers, subsoil plows, dewatering pumps, rippers, towed sheepfoot rollers, earth moving towed type scrapers, low bed semitrailers, tilt bed trailers, terracers, and trailer-mounted electric welders.

(c) Materials such as cable and anchor chain used for streambank stabilization and brush clearing.

(d) Miscellaneous equipment such as bulldozer and angledozer blades, crane booms, dragline and clamshell buckets, crane fairleads, power control units, and similar attachments for tractors, cranes, etc.

§ 662.4 Nongrantable items.

The following types of property shall not be granted to districts: Buildings, office furniture, fixtures, machines and supplies, scientific and engineering instruments and equipment, agricultural machinery and implements that are generally owned or otherwise available to landusers in the district, passenger motor vehicles, pickups and other types of trucks of less than 1½-ton capacity, repair parts and assemblies, and operation and maintenance materials and supplies for grantable and nongrantable types of property identified in this part.

[FR Doc.74-16257 Filed 7-16-74;8:45 am]

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

[Lime Reg. 7, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 7, 1974 through July 13, 1974. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and

order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 7 (39 FR 24881). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* Paragraph (b) (1) of § 911.407 (Lime Regulation 7, 39 FR 24881) is hereby amended to read as follows: "The quantity of limes grown in Florida which may be handled during the period July 7, 1974 through July 13, 1974, is hereby fixed at 25,000 bushels".

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

Dated: July 11, 1974.

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

[FR Doc.74–16291 Filed 7–16–74;8:45 am]

[Prune Reg. 12]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

This regulation requires fresh Washington-Oregon Prunes, during the period August 1, 1974, through August 31, 1975, to grade U.S. No. 1, except for off-color and an additional tolerance for defects, and be at least 1¼ inches in diameter.

On June 18, 1974, notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 21056), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oregon. This notice allowed interested persons until July 8, 1974, to file written data, views or arguments pertaining thereto. None were submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation is based upon an appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1974, and total 18,000 tons, compared with 16,375 tons last season. Hence, ample supplies of fresh prunes meeting the regulation requirements should be available to fill fresh market needs. The regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and that the amount of prunes of this variety produced is insignificant compared to the total supply. Individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (39 FR 21056), and no objection to this regulation or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act.

§ 924.312 Prune Regulation 12.

(a) Prune Regulation 11 (38 FR 19661) is hereby terminated on August 1, 1974.

(b) During the period August 1, 1974, through August 31, 1975, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color; and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: Provided, that the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade; Provided, that not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay; or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provisions of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the

United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: July 11, 1974.

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

[FR Doc.74–16292 Filed 7–16–74;8:45 am]

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

This document authorizes expenses of $3,795 for the Area No. 3 Committee under Marketing Order No. 948, as amended, during the 1974–75 fiscal period and fixes a rate of assessment of $0.0085 per hundredweight of potatoes handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado) was published in the June 18, 1974, FEDERAL REGISTER (39 FR 21056). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than July 3, 1974. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice which were recommended by the Area No. 3 Committee it is hereby determined that:

§ 948.271 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area No. 3 Committee to enable it to perform its functions, under this part, during the fiscal period ending June 30, 1975, will amount to $3,795.

(b) The rate of assessment to be paid by each handler under this part shall be $0.0085 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1975, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of this part require that the rate of assessment for a particular fiscal period apply to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on July 1, 1974, and the rate of assessment herein fixed will apply to all assessable potatoes beginning with such date.

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

Dated: July 11, 1974.

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

[FR Doc.74–16293 Filed 7–16–74;8:46 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1974-Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Wheat Loan and Purchase Program

On August 16, 1973, the U.S. Department of Agriculture announced loan rates for the 1974 crop of wheat on a national average of $1.37 per bushel. And on May 10, 1974, the Department announced that beginning with 1974-crop wheat, deductions for unpaid storage charges will no longer be made from the loan value of the commodity. Instead, in order for a producer to obtain a warehouse storage loan on wheat, the warehouse receipt must indicate that storage has been paid or otherwise provided for through the loan maturity date. Since storage prepayment is now required, § 1421.487, "Warehouse charges" is hereby deleted and § 1421.488, "Maturity of loans", and § 1421.489, "Loan and purchase rates, premiums and discounts" are renumbered §§ 1421.487 and 1421.488 respectively.

In view of the need for an early announcement of the 1974 wheat program and inasmuch as wheat is currently being harvested in many parts of the wheat-producing area, it has been determined that compliance with the notice of proposed rulemaking and public participation procedure is impracticable and contrary to the public interest. Therefore, this regulation is being issued without following such procedure.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 FR 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Wheat Loan and Purchase Program regulations published at 35 FR 8204 and 9106, and any amendments to such regulations are further supplemented for the 1974 crop of wheat. The material previously appearing in §§ 1421.485 through 1421.489 shall remain in full force and effect as to the crops to which they are applicable.

Subpart—1974 Crop Wheat Loan and Purchase Program

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, as amended (15 U.S.C. 714c, 7 U.S.C. 1445a, 1421).

Subpart—1974 Crop Wheat Loan and Purchase Program

§ 1421.485 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1974 crop of eligible wheat on or before April 30, 1975, on wheat stored in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming, and on or before March 31, 1975, on wheat stored in all other States. To sell eligible wheat to CCC, a producer must execute and deliver to the appropriate county ASCS office a purchase agreement (Form CCC–614), indicating the approximate quantity of 1974 crop wheat he will sell to CCC, on or before May 31, 1975, for wheat stored in the States named in this section and on or before April 30, 1975, for wheat stored in all other States.

§ 1421.486 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the wheat being tendered if the producer files an "Intention to Participate and Report of Acreage" (Form CCC–580) in compliance with the 1974 wheat program regulations published in part 728 of this title pertaining to the wheat program for crop years 1974 through 1977 and any amendments thereto, on the farm on which such wheat was produced.

§ 1421.487 Maturity of loans.

Loans mature on demand but not later than: May 31, 1974, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1974, on wheat stored in all other States.

§ 1421.488 Loan and purchase rates, premiums and discounts.

(a) *Basic rates (counties).* Basic county loan and purchase rates per bushel for loan and settlement purposes for wheat are established for wheat grading U.S. No. 1 and are as follows:

BASIC COUNTY LOAN AND PURCHASE RATES FOR GRADE NO. 1 WHEAT

ALABAMA

County	*Rate per bushel*	*County*	*Rate per bushel*
Mobile	$1.55	All other counties	$1.36

ARIZONA

County	Rate per bushel
All counties	$1.43

ARKANSAS

County	Rate per bushel
All counties	$1.37

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.58	Riverside	$1.52
Alpine	1.39	Sacramento	1.58
Amador	1.55	San Benito	1.52
Butte	1.47	San Bernardino	1.55
Calaveras	1.55	San Diego	1.58
Colusa	1.52	San Francisco	1.58
Contra Costa	1.55	San Joaquin	1.58
El Dorado	1.54	San Luis Obispo	1.48
Fresno	1.49	San Mateo	1.58
Glenn	1.48	Santa Barbara	1.50
Humboldt	1.35	Santa Clara	1.56
Imperial	1.52	Santa Cruz	1.51
Inyo	1.44	Shasta	1.35
Kern	1.55	Sierra	1.37
Kings	1.51	Siskiyou	1.32
Lake	1.45	Solano	1.55
Lassen	1.33	Sonoma	1.51
Los Angeles	1.58	Stanislaus	1.56
Madera	1.50	Sutter	1.54
Marin	1.50	Tehama	1.44
Mariposa	1.50	Tulare	1.52
Mendocino	1.41	Tuolumne	1.51
Merced	1.52	Ventura	1.54
Modoc	1.32	Yolo	1.55
Monterey	1.47	Yuba	1.51
Napa	1.52		
Orange	1.58		
Placer	1.54		
Plumas	1.34		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.23	La Plata	$1.14
Alamosa	1.20	Larimer	1.23
Arapahoe	1.23	Las Animas	1.30
Archuleta	1.17	Lincoln	1.23
Baca	1.30	Logan	1.24
Bent	1.24	Mesa	1.14
Boulder	1.23	Moffat	1.20
Chaffee	1.20	Montezuma	1.14
Cheyenne	1.25	Montrose	1.14
Conejos	1.20	Morgan	1.23
Costilla	1.20	Otero	1.23
Crowley	1.23	Ouray	1.14
Custer	1.25	Phillips	1.25
Delta	1.14	Pitkin	1.14
Denver	1.23	Prowers	1.27
Dolores	1.14	Pueblo	1.23
Douglas	1.23	Rio Blanco	1.17
Eagle	1.17	Rio Grande	1.20
Elbert	1.23	Routt	1.17
El Paso	1.23	Saguache	1.20
Fremont	1.25	San Miguel	1.14
Garfield	1.17	Sedgwick	1.25
Grand	1.20	Summit	1.17
Huerfano	1.25	Teller	1.23
Jackson	1.20	Washington	1.23
Jefferson	1.23	Weld	1.23
Kiowa	1.25	Yuma	1.25
Kit Carson	1.25		

CONNECTICUT

County	Rate per bushel
All counties	$1.39

DELAWARE

County	Rate per bushel
All counties	$1.42

FLORIDA

County	Rate per bushel
All counties	$1.38

GEORGIA

County	Rate per bushel
All counties	$1.38

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.28	Bear Lake	$1.27
Adams	1.28	Benewah	1.40
Bannock	1.28	Bingham	1.28
Blaine	$1.27	Jefferson	$1.26
Boise	1.27	Jerome	1.29
Bonner	1.32	Kootenai	1.39
Bonneville	1.26	Latah	1.40
Boundary	1.30	Lemhi	1.25
Butte	1.25	Lewis	1.36
Camas	1.28	Lincoln	1.29
Canyon	1.28	Madison	1.26
Caribou	1.27	Minidoka	1.30
Cassia	1.30	Nez Perce	1.40
Clark	1.24	Oneida	1.29
Clearwater	1.38	Owyhee	1.28
Custer	1.25	Payette	1.28
Elmore	1.28	Power	1.28
Franklin	1.29	Shoshone	1.25
Fremont	1.25	Teton	1.26
Gem	1.28	Twin Falls	1.32
Gooding	1.28	Valley	1.27
Idaho	1.36	Washington	1.28

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.37	Lee	$1.46
Alexander	1.45	Livingston	1.45
Bond	1.44	Logan	1.40
Boone	1.46	McDonough	1.40
Brown	1.38	McHenry	1.46
Bureau	1.44	McLean	1.42
Calhoun	1.44	Macon	1.42
Carroll	1.44	Macoupin	1.45
Cass	1.34	Madison	1.45
Champaign	1.44	Marion	1.44
Christian	1.42	Marshall	1.43
Clark	1.40	Mason	1.38
Clay	1.40	Massac	1.40
Clinton	1.44	Menard	1.39
Coles	1.40	Mercer	1.42
Cook	1.46	Monroe	1.45
Crawford	1.39	Montgomery	1.44
Cumberland	1.38	Morgan	1.42
De Kalb	1.46	Moultrie	1.41
De Witt	1.40	Ogle	1.45
Douglas	1.41	Peoria	1.42
Du Page	1.46	Perry	1.44
Edgar	1.42	Piatt	1.40
Edwards	1.40	Pike	1.39
Effingham	1.42	Pope	1.40
Fayette	1.43	Pulaski	1.44
Ford	1.44	Putnam	1.43
Franklin	1.44	Randolph	1.45
Fulton	1.42	Richland	1.39
Gallatin	1.37	Rock Island	1.43
Greene	1.44	St. Clair	1.45
Grundy	1.46	Saline	1.39
Hamilton	1.38	Sangamon	1.42
Hancock	1.41	Schuyler	1.38
Hardin	1.38	Scott	1.42
Henderson	1.40	Shelby	1.42
Henry	1.43	Stark	1.43
Iroquois	1.46	Stephenson	1.45
Jackson	1.45	Tazewell	1.42
Jasper	1.39	Union	1.44
Jefferson	1.44	Vermilion	1.45
Jersey	1.45	Wabash	1.39
Jo Daviess	1.43	Warren	1.42
Johnson	1.42	Washington	1.44
Kane	1.46	Wayne	1.40
Kankakee	1.46	White	1.37
Kendall	1.46	Whiteside	1.45
Knox	1.42	Will	1.46
Lake	1.46	Williamson	1.42
La Salle	1.46	Winnebago	1.46
Lawrence	1.38	Woodford	1.43

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.33	Cass	$1.43
Allen	1.36	Clark	1.41
Bartholomew	1.35	Clay	1.39
Benton	1.43	Clinton	1.39
Blackford	1.35	Crawford	1.44
Boone	1.36	Daviess	1.37
Brown	1.35	Dearborn	1.34
Carroll	1.41	Decatur	1.35
		De Kalb	1.36
		Delaware	$1.34
		Dubois	1.41
		Elkhart	1.41
		Fayette	1.32
		Floyd	1.44
		Fountain	1.41
		Franklin	1.34
		Fulton	1.43
		Gibson	1.39
		Grant	1.36
		Greene	1.35
		Hamilton	1.35
		Hancock	1.35
		Harrison	1.44
		Hendricks	1.35
		Henry	1.33
		Howard	1.39
		Huntington	1.36
		Jackson	1.39
		Jasper	1.43
		Jay	1.33
		Jefferson	1.39
		Jennings	1.39
		Johnson	1.33
		Knox	1.38
		Kosciusko	1.41
		Lagrange	1.38
		Lake	1.46
		La Porte	1.45
		Lawrence	1.39
		Madison	1.37
		Marion	1.35
		Marshall	1.43
		Martin	1.37
		Miami	1.41
		Monroe	1.35
		Montgomery	1.39
		Morgan	1.33
		Newton	$1.46
		Noble	1.38
		Ohio	1.36
		Orange	1.41
		Owen	1.35
		Parke	1.41
		Perry	1.41
		Pike	1.39
		Porter	1.45
		Posey	1.39
		Pulaski	1.43
		Putnam	1.38
		Randolph	1.32
		Ripley	1.36
		Rush	1.33
		St. Joseph	1.43
		Scott	1.39
		Shelby	1.33
		Spencer	1.41
		Starke	1.45
		Steuben	1.36
		Sullivan	1.39
		Switzerland	1.37
		Tippecanoe	1.41
		Tipton	1.37
		Union	1.31
		Vanderburgh	1.39
		Vermillion	1.41
		Vigo	1.41
		Wabash	1.39
		Warren	1.41
		Warrick	1.41
		Washington	1.41
		Wayne	1.31
		Wells	1.33
		White	1.43
		Whitley	1.39

IOWA

County	Rate per bushel	County	Rate per bushel
Pottawattamie	$1.43	All other counties	$1.35

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.41	Harvey	$1.33
Anderson	1.43	Haskell	1.27
Atchison	1.43	Hodgeman	1.29
Barber	1.33	Jackson	1.42
Barton	1.32	Jefferson	1.43
Bourbon	1.41	Jewell	1.33
Brown	1.43	Johnson	1.43
Butler	1.35	Kearney	1.26
Chase	1.36	Kingman	1.33
Chautauqua	1.37	Kiowa	1.32
Cherokee	1.39	Labette	1.39
Cheyenne	1.25	Lane	1.27
Clark	1.29	Leavenworth	1.43
Clay	1.36	Lincoln	1.33
Cloud	1.35	Linn	1.43
Coffey	1.40	Logan	1.26
Comanche	1.30	Lyon	1.38
Cowley	1.35	McPherson	1.34
Crawford	1.40	Marion	1.34
Decatur	1.29	Marshall	1.38
Dickinson	1.34	Meade	1.28
Doniphan	1.43	Miami	1.43
Douglas	1.43	Mitchell	1.33
Edwards	1.32	Montgomery	1.39
Elk	1.37	Morris	1.38
Ellis	1.32	Morton	1.28
Ellsworth	1.33	Nemaha	1.41
Finney	1.27	Neosho	1.40
Ford	1.30	Ness	1.29
Franklin	1.43	Norton	1.32
Geary	1.37	Osage	1.40
Gove	1.29	Osborne	1.33
Graham	1.31	Ottawa	1.33
Grant	1.26	Pawnee	1.32
Gray	1.29	Phillips	1.32
Greeley	1.25	Pottawatomie	1.41
Greenwood	1.38	Pratt	1.33
Hamilton	1.26	Rawlins	1.26
Harper	1.33	Reno	1.33

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Republic	$1.35	Stafford	$1.32
Rice	1.33	Stanton	1.26
Riley	1.38	Stevens	1.28
Rooks	1.31	Sumner	1.34
Rush	1.32	Thomas	1.26
Russell	1.31	Trego	1.31
Saline	1.33	Wabaunsee	1.39
Scott	1.25	Wallace	1.25
Sedgwick	1.33	Washington	1.36
Seward	1.28	Wichita	1.25
Shawnee	1.42	Wilson	1.39
Sheridan	1.29	Woodson	1.40
Sherman	1.25	Wyandotte	1.43
Smith	1.33		

KENTUCKY

Jefferson	$1.45	All other counties	$1.36

LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
East Baton Rouge	$1.55	St. Charles	$1.55
Jefferson	1.55	West Baton Rouge	1.55
Orleans	1.55	All other Parishes	1.40

MAINE

County	Rate per bushel
All counties	$1.36

MARYLAND

Baltimore City	$1.52	All other counties	$1.42

MASSACHUSETTS

All counties	$1.38

MICHIGAN

Alcona	$1.27	Lake	$1.29
Alger	1.29	Lapeer	1.34
Allegan	1.37	Leelanau	1.28
Alpena	1.24	Lenawee	1.41
Antrim	1.25	Livingston	1.36
Arenac	1.28	Luce	1.29
Baraga	1.29	Mackinac	1.29
Barry	1.37	Macomb	1.36
Bay	1.32	Manistee	1.28
Benzie	1.31	Marquette	1.29
Berrien	1.43	Mason	1.31
Branch	1.39	Mecosta	1.32
Calhoun	1.37	Menominee	1.29
Cass	1.41	Midland	1.32
Charlevoix	1.23	Missaukee	1.27
Cheboygan	1.23	Monroe	1.41
Chippewa	1.29	Montcalm	1.33
Clare	1.30	Montmorency	1.25
Clinton	1.34	Muskegon	1.33
Crawford	1.27	Newaygo	1.31
Delta	1.29	Oakland	1.36
Dickinson	1.29	Oceana	1.31
Eaton	1.36	Ogemaw	1.28
Emmet	1.21	Ontonagon	1.29
Genesee	1.34	Osceola	1.29
Gladwin	1.30	Oscoda	1.27
Gogebic	1.29	Otsego	1.25
Grand Traverse	1.29	Ottawa	1.35
Gratiot	1.33	Presque Isle	1.23
Hillsdale	1.39	Roscommon	1.27
Houghton	1.29	Saginaw	1.33
Huron	1.30	St. Clair	1.36
Ingham	1.36	St. Joseph	1.41
Ionia	1.35	Sanilac	1.32
Iosco	1.28	Schoolcraft	1.29
Iron	1.29	Shiawassee	1.34
Isabella	1.32	Tuscola	1.32
Jackson	1.37	Van Buren	1.41
Kalamazoo	1.38	Washtenaw	1.38
Kalkaska	1.27	Wayne	1.38
Kent	1.35	Wexford	1.27
Keweenaw	1.29		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.56	Martin	$1.54
Anoka	1.56	Meeker	1.56
Becker	1.49	Mille Lacs	1.56
Beltrami	1.50	Morrison	1.56
Benton	1.56	Mower	1.53
Big Stone	1.49	Murray	1.50
Blue Earth	1.56	Nicollet	1.56
Brown	1.55	Nobles	1.48
Carlton	1.56	Norman	1.45
Carver	1.56	Olmsted	1.56
Cass	1.53	Otter Tail	1.50
Chippewa	1.53	Pennington	1.45
Chisago	1.56	Pine	1.56
Clay	1.47	Pipestone	1.47
Clearwater	1.49	Polk	1.46
Cottonwood	1.53	Pope	1.54
Crow Wing	1.56	Ramsey	1.56
Dakota	1.56	Red Lake	1.45
Dodge	1.56	Redwood	1.55
Douglas	1.54	Renville	1.55
Faribault	1.54	Rice	1.56
Fillmore	1.52	Rock	1.47
Freeborn	1.54	Roseau	1.43
Goodhue	1.56	Saint Louis	1.56
Grant	1.51	Scott	1.56
Hennepin	1.56	Sherburne	1.56
Houston	1.49	Sibley	1.56
Hubbard	1.52	Stearns	1.56
Isanti	1.56	Steele	1.56
Itasca	1.53	Stevens	1.52
Jackson	1.52	Swift	1.52
Kanabec	1.56	Todd	1.54
Kandiyohi	1.55	Traverse	1.49
Kittson	1.41	Wabasha	1.56
Koochiching	1.51	Wadena	1.52
Lac Qui Parle	1.50	Waseca	1.56
Lake of the Woods	1.47	Washington	1.56
Le Sueur	1.56	Watonwan	1.55
Lincoln	1.50	Wilkin	1.48
Lyon	1.52	Winona	1.53
McLeod	1.56	Wright	1.56
Mahnomen	1.47	Yellow Medicine	1.51
Marshall	1.43		

MISSISSIPPI

Harrison	$1.55	All other counties	$1.36
Jackson	1.55		

MISSOURI

Adair	$1.34	Dallas	$1.35
Andrew	1.41	Daviess	1.39
Atchison	1.41	De Kalb	1.41
Audrain	1.37	Dent	1.39
Barry	1.35	Douglas	1.33
Barton	1.38	Dunklin	1.39
Bates	1.40	Franklin	1.43
Benton	1.37	Gasconade	1.41
Bollinger	1.39	Gentry	1.40
Boone	1.35	Greene	1.35
Buchanan	1.43	Grundy	1.38
Butler	1.39	Harrison	1.40
Caldwell	1.41	Henry	1.40
Callaway	1.37	Hickory	1.36
Camden	1.35	Holt	1.41
Cape Girardeau	1.41	Howard	1.36
Carroll	1.40	Howell	1.33
Carter	1.37	Iron	1.39
Cass	1.41	Jackson	1.43
Cedar	1.37	Jasper	1.37
Chariton	1.39	Jefferson	1.43
Christian	1.33	Johnson	1.41
Clark	1.33	Knox	1.33
Clay	1.41	Laclede	1.35
Clinton	1.41	Lafayette	1.41
Cole	1.37	Lawrence	1.35
Cooper	1.37	Lewis	1.33
Crawford	1.41	Lincoln	1.41
Dade	1.37	Linn	1.39
		Livingston	1.39

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
McDonald	$1.35	Randolph	$1.36
Macon	1.37	Ray	1.41
Madison	1.39	Reynolds	1.37
Maries	1.39	Ripley	1.37
Marion	1.35	Saint Charles	1.43
Mercer	1.38	Saint Clair	1.38
Miller	1.37	Saint Genevieve	1.41
Mississippi	1.43	Saint Francois	1.41
Moniteau	1.35	Saint Louis	1.45
Monroe	1.35	Saline	1.39
Montgomery	1.39	Schuyler	1.33
Morgan	1.36	Scotland	1.33
New Madrid	1.41	Scott	1.43
Newton	1.35	Shannon	1.35
Nodaway	1.41	Shelby	1.35
Oregon	1.35	Stoddard	1.41
Osage	1.39	Stone	1.35
Ozark	1.33	Sullivan	1.36
Pemiscot	1.39	Taney	1.33
Perry	1.39	Texas	1.37
Pettis	1.39	Vernon	1.38
Phelps	1.39	Warren	1.41
Pike	1.39	Washington	1.41
Platte	1.41	Wayne	1.39
Polk	1.37	Webster	1.35
Pulaski	1.37	Worth	1.40
Putnam	1.36	Wright	1.35
Ralls	1.37		

MONTANA

Beaverhead	$1.23	McCone	$1.25
Big Horn	1.24	Madison	1.25
Blaine	1.24	Meagher	1.25
Broadwater	1.25	Mineral	1.26
Carbon	1.24	Missoula	1.26
Carter	1.26	Musselshell	1.24
Cascade	1.24	Park	1.25
Chouteau	1.24	Petroleum	1.24
Custer	1.26	Phillips	1.24
Daniels	1.25	Pondera	1.24
Dawson	1.25	Powder River	1.25
Deer Lodge	1.25	Powell	1.25
Fallon	1.26	Prairie	1.26
Fergus	1.24	Ravalli	1.25
Flathead	1.27	Richland	1.25
Gallatin	1.25	Roosevelt	1.25
Garfield	1.24	Rosebud	1.24
Glacier	1.24	Sanders	1.26
Golden Valley	1.24	Sheridan	1.25
Granite	1.25	Silver Bow	1.25
Hill	1.24	Stillwater	1.24
Jefferson	1.25	Sweet Grass	1.25
Judith Basin	1.24	Teton	1.24
Lake	1.25	Toole	1.24
Lewis and Clark	1.24	Treasure	1.24
Liberty	1.24	Valley	1.24
Lincoln	1.28	Wheatland	1.24
		Wibaux	1.26
		Yellowstone	1.24

NEBRASKA

Adams	$1.37	Custer	$1.33
Antelope	1.40	Dakota	1.42
Arthur	1.26	Dawes	1.23
Banner	1.23	Dawson	1.33
Blaine	1.32	Deuel	1.24
Boone	1.41	Dixon	1.42
Box Butte	1.25	Dodge	1.43
Boyd	1.36	Douglas	1.43
Brown	1.32	Dundy	1.25
Buffalo	1.36	Fillmore	1.40
Burt	1.43	Franklin	1.33
Butler	1.43	Frontier	1.31
Cass	1.43	Furnas	1.33
Cedar	1.40	Gage	1.40
Chase	1.25	Garden	1.25
Cherry	1.29	Garfield	1.36
Cheyenne	1.23	Gosper	1.33
Clay	1.37	Grant	1.27
Colfax	1.43	Greeley	1.40
Cuming	1.43	Hall	1.40

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Hamilton	$1.41	Perkins	$1.27
Harlan	1.33	Phelps	1.33
Hayes	1.27	Pierce	1.42
Hitchcock	1.28	Platte	1.42
Holt	1.37	Polk	1.42
Hooker	1.28	Red Willow	1.29
Howard	1.39	Richardson	1.42
Jefferson	1.40	Rock	1.33
Johnson	1.40	Saline	1.41
Kearney	1.34	Sarpy	1.43
Keith	1.26	Saunders	1.43
Keya Paha	1.32	Scotts Bluff	1.23
Kimball	1.23	Seward	1.43
Knox	1.40	Sheridan	1.25
Lancaster	1.43	Sherman	1.36
Lincoln	1.28	Sioux	1.23
Logan	1.32	Stanton	1.43
Loup	1.33	Thayer	1.39
McPherson	1.30	Thomas	1.29
Madison	1.43	Thurston	1.44
Merrick	1.40	Valley	1.36
Morrill	1.23	Washington	1.43
Nance	1.41	Wayne	1.42
Nemaha	1.41	Webster	1.35
Nuckolls	1.37	Wheeler	1.40
Otoe	1.43	York	1.41
Pawnee	1.41		

NEVADA

All counties $1.34

NEW HAMPSHIRE

All counties $1.38

NEW JERSEY

All counties $1.42

NEW MEXICO

All counties $1.37

NEW YORK

Albany	$1.52	All other counties	$1.40
New York City	1.52		

NORTH CAROLINA

All counties $1.40

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.31	McKenzie	$1.25
Barnes	1.41	McLean	1.30
Benson	1.35	Mercer	1.28
Billings	1.26	Morton	1.30
Bottineau	1.31	Mountrail	1.26
Bowman	1.28	Nelson	1.41
Burke	1.27	Oliver	1.30
Burleigh	1.33	Pembina	1.39
Cass	1.44	Pierce	1.33
Cavalier	1.36	Ramsey	1.37
Dickey	1.42	Ransom	1.44
Divide	1.25	Renville	1.29
Dunn	1.26	Richland	1.46
Eddy	1.38	Rolette	1.32
Emmons	1.37	Sargent	1.44
Foster	1.38	Sheridan	1.33
Golden Valley	1.26	Sioux	1.35
Grand Forks	1.42	Slope	1.28
Grant	1.32	Stark	1.28
Griggs	1.39	Steele	1.41
Hettinger	1.29	Stutsman	1.39
Kidder	1.36	Towner	1.33
La Moure	1.42	Traill	1.43
Logan	1.40	Walsh	1.41
McHenry	1.30	Ward	1.29
McIntosh	1.40	Wells	1.36
		Williams	1.25

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.33	Licking	$1.38
Allen	1.39	Logan	1.34
Ashland	1.40	Lorain	1.39
Ashtabula	1.38	Lucas	1.44
Athens	1.35	Madison	1.35
Auglaize	1.36	Mahoning	1.38
Belmont	1.38	Marion	1.39
Brown	1.33	Medina	1.39
Butler	1.33	Meigs	1.33
Carroll	1.39	Mercer	1.36
Champaign	1.34	Miami	1.34
Clark	1.33	Monroe	1.38
Clermont	1.33	Montgomery	1.33
Clinton	1.33	Morgan	1.38
Columbiana	1.39	Morrow	1.38
Coshocton	1.38	Muskingum	1.38
Crawford	1.40	Noble	1.38
Cuyahoga	1.38	Ottawa	1.42
Darke	1.34	Paulding	1.37
Defiance	1.37	Perry	1.37
Delaware	1.37	Pickaway	1.37
Erie	1.41	Pike	1.33
Fairfield	1.37	Portage	1.38
Fayette	1.33	Preble	1.33
Franklin	1.37	Putnam	1.39
Fulton	1.41	Richland	1.39
Gallia	1.33	Ross	1.35
Geauga	1.38	Sandusky	1.42
Greene	1.33	Scioto	1.33
Guernsey	1.38	Seneca	1.41
Hamilton	1.33	Shelby	1.36
Hancock	1.41	Stark	1.38
Hardin	1.39	Summit	1.38
Harrison	1.38	Trumbull	1.38
Henry	1.40	Tuscarawas	1.38
Highland	1.33	Union	1.37
Hocking	1.35	Van Wert	1.37
Holmes	1.38	Vinton	1.35
Huron	1.40	Warren	1.33
Jackson	1.33	Washington	1.38
Jefferson	1.40	Wayne	1.38
Knox	1.38	Williams	1.38
Lake	1.38	Wood	1.42
Lawrence	1.33	Wyandot	1.40

OKLAHOMA

Adair	$1.39	Le Flore	$1.39
Alfalfa	1.36	Lincoln	1.39
Atoka	1.42	Logan	1.39
Beaver	1.32	Love	1.42
Beckham	1.39	McClain	1.40
Blaine	1.40	McCurtain	1.42
Bryan	1.43	McIntosh	1.39
Caddo	1.41	Major	1.36
Canadian	1.40	Marshall	1.42
Carter	1.42	Mayes	1.39
Cherokee	1.39	Murray	1.41
Choctaw	1.42	Muskogee	1.39
Cimarron	1.31	Noble	1.39
Cleveland	1.40	Nowata	1.39
Coal	1.41	Okfuskee	1.39
Comanche	1.41	Oklahoma	1.39
Cotton	1.42	Okmulgee	1.39
Craig	1.39	Osage	1.37
Creek	1.39	Ottawa	1.39
Custer	1.39	Pawnee	1.39
Delaware	1.39	Payne	1.39
Dewey	1.36	Pittsburg	1.39
Ellis	1.33	Pontotoc	1.41
Garfield	1.38	Pottawatomie	1.39
Garvin	1.41	Pushmataha	1.42
Grady	1.40	Roger Mills	1.36
Grant	1.36	Rogers	1.39
Greer	1.41	Seminole	1.39
Harmon	1.41	Sequoyah	1.39
Harper	1.32	Stephens	1.41
Haskell	1.39	Texas	1.32
Hughes	1.39	Tillman	1.41
Jackson	1.41	Tulsa	1.39
Jefferson	1.42	Wagoner	1.39
Johnston	1.42	Washington	1.39
Kay	1.37	Washita	1.39
Kingfisher	1.39	Woods	1.35
Kiowa	1.40	Woodward	1.34
Latimer	1.39		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$1.40	Lake	$1.38
Benton	1.47	Lane	1.47
Clackamas	1.52	Lincoln	1.37
Clatsop	1.57	Linn	1.49
Columbia	1.57	Malheur	1.29
Coos	1.27	Marion	1.50
Crook	1.44	Morrow	1.47
Curry	1.26	Multnomah	1.57
Deschutes	1.44	Polk	1.50
Douglas	1.31	Sherman	1.50
Gilliam	1.49	Tillamook	1.54
Grant	1.42	Umatilla	1.46
Harney	1.34	Union	1.42
Hood River	1.54	Wallowa	1.40
Jackson	1.31	Wasco	1.51
Jefferson	1.47	Washington	1.54
Josephine	1.31	Wheeler	1.46
Klamath	1.35	Yamhill	1.52

PENNSYLVANIA

Philadelphia	$1.52	All other counties	$1.40

RHODE ISLAND

All counties $1.39

SOUTH CAROLINA

Charleston	$1.52	All other counties	$1.39

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.39	Jackson	$1.32
Beadle	1.43	Jerauld	1.40
Bennett	1.30	Jones	1.34
Bon Homme	1.39	Kingsbury	1.45
Brookings	1.47	Lake	1.44
Brown	1.41	Lawrence	1.26
Brule	1.37	Lincoln	1.41
Buffalo	1.37	Lyman	1.35
Butte	1.26	McCook	1.41
Campbell	1.36	McPherson	1.38
Charles Mix	1.37	Marshall	1.44
Clark	1.44	Meade	1.29
Clay	1.41	Mellette	1.32
Codington	1.46	Miner	1.42
Corson	1.33	Minnehaha	1.44
Custer	1.23	Moody	1.45
Davison	1.41	Pennington	1.26
Day	1.44	Perkins	1.30
Deuel	1.48	Potter	1.37
Dewey	1.34	Roberts	1.47
Douglas	1.37	Sanborn	1.41
Edmunds	1.39	Shannon	1.27
Fall River	1.23	Spink	1.42
Faulk	1.39	Stanley	1.35
Grant	1.48	Sully	1.37
Gregory	1.35	Todd	1.32
Haakon	1.31	Tripp	1.35
Hamlin	1.46	Turner	1.41
Hand	1.40	Union	1.41
Hanson	1.41	Walworth	1.36
Harding	1.27	Washabaugh	1.30
Hughes	1.38	Yankton	1.41
Hutchinson	1.39	Ziebach	1.31
Hyde	1.38		

TENNESSEE

Shelby	$1.47	All other counties	$1.37

TEXAS

County	Rate per bushel	County	Rate per bushel
Andrews	$1.37	Bosque	$1.51
Archer	1.43	Bowie	1.45
Armstrong	1.37	Briscoe	1.38
Atascosa	1.52	Brown	1.46
Bailey	1.37	Burleson	1.57
Bandera	1.50	Burnet	1.48
Bastrop	1.52	Caldwell	1.54
Baylor	1.42	Calhoun	1.55
Bee	1.58	Callahan	1.44
Bell	1.52	Carson	1.37
Bexar	1.51	Castro	1.37
Blanco	1.52	Chambers	1.61
Borden	1.37	Cherokee	1.54

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Childress	$1.42	Knox	$1.42
Clay	1.45	Lamar	1.46
Cochran	1.37	Lamb	1.37
Coke	1.42	Lampasas	1.48
Coleman	1.45	Limestone	1.51
Collin	1.47	Lipscomb	1.33
Collingsworth	1.41	Live Oak	1.58
Comal	1.54	Llano	1.47
Comanche	1.46	Loving	1.38
Concho	1.43	Lubbock	1.37
Cooke	1.46	Lynn	1.37
Coryell	1.51	McCulloch	1.45
Cottle	1.39	McLennan	1.52
Crosby	1.37	Martin	1.37
Culberson	1.38	Mason	1.47
Dallam	1.33	Maverick	1.41
Dallas	1.49	Medina	1.49
Dawson	1.37	Menard	1.43
Deaf Smith	1.37	Midland	1.38
Delta	1.47	Milam	1.54
Denton	1.47	Mills	1.47
DeWitt	1.55	Mitchell	1.39
Dickens	1.38	Montague	1.46
Dimmit	1.47	Moore	1.33
Donley	1.37	Motley	1.39
Eastland	1.44	Navarro	1.51
Edwards	1.43	Nolan	1.42
Ellis	1.51	Nueces	1.61
El Paso	1.36	Ochiltree	1.33
Erath	1.47	Oldham	1.37
Falls	1.52	Palo Pinto	1.45
Fannin	1.46	Parker	1.47
Fisher	1.42	Parmer	1.37
Floyd	1.37	Pecos	1.38
Foard	1.42	Potter	1.37
Frio	1.49	Presidio	1.35
Gaines	1.37	Randall	1.37
Galveston	1.61	Real	1.47
Garza	1.37	Reeves	1.38
Gillespie	1.50	Refugio	1.58
Glasscock	1.38	Roberts	1.33
Goliad	1.56	Robertson	1.52
Gray	1.37	Rockwall	1.47
Grayson	1.48	Runnels	1.43
Guadalupe	1.54	San Patricio	1.61
Hale	1.37	San Saba	1.45
Hall	1.40	Schleicher	1.41
Hamilton	1.48	Scurry	1.39
Hansford	1.33	Shackelford	1.44
Hardeman	1.42	Sherman	1.33
Harris	1.61	Somervell	1.50
Hartley	1.33	Stephens	1.44
Haskell	1.42	Sterling	1.39
Hays	1.54	Stonewall	1.40
Hemphill	1.33	Sutton	1.43
Hill	1.51	Swisher	1.37
Hockley	1.37	Tarrant	1.49
Hood	1.49	Taylor	1.42
Howard	1.37	Terry	1.36
Hudspeth	1.36	Throckmorton	1.44
Hunt	1.47	Tom Green	1.42
Hutchinson	1.33	Travis	1.52
Irion	1.40	Uvalde	1.47
Jack	1.46	Van Zandt	1.50
Jackson	1.55	Victoria	1.55
Jeff Davis	1.38	Waller	1.57
Jefferson	1.57	Ward	1.38
Johnson	1.51	Wharton	1.58
Jones	1.42	Wheeler	1.39
Karnes	1.56	Wichita	1.42
Kaufman	1.50	Wilbarger	1.42
Kendall	1.52	Williamson	1.52
Kent	1.38	Wilson	1.56
Kerr	1.49	Wise	1.46
Kimble	1.46	Yoakum	1.36
King	1.39	Young	1.44
Kinney	1.43	Zavala	1.47

UTAH

All counties	$1.32

VERMONT

All counties	$1.38

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Chesapeake (Norfolk)	$1.52	All other counties	$1.38

WASHINGTON

Adams	$1.45	Klickitat	1.51
Asotin	1.42	Lewis	1.54
Benton	1.47	Lincoln	1.43
Chelan	1.46	Mason	1.43
Clallam	1.37	Okanogan	1.43
Clark	1.57	Pacific	1.49
Columbia	1.46	Pend Oreille	1.32
Cowlitz	1.57	Pierce	1.57
Douglas	1.43	San Juan	1.41
Ferry	1.38	Skagit	1.49
Franklin	1.46	Snohomish	1.54
Garfield	1.46	Spokane	1.40
Grant	1.44	Stevens	1.36
Grays Harbor	1.49	Thurston	1.53
Island	1.41	Wahkiakum	1.53
Jefferson	1.41	Walla Walla	1.46
King	1.57	Whatcom	1.47
Kitsap	1.35	Whitman	1.42
Kittitas	1.49	Yakima	1.47

WEST VIRGINIA

All counties	$1.41

WISCONSIN

Douglas	1.56	All other counties	$1.35

WYOMING

All counties	$1.23

(b) *Premiums and discounts.* The basic loan and purchase rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) *Class premiums and discounts.*	
(i) Premiums:	
Hard Amber Durum (U.S. No. 3 or better)	+5
(ii) Discounts:	
Durum	−5
Red Durum	−20
Mixed wheat (mixtures of classes other than contrasting classes)	−2
Mixed wheat (mixtures of contrasting classes)	−10
(2) *Grade premiums and discounts.* (i) Premium:	
Heavy, U.S. No. 3 or better (Hard Red Spring only)	+2
(ii) Discounts:	
U.S. No. 2	−1
U.S. No. 3	−3
U.S. No. 4	−6
U.S. No. 5	−9
Smut-degree basis:	
Light smutty	−2
Smutty	−6
Garlic-degree basis:	
Light garlicky	−5
Garlicky	−10

Sample on one or more of the factors test weight, total damage (with not more than 3 percent heat damage), foreign material, and total defects (with not more than 3 percent heat damage), apply a discount of 14 cents. Add 1 cent for each pound or fraction thereof that test weight is below 50 pounds (49 pounds for Hard Red Spring and White Club) through 40 pounds and add 1 cent for each percent or fraction thereof that total defects are in excess of 21 percent. Total discount on these factors shall not exceed 30 cents per bushel if total defects are not in excess of 50 percent, or 45 cents per bushel if total defects are in excess of 50 percent.

(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.

Protein content (percent):	Cents per bushel
12.0 to 12.4	+ 1½
12.5 to 12.9	+ 3
13.0 to 13.4	+ 4¼
13.5 to 13.9	+ 6
14.0 to 14.4	+ 7½
14.5 to 14.9	+ 9
15.0 to 15.4	+10½
15.5 to 15.9	+12
16.0 to 16.4	+13½
16.5 to 16.9	+15
17.0 to 17.4	+16½
17.5 and above	+18

(4) Weed control discount (where required by § 1421.25) 10

(5) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

NOTE: Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date: July 17, 1974.

Signed at Washington, D.C., on July 10, 1974,

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

[FR Doc.74-16248 Filed 7-16-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

Group Licensing for Certain Medical Uses

The Atomic Energy Commission published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) proposed amendments to its regulations in 10 CFR Parts 31, 32, and 35 to add certain materials and uses to Groups I and II of medical uses of byproduct material, to establish several new groups of medical uses, to specify licensing requirements for the distribution of byproduct material to group licensees, and to add new byproduct material to the general license for certain in vitro clinical and laboratory testing.

Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments to 10 CFR Parts 31, 32, and 35, with certain modifications.

Some modifications in the regulations, based on discussions with the Food and Drug Administration (FDA), have been made in order to provide an orderly transition of the regulation of pharmaceutical safety and effectiveness of radiopharmaceuticals from the Commission to the FDA, and to prevent any disruption in the existing supply and distribution of these drugs.

Licenses issued by the Commission that are in effect on the effective date of these amendments and that specifically authorize investigational use of byproduct material will continue in effect according to their terms and until their expiration dates. Specific licenses of broad scope that are in effect on the effective date of these amendments and that authorize the use of byproduct material for medical research, diagnosis, and therapy without listing specific materials or uses will continue in effect according to their terms and until their expiration dates. The authority granted in these licenses by the AEC does not, however, exempt the licensee from any FDA regulations. After the effective date of the amendments, the Commission will continue to issue specific licenses for materials and uses which are not included in the group licenses pursuant to §§ 35.14 and 35.100. Some well-established diagnostic and therapeutic uses are omitted from the groups because they involve radiation protection procedures which are not similar to those required for the uses listed in the groups. Some other omitted uses, such as metabolic tracer studies, are not now regulated by FDA as diagnostic or therapeutic radiopharmaceutical uses but FDA has informed the AEC that it intends to promulgate regulations regarding these uses in the near future. Authorization to use new investigational radiopharmaceuticals which are not in the group licenses will be granted upon notification from FDA that it has accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND) in accordance with previously established administrative procedures until such time as FDA terminates its existing exemption to 21 CFR 312.1 (formerly 21 CFR 130.3) for radiopharmaceuticals and brings the control of safety and efficacy of these drugs fully under its regulations.

When the amendments to 10 CFR Part 35 become effective, byproduct material for use under group licenses must have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Commission pursuant to § 32.72, 32.73, or 32.74 or in accordance with a specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations. In order to allow manufacturers of such products to be licensed prior to the effective date of requirements for licensees to obtain materials from such licensed manufacturers, and to ensure the availability of licensed products for group licensees, §§ 32.72, 32.73, and 32.74 will become effective 150 days before the amendments to §§ 35.14 and 35.100 become effective. In the meantime, licenses that authorize the present Groups I and II and licenses that authorize specified materials and uses will remain in effect. Further, §§ 32.72, 32.73, and 32.74 have been changed from the proposed rule to provide that any manufacturer who makes application within 60 days of the effective date of §§ 32.72, 32.73, and 32.74 to distribute to group licensees a product that was distributed commercially to licensees of the Commission on or before the effective date of §§ 32.72, 32.73, and 32.74 may continue distribution of such product to group licensees until the Commission issues the license pursuant to § 32.72, 32.73 or 32.74 or notifies the applicant manufacturer otherwise.

Sections 32.72 and 32.73 have been changed to provide that a manufacturer who applies for a license to distribute radiopharmaceuticals, or generators and reagent kits for the preparation of radiopharmaceuticals shall submit evidence that such product will be manufactured, labeled and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act or that the manufacture and distribution of such product are not subject to those Acts. This will provide more flexibility in how compliance with appropriate Food and Drug Administration requirements can be established as a requirement for issuance by the Commission of a license to distribute radiopharmaceutical products to group licensees.

The present title of 10 CFR Part 32 is "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material". Since the new §§ 32.72, 32.73 and 32.74 apply to licensing the manufacturer of radiopharmaceuticals, sources and devices containing byproduct materials for distribution to group specific licensees, the title of 10 CFR Part 32 is changed to "Specific Licenses to Manufacture, Distribute or Import Certain Items Containing Byproduct Material".

The following changes in the effective rule from the proposed rule are based primarily on the public comments received.

(1) Section 35.14(a)(3) has been modified to delete the enumeration of specific classes of persons, other than physicians, who participate in the use of radioactive materials, since classes of persons in addition to those enumerated can be involved in the human use of radioactive materials.

(2) Section 35.14(b) (4) and (5), which would have required persons using investigational radiopharmaceuticals to register with the Commission have been deleted because such registration would be an unnecessary duplication of regulatory effort by the Commission and the FDA. The subsequent paragraphs of § 35.14(b) have been renumbered accordingly. Conforming changes have been made in § 35.100 to delete references to § 35.14(b)(4) concerning such registration.

(3) Paragraph 35.14(b)(7), which would have required hospitalization of patients containing more than 8 millicuries of iodine 131 for the treatment of thyroid carcinoma or more than 23 millicuries of gold 198, has been deleted. These values are the most conservative ones recommended by the National Council on Radiation Protection and Measurements in NCRP Report No. 37, and were not intended for use in all situations.

Requirements for hospitalization of such patients will continue in accordance with current licensing practices, pending consideration of modifications to such requirements in future rule changes.

(4) Section 35.14(b)(8)(i), renumbered § 35.14(b)(5)(i), has been changed to provide that required leak tests on sources and devices may be permitted at intervals longer than six months, as is now provided for certain industrial sources, when sufficient information is furnished by the manufacturer to demonstrate that such longer interval is justified by performance characteristics of the source or device and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source or device. Provisions for approval of leak test intervals longer than six months have been added to § 32.74.

(5) Section 35.14(d) has been changed to provide additional flexibility in the use of byproduct material for calibration and reference standards by providing larger sources of certain standards which are needed and used in nuclear medicine and by establishing more specific manufacturing and use standards for such larger sources.

(6) Xenon 133 has been deleted from § 35.100 (a) Group I and (b) Group II because the use and disposal of xenon 133 requires specialized equipment and procedures for occupational and public health and safety that are not required for other byproduct materials in these groups. This radioisotope will continue to be specifically licensed for blood flow, pulmonary function and heart and lung imaging studies.

(7) Iodine 131 as IHSA for cisternography has been deleted from § 35.100(b) Group II because this product in high specific activity form suitable for cisternography has not been made commercially available or licensed by FDA for this purpose. I–131 as low specific activity IHSA, which is licensed by FDA and distributed for other uses, is not appropriate for use in cisternography because the use of low specific activity IHSA for cisternography can cause adverse reactions in patients. This use will be reconsidered when a suitable product is commercially available.

(8) The use of gold 198 and phosphorus 32 colloids for interstitial use

have been deleted from § 35.100(d) Group IV because the training, experience and procedures requirements for these seldom used procedures are different from such requirements for other materials and uses in the group. These radiopharmaceuticals will continue to be specifically licensed for interstitial therapy.

(9) Technetium 99m as pertechnetate for blood flow studies and mercury 197 as chlormerodrin for kidney function studies have been added to § 35.100(a) Group I, iodine 125 as sodium iodide for thyroid imaging has been added to § 35.100(b) Group II, and technetium 99m as pertechnetate for use with reagent kits for preparation of radiopharmaceuticals containing technetium 99m has been added to § 35.100(c) Group III in order to be consistent with current licensing practices for well established procedures. Subsequent listings in these groups have been renumbered accordingly.

(10) Section 35.100(d) Group IV has been divided into § 35.100(d) Group IV for therapeutic uses that do not usually require facilities and procedures for hospitalization of patients for purposes of radiation safety and § 35.100(e) Group V for therapeutic uses that require facilities and procedures for hospitalization of patients for radiation safety. Proposed § 35.100(e) Group V for sources and devices has been renumbered § 35.100(f) Group VI. Conforming paragraph number changes have been made in the cross references in § 35.14 (b).

(11) Editorial and clarifying changes have been made.

A number of commentators suggested that cobalt 57 be added to § 35.14(d) as calibration and reference standards, to § 35.100(a) Group I as cyanocobalamin, and to §§ 31.11 and 32.71 for in vitro use. While cobalt 57 is a widely used isotope in nuclear medicine, it is not byproduct material as defined in the Atomic Energy Act (i.e., it is not produced in a nuclear reactor) and it is therefore not subject to regulation by the Commission.

Two commentators suggested that I-125 as interstitial seeds be added to § 35.100(e) Group V, now renumbered § 35.100(f) Group VI. This isotope and use is still undergoing clinical evaluation and it is not yet considered a well-established use for listing in the group.

Section 35.14 provides that an application for a license for any use of byproduct material in one of the groups will be approved for all of the uses in that group if the applicant's experience, training, equipment and procedures are adequate for all uses in that group. In some cases, the applicant's qualifications may be appropriate for certain specified materials and uses but not for all of the uses in a group, in which cases the license may be issued only for specified materials and uses.

If a person who already holds a specific license for specified medical uses of byproduct material applies for a license amendment to add any use in § 35.100, the Commission will consider amendment of the license for all the groups of uses in § 35.100 which include the uses previously licensed.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to 10 CFR Parts 31, 32, and 35 are published as a document subject to codification.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. Section 35.14 of 10 CFR Part 35 is amended to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

(a) Subject to the provisions of paragraphs (b), (c), and (d) of this section, an application for a specific license pursuant to § 35.11, § 35.12, or § 35.13 for any medical use or uses of byproduct material specified in one or more of Groups I to VI, inclusive, of § 35.100 will be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

(1) The applicant satisfies the requirements of § 35.11, § 35.12, or § 35.13;

(2) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;

(3) The applicant or the physicians and all other personnel who will be involved in the preparation and use of the byproduct material have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;

(4) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups;

(5) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups;

(b) Any licensee who is authorized to use byproduct material pursuant to one or more groups in §§ 35.14(a) and 35.100 is subject to the following conditions:

(1) For Groups I, II, IV, and V no licensee shall receive, possess, or use byproduct material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged, and distributed in accordance with:

(i) A specific license issued by the Commission pursuant to § 32.72 of this chapter; or

(ii) A specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations; or

(iii) An application filed with the Atomic Energy Commission pursuant to § 32.72 of this chapter or with an Agreement State pursuant to equivalent State regulations on or before October 15, 1974 for a license to manufacture and distribute a radiopharmaceutical that the applicant distributed commercially on or before August 16, 1974 on which application the Commission or Agreement State has not acted.

(2) For Group III, no licensee shall receive, possess, or use generators or reagent kits containing byproduct material or shall use reagent kits that do not contain byproduct material to prepare radiopharmaceuticals containing byproduct material, except:

(i) Reagent kits not containing byproduct material that are approved by the Commission or an Agreement State for use by persons licensed pursuant to this § 35.14 and Group III of Schedule A, § 35.100 or equivalent Agreement State regulations; or

(ii) Generators or reagent kits containing byproduct material that are manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the Commission pursuant to § 32.73 of this chapter or by an Agreement State pursuant to equivalent State regulations; or

(iii) Generators or reagent kits that the manufacturer distributed on or before August 16, 1974 for which an application for license or approval was filed with the Commission pursuant to § 32.73 of this chapter or with an Agreement State pursuant to equivalent regulations on or before October 15, 1974 on which application the Commission or Agreement State has not acted.

(3) For Group VI no licensee shall receive, possess, or use byproduct material except as contained in a source or device that has been manufactured, labeled, packaged, and distributed in accordance with:

(i) A specific license issued by the Commission pursuant to § 32.74 of this chapter; or

(ii) A specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations; or

(iii) An application filed with the Atomic Energy Commission pursuant to § 32.74 of this chapter or with an Agreement State pursuant to equivalent State regulations on or before October 15, 1974 for a license to manufacture a source or device that the applicant distributed commercially on or before August 16, 1974 on which application the Commission or Agreement State has not acted.

(4) For Group III, any licensee who uses generators or reagent kits shall elute the generator or process radioactive material with the reagent kit in accordance with instructions which are approved by the Atomic Energy Commission or an Agreement State and are furnished by the manufacturer on the label attached to or in the leaflet or brochure that accompanies the generator or reagent kit.

(5) For Group VI any licensee who possesses and uses sources or devices containing byproduct material shall:

(i) Cause each source or device containing more than 100 microcuries of byproduct material with a half-life greater than thirty days, except iridium 192 seeds encased in nylon ribbon, to be tested for contamination and/or leakage at intervals not to exceed six months or at such other intervals as are approved by the Atomic Energy Commission or an Agreement State and described by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within six months prior to the transfer;

(ii) Assure that the test required by paragraph (b)(5)(i) of this section is capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the source or from the surfaces the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Commission;

(iii) If the test required by paragraph (b)(5)(i) of this section reveals the presence of 0.005 microcurie or more of removable contamination, immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the test with the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix D of Part 20 of this chapter, describing the equipment involved, the test results, and the corrective action taken;

(iv) Follow the radiation safety and handling instructions approved by the Atomic Energy Commission or an Agreement State and furnished by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure that accompanies the source or device, and maintain such instruction in a legible and conveniently available form;

(v) Conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories shall be maintained for inspection by the Commission and shall include the quantities and kinds of byproduct material, location of sources and devices, and the date of the inventory;

(vi) Assure that needles or standard medical applicator cells containing cobalt 60 as wire are not opened while in the licensee's possession unless specifically authorized by a license issued to him by the Atomic Energy Commission;

(vii) Assure that patients containing cobalt 60, cesium 137 and/or iridium 192 implants shall remain hospitalized until the implants are removed.

(c) Any licensee who is licensed pursuant to paragraph (a) of this section for one or more of the medical use groups in § 35.100 also is authorized to use byproduct material under the general license in § 31.11 of this chapter for the specified in vitro uses without filing Form AEC–483 as required by § 31.11(b); *Provided,* That the licensee is subject to the other provisions of § 31.11.

(d) Any licensee who is licensed pursuant to paragraph (a) of this section for one or more of the medical use groups in § 35.100 also is authorized, subject to the provisions of paragraphs (e) and (f) of this section, to receive, possess, and use for calibration and reference standards:

(1) Any byproduct material listed in Group I, Group II, or Group III of Schedule A, § 35.100, with a half-life not longer than 100 days, in amounts not to exceed 15 millicuries total;

(2) Any byproduct material listed in Group I, Group II, or Group III of Schedule A, § 35.100 with half-life greater than 100 days in amounts not to exceed 200 microcuries total;

(3) Technetium 99m in amounts not to exceed 30 millicuries;

(4) Any byproduct material, in amounts not to exceed 3 millicuries per source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with:

(i) A specific license issued by the Commission pursuant to § 32.74 of this chapter; or

(ii) A specific license issued to the manufacturer by an Agreement State pursuant to equivalent State regulations; or

(iii) An application filed with the Atomic Energy Commission pursuant to § 32.74 of this chapter or with an Agreement State pursuant to equivalent State regulations on or before October 15, 1974 for a license to manufacture a source that the applicant distributed commercially on or before August 16, 1974, on which application the Commission or Agreement State has not acted.

(e)(1)(i) Any licensee who possesses sealed sources as calibration or reference sources pursuant to paragraph (d) of this section shall cause each sealed source containing byproduct material, other than hydrogen 3, with a half-life greater than thirty days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed source shall not be used until tested, *Provided, however,* That no leak tests are required when:

(*a*) The source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material, or

(*b*) The sealed source is stored and is not being used; such sources shall, however, be tested for leakage prior to any use or transfer unless they have been leak tested within six months prior to the date of use or transfer.

(2) The leak test shall be capable of detecing the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is permanently mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Commission.

(3) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with Parts 20 and 30 of this chapter. A report shall be filed within 5 days of the test with the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix D of Part 20 of this chapter describing the equipment involved, the test results, and the corrective action taken;

(f) Any licensee who possesses and uses calibration and reference sources pursuant to paragraph (d)(4) of this section shall:

(1) Follow the radiation safety and handling instructions approved by the Atomic Energy Commission or an Agreement State and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form;

(2) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the Commission and shall include the quantities and kinds of byproduct material, location of sources, and the date of the inventory.

2. Section 35.100 of 10 CFR Part 35 is amended by changing the title and subtitles, by adding certain new uses to the present paragraphs (a) Group I and (b) Group II, and by adding new paragraphs (c) Group III, (d) Group IV, (e) Group V, and (f) Group VI. The section as amended, will read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

(a) *Group I.* Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include uses involving imaging and tumor localizations.

(1) Iodine 131 as sodium iodide (NaI^{131}) for measurement of thyroid uptake;

(2) Iodine 125 as sodium iodide (NaI^{125}) for measurement of thyroid uptake;

(3) Iodine 131 as iodinated human serum albumin (IHSA) for determination of blood and blood plasma volume;

(4) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;
(5) Iodine 131 as labeled rose bengal for liver function studies;
(6) Iodine 125 as labeled rose bengal for liver function studies;
(7) Iodine 131 as labeled fats or fatty acids for fat absorption studies;
(8) Iodine 125 as labeled fats or fatty acids for fat absorption studies;
(9) Iodine 131 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate for kidney function studies;
(10) Iodine 125 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methyglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate for kidney function studies;
(11) Cobalt 58 as labeled cyanocobalamin for intestinal absorption studies;
(12) Cobalt 60 as labeled cyanocobalamin for intestinal absorption studies;
(13) Chromium 51 as sodium chromate for determination of red blood cell volume and studies of red blood cell survival time;
(14) Chromium 51 as labeled human serum albumin for gastrointestinal protein loss studies;
(15) Iron 59 as chloride, citrate, or sulfate for iron turnover studies;
(16) Potassium 42 as chloride for potassium space determinations;
(17) Sodium 24 as chloride for sodium space determinations;
(18) Technetium 99m as pertechnetate for blood flow studies;
(19) Mercury as chlormerodrin for kidney function studies;
(20) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution, or excretion for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(b) *Group II.* Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localizations.
(1) Iodine 131 as sodium iodide for thyroid imaging;
(2) Iodine 125 as sodium iodide for thyroid imaging;
(3) Iodine 131 as iodinated human serum albumin (IHSA) for brain tumor localizations and cardiac imaging;
(4) Iodine 131 as macroaggregated iodinated human serum albumin for lung imaging;
(5) Iodine 131 as colloidal (microaggregated) iodinated human serum albumin for liver imaging;
(6) Iodine 131 as labeled rose bengal for liver imaging;
(7) Iodine 131 as iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, or sodium acetrizoate for kidney imaging;
(8) Iodine 131 as sodium iodipamide for cardiac imaging;
(9) Iodine 131 as iodinated human serum albumin (IHSA) for placenta localization;
(10) Chromium 51 as sodium chromate for spleen imaging;
(11) Chromium 51 as labeled human serum albumin for placenta localization;
(12) Gold 198 in colloidal form for liver imaging;
(13) Mercury 197 as labeled chlormerodrin for kidney and brain imaging;
(14) Mercury 203 as labeled chlormerodin for brain imaging;
(15) Selenium 75 as labeled selenomethionine for pancreas imaging;
(16) Strontium 85 as nitrate or chloride for bone imaging in patients with suspected or diagnosed cancer;
(17) Technetium 99m as pertechnetate for brain imaging;
(18) Technetium 99m as pertechnetate for thyroid imaging;
(19) Technetium 99m as pertechnetate for salivary gland imaging;
(20) Technetium 99m as pertechnetate for blood pool imaging, including placenta localization;
(21) Technetium 99m as labeled sulfur colloid for liver and spleen imaging;
(22) Technetium 99m as labeled macroaggregated human serum albumin for lung imaging;
(23) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving imaging for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic uses.
(1) Molybdenum 99/technetium 99m generators for the elution of technetium 99m as pertechnetate for:
(i) Brain imaging;
(ii) Thyroid imaging;
(iii) Salivary gland imaging;
(iv) Blood pool imaging including placenta localization;
(v) Blood flow studies;
(vi) Use with reagent kits for preparation and use of radiopharmaceuticals containing technetium 99m as provided in paragraphs (c) (3) and (4) of this section;
(2) Technetium 99m as pertechnetate for use with reagent kits for preparation and use of radiopharmaceuticals containing technetium 99m as provided in paragraphs (c) (3) and (4) of this section;
(3) Reagent kits for preparation of technetium 99m labeled:
(i) Sulfur colloid for liver and spleen imaging;
(ii) Iron-ascorbate-diethylenetriamine pentaacetic acid complex for kidney imaging;
(iii) Diethylenetriamine pentaacetic acid (Sn) for kidney imaging and kidney function studies;
(iv) Diethylenetriamine pentaacetic acid (Sn) for brain imaging;
(v) Human serum albumin microspheres for lung imaging;
(vi) Polyphosphates for bone imaging;
(vii) Macroaggregated human serum albumin for lung imaging;
(viii) Disodium etidronate for bone imaging;
(4) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing byproduct material for which generator or reagent kit a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(d) *Group IV.* Use of prepared radiopharmaceuticals for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety:
(1) Iodine 131 as iodide for treatment of hyperthyriodism and cardiac dysfunction;
(2) Phosphorus 32 as soluble phosphate for treatment of polycythemia vera, leukemia and bone metastases;
(3) Phosphorus 32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions;
(4) Any byproduct material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(e) *Group V.* Use of prepared radiopharmaceuticals for certain therapeutic uses that normally require hospitalization for purposes of radiation safety:
(1) Gold 198 as colloid for intracavitary treatment of malignant effusions;
(2) Iodine 131 as iodide for treatment of thyroid carcinoma;
(3) Any byproduct material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(f) *Group VI.* Use of sources and devices containing byproduct material for certain medical uses:
(1) Americium 241 as a sealed source in a device for bone mineral analysis;
(2) Cesium 137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;
(3) Cobalt 60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;
(4) Gold 198 as seeds for interstitial treatment of cancer;
(5) Iodine 125 as a sealed source in a device for bone mineral analysis;
(6) Iridium 192 as seeds encased in nylon ribbon for interstitial treatment of cancer;
(7) Strontium 90 sealed in an applicator for treatment of superficial eye conditions.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

3. Section 31.11 of 10 CFR Part 31 is amended by adding new paragraphs (a)

(4) and (5), by amending the first sentence of paragraph (b), and by amending paragraphs (c)(1) and (d)(1) to read as follows:

§ 31.11 General license for use of byproduct material for certain in vitro clinical or laboratory testing.

(a) A general license is hereby issued to any physician, clinical laboratory or hospital to receive, acquire, possess, transfer, or use, for any of the following stated tests, in accordance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section, the following byproduct materials in prepackaged units:

* * * * *

(4) Hydrogen 3 (tritium), in units not exceeding 50 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings or animals.

(5) Iron 59, in units not exceeding 20 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings, or animals.

(b) No person shall receive, acquire, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has filed form AEC-483, "Registration Certificate-In Vitro Testing with Byproduct Material Under General License," with the Materials Branch, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, and received from the Commission a validated copy of Form AEC-483 with registration number assigned or until he has been authorized pursuant to § 35.14 (c) of this chapter to use byproduct material under the general license in this § 31.11. * * *

* * * * *

(c) A person who receives, acquires, possesses, or uses byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) The general licensee shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, at any one location of storage or use, a total amount of iodine 125, iodine 131, and/or iron 59 in excess of 200 microcuries.

* * * * *

(d) The general licensee shall not receive, acquire, possess, or use byproduct material pursuant to paragraph (a) of this section:

(1) Except as prepackaged units which are labeled in accordance with the provisions of a specific license issued under the provisions of § 32.71 of this chapter or in accordance with the provisons of a specific license issued by an Agreement State that authorizes manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), or iron-59 for distribution to persons generally licensed by the Agreement State.

* * * * *

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

4. The title of 10 CFR Part 32 is amended to read as set forth above.

5. Section 32.71 of 10 CFR Part 32 is amended by adding new §§ 32.71(b) (4) and (5) and by amending § 32.71(c)(1) to read as follows:

§ 32.71 Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license.

An application for a specific license to manufacture or distribute byproduct material for use under the general license of § 31.11 of this chapter will be approved if:

* * * * *

(b) The byproduct material is to be prepared for distribution in prepackaged units of:

* * * * *

(4) Hydrogen 3 (tritium) in units not exceeding 50 microcuries each;

(5) Iron 59 in units not exceeding 20 microcuries each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(1) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine 131, iodine 125, or carbon 14; 50 microcuries of hydrogen 3 (tritium); or 20 microcuries of iron 59; and

* * * * *

6. A new § 32.72 is added to 10 CFR Part 32 to read:

§ 32.72 Manufacture and distribution of radiopharmaceuticals containing byproduct material for medical use under group licenses.

(a) An application for a specific license to manufacture and distribute radiopharmaceuticals containing byproduct material for use by persons licensed pursuant to § 35.14 of this chapter for the uses listed in Group I, Group II, Group IV, or Group V of Schedule A, § 35.100 of this chapter will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(2) The applicant submits evidence that:

(i) The radiopharmaceutical containing byproduct material will be manufactured, labeled, and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) accepted by FDA; or

(ii) The manufacture and distribution of the radiopharmaceutical containing byproduct material is not subject to the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

(3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the byproduct material that is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and

(4) (i) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity, and date of assay, and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the U.S. Atomic Energy Commission for distribution to persons licensed pursuant to § 35.14 and § 35.100 Group I, Group II, Group IV, or Group V of 10 CFR Part 35, as appropriate, or under equivalent licenses of Agreement States or that an application for such license has been filed with the Commission on or before October 15, 1974 and is still pending.

(ii) The labels, leaflets or brochures required by this paragraph are in addition to the labeling required by the Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(b) If an application is filed pursuant to paragraph (a) of this section on or before October 15, 1974, for a license to manufacture and distribute a radiopharmaceutical that was distributed commercially on or before August 16, 1974, the applicant may continue the distribution of such radiopharmaceutical to group licensees until the Commission issues the license or notifies the applicant otherwise.

7. A new § 32.73 is added to 10 CFR Part 32 to read:

§ 32.73 Manufacture and distribution of generators or reagent kits for preparation of radiopharmaceuticals containing byproduct material.

(a) An application for a specific license to manufacture and distribute generators or reagent kits containing byproduct material for preparation of radiopharmaceuticals by persons licensed pursuant to § 35.14 of this chapter for the uses listed in Group III of Schedule A, § 35.100 of this chapter will be approved if (See Note 1):

(1) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(2) The applicant submits evidence that:

(i) The generator or reagent kit is to be manufactured, labeled, and packaged in accordance with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) accepted by FDA; or

(ii) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug, and

Cosmetic Act and the Public Health Service Act.

NOTE 1. Although the Commission does not regulate the manufacture and distribution of reagent kits that do not contain byproduct material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing byproduct material as part of its licensing and regulation of the users of byproduct material. Any manufacturer of reagent kits that do not contain byproduct material who desires to have his reagent kits approved by the Commission for use by persons licensed pursuant to § 35.14 and Group III of Schedule A, § 35.100 of this chapter may submit the pertinent information specified in this § 32.73.

(3) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the byproduct material contained in the generator or reagent kit;

(4) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity, and date of assay; and

(5) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit, contains:

(i) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit, and

(ii) A statement that this generator or reagent kit (as appropriate) is approved for use by persons licensed by the U.S. Atomic Energy Commission pursuant to §§ 35.14 and 35.100 Group III of 10 CFR Part 35 or under equivalent licenses of Agreement States, or that an application for such license has been filed with the Commission on or before October 15, 1974 and is still pending.

The labels, leaflets or brochures required by this paragraph are in addition to the labeling required by FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(b) If an application is filed pursuant to paragraph (a) of this section on or before October 15, 1974, for a license to manufacture and distribute a generator or reagent kit that was distributed commercially on or before August 16, 1974, the applicant may continue the distribution of such generator or reagent kit until the Commission issues the license or notifies the applicant otherwise.

8. A new § 32.74 is added to 10 CFR Part 32 to read:

§ 32.74 Manufacture and distribution of sources or devices containing byproduct material for medical use.

(a) An application for a specific license to manufacture and distribute sources and devices containing byproduct material to persons licensed pursuant to § 35.14 of this chapter for use as a calibration or reference source or for the uses listed in Group VI Schedule A, § 35.100 of this chapter will be approved if:

(1) The applicant satisfies the general requirements in § 30.33 of this chapter;

(2) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) The byproduct material contained, its chemical and physical form, and amount;

(ii) Details of design and construction of the source or device;

(iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

(iv) For devices containing byproduct material, the radiation profile of a prototype device;

(v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(vi) Procedures and standards for calibrating sources and devices;

(vii) Legend and methods for labeling sources and devices as to their radioactive content;

(viii) Instructions for handling and storing the source or device from the radiation safety standpoint; these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device; *Provided*, That instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label;

(3) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the radionuclide, quantity, and date of assay, and a statement that the (name of source or device) is licensed by the U.S. Atomic Energy Commission for distribution to persons licensed pursuant to §§ 35.14 and 35.100 Group VI of 10 CFR Part 35 or under equivalent licenses of Agreement States or that a pending application for such license has been filed with the Commission on or before October 15, 1974; *Provided*, That such labeling for sources which do not require long term storage (e.g., gold 198 seeds) may be on a leaflet or brochure which accompanies the sources.

(b) (1) In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(2) In determining the acceptable interval for test of leakage of radioactive material, the Commission will consider information that includes, but is not limited to:

(i) Primary containment (source capsule);

(ii) Protection of primary containment;

(iii) Method of sealing containment;

(iv) Containment construction materials;

(v) Form of contained radioactive material;

(vi) Maximum temperature withstood during prototype tests;

(vii) Maximum pressure withstood during prototype tests;

(viii) Maximum quantity of contained radioactive material;

(ix) Radiotoxicity of contained radioactive material;

(x) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(c) If an application is filed pursuant to paragraph (a) of this section on or before October 15, 1974, for a license to manufacture and distribute a source or device that was distributed commercially on or before August 16, 1974, the applicant may continue the distribution of such source or device to group licensees until the Commission issues the license or notifies the applicant otherwise.

Effective date. The foregoing amendments of §§ 31.11 and 32.71, and new §§ 32.72, 32.73, and 32.74 become effective on August 16, 1974. The foregoing amendments of §§ 35.14 and 35.100 become effective on January 13, 1975.

(Sec. 81, 161, 182, 183, Pub. L. 83-703, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233))

Dated at Germantown, Maryland, this 10th day of July, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-16278 Filed 7-16-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

[No. 74-668]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Access to Records

JULY 10, 1974.

The Federal Home Loan Bank Board, by Resolution No. 74-77, proposed amendments to Part 505 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.4 (a) and (d)) in order to provide for public access, retrieval and production of certain computerized information. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 26, 1974 (39 FR 11199), with an invitation for interested persons to submit written

comments by April 10, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendment, as set forth below.

Paragraph 50.4(a) states the Board's general rule that records are to be made available to any person for inspection and copying, subject to the limitations found in §§ 505.5 and 505.6, even though such records may, in the Board's discretion, be exempted from disclosure under the Freedom of Information Act, section 552 of Title 5 of the United States Code. However, a request for information which requires special computer programming is in effect a request for the Board's staff to perform a research project, and this type of information is not considered to be a form of "identifiable records" within the meaning of section 552(a)(3). Information which can be produced by computer processing and which does not involve special processing is considered a form of "identifiable records". The amendment therefore adds a sentence to § 505.4(a) which provides that computerized information which can be produced only by special processing, although not required to be provided, will be made publicly available in accordance with the policy guidelines now set forth in the paragraph, to the extent that it is not otherwise exempt from disclosure and its retrieval and production are not unduly burdensome.

Paragraph 505.4(d) sets out the procedures for inspection and copying of public records and the costs of searching, preparing for inspection and copying. The costs of retrieval and production of computerized materials (whether special processing is required or not) do not fit within the given payment schedule of $5 per research hour, 10¢ per page. The amendment therefore requires payment of the full cost of such retrieval and production, as determined by the Director of the Board's Information Systems Division or his designate and with the concurrence of the Director of the Board's Office of Economic Research or his designate. Provision is also made for a waiver of costs in certain cases involving unnecessary hardship and the advancement of the public interest.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 505 by adding new provisions to §§ 505.4 (a) and (d) thereto to read as set forth below, effective August 16, 1974.

§ 505.4 Access to records.

(a) *General rule.* All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 505.5 and 505.6. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of Title 5 of the United States Code or by § 505.6, wherever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant interference with the statutory responsibilities of the Board and the national interest. Requests for information which can be produced only by processing through an information systems program specially designed for that purpose are not regarded as requests for identifiable records that must be disclosed pursuant to section 552 of Title 5 of the United States Code; but it is the policy of the Board to make such information available if it is not otherwise exempt from disclosure, provided that the retrieval or production of such information does not unduly burden or interfere with the functioning of the Board.

* * * * *

(d) *Obtaining access to records.* Records of this Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board Building, 101 Indiana Avenue, N.W., Washington, D.C. 20552. Any person requesting access to, or copying of, such records shall submit such request in writing to the Secretary to the Board. The request shall state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay the costs of searching, preparing for inspection, or copying such records at the rate of $5 per hour for searching and preparing and 10 cents per page for copying. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive such payment in instances in which total charges are less than $2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest. With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested; and the Director, Information Systems Division, or such person or persons as he may designate, with the concurrence of the Director, Office of Economic Research, or such person or persons as he may designate, is authorized to determine the cost of such retrieval and production, and to waive such payment in instances in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(Secs. 11, 17, 47 Stat. 733, 736, as amended; 12 U.S.C. 1431, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

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

[FR Doc.74-16306 Filed 7-16-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SW-17]

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

Alteration of Transition Area

Correction

In FR Doc. 74-14370 appearing at page 22416 in the issue for Monday, June 24, 1974, the description of the Stephenville, Texas, transition area should be corrected to read as follows:

STEPHENVILLE, TEX.

That airspace extending upward from 700 feet AGL within a 5-mile radius of Clark Field, Tex. (latitude 32°13'00" N., longitude 98°10'42" W.); within 3 miles each side of the Acton, Tex., VORTAC 244° radial extending from the 5-mile radius area to 27 miles from the VORTAC; and within 3 miles each side of the 139° bearing from the Stephenville, Tex., RBN (latitude 32°13'00" N., longitude 98°10'42" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

[Airspace Docket No. 74-GL-11]

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

Designation of Transition Area

On Page 16365 of the FEDERAL REGISTER dated May 8, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Litchfield, Minnesota.

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

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

This amendment shall be effective September 12, 1974.

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

Issued in Des Moines, Illinois, on July 8, 1974.

R. O. ZIEGLER,
Director, Great Lakes Region.

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

LITCHFIELD, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five mile radius of the Litchfield Municipal Airport (latitude 45°08'00" N., longitude 94°30'45" W.); and within three and one half miles each side of the Darwin VORTAC 139° radial extending from the five mile radius of 11½ miles southeast of the VORTAC.

[FR Doc.74-16276 Filed 7-16-74;8:45 am]

[Airspace Docket No. 74-WA-4]

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

Miscellaneous Amendment

On May 28, 1974, FR Doc. No. 74-12132 was published in the FEDERAL REGISTER (39 FR 18425) amending Part 71 of the Federal Aviation Regulations by redescribing V-69 and V-69W between Shreveport, La., and El Dorado, Ark., effective August 15, 1974. These airways were based in part on the relocation of the Monroe, La., VORTAC. Due to persistent technical and engineering problems with the relocated Monroe VORTAC, it is necessary to further delay the effective date for the commissioning of that facility and the realignment of V-69 and V-69W until October 10, 1974.

Since the delay of the commissioning of the relocated VORTAC due to technical problems is an administrative matter within the normal expertise of the FAA, and one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary and this amendment to the Federal Register document may become effective immediately.

In consideration of the foregoing, effective July 17, 1974, FR Doc. No. 74-12132 is amended, as hereinafter set forth.

"effective 0901 Gmt, August 15, 1974" is deleted and "effective 0901 Gmt, October 10, 1974" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-16277 Filed 7-16-74;8:45 am]

[Airspace Docket No. 74-WA-8]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Miscellaneous Amendment

On May 8, 1974, FR Doc. 74-10541 was published in the FEDERAL REGISTER (39 FR 16340) effective July 18, 1974.

This document amended Part 75 of the Federal Aviation Regulations, in part, by altering the description of three RNAV routes (J902R, J911R, J913R) in the Portland, Oreg., area. This was done by renaming and relocating the SHERO way point to the site of the Newberg, Oreg. VORTAC.

In each of the three descriptions of the relocated/renamed waypoint, Newberg, Oreg., was erroneously cited as the reference facility rather than Portland, Oreg. Therefore, action is taken herein to correct the description of the Newberg, Oreg., waypoint by citing Portland, Oreg., as the reference facility in FR Document 74-10541.

Since this action merely corrects a minor error without altering the waypoint location, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective July 17, 1974, FR Doc. 74-10541 (39 FR 16340) is amended as hereinafter set forth.

In paragraphs numbered 1., 2. and 3. "Newberg, Oreg. 45°21'12" N. 122°58'-37" W. Newberg, Oreg." is deleted and "Newberg, Oreg. 45°21'12" N. 122°58'-37" W. Portland, Oreg." is substituted therefor.

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

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

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

[FR Doc.74-16352 Filed 7-16-74;8:45 am]

[Reg. Docket No. 13891; Amdt. 248]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective August 15, 1974, as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From; to; and MEA

Adak, Alaska LF/RBN; Nikolski, Alaska, LF/RBN; 9,000.
Nikolski, Alaska, LF/RBN; Driftwood Bay, Alaska, LF/RBN; 9,000.
Driftwood Bay, Alaska, LF/RBN; Mordvinoff INT, Alaska; 9,000.

Section 95.49 *Green Federal airway 9* is amended to read in part:

Oscarville, Alaska, LF/RBN; Schaefer, INT, Alaska; 6,000.
Schaefer INT, Alaska; Sparrevohn, Alaska LF/RBN; 6,000.

Section 95.101 *Amber Federal airway 1* is amended to read in part:

McGrath, Alaska, LFR; Unalakleet, Alaska, LFR; 6,000.
Unalakleet, Alaska, LFR; Darby INT, Alaska; 3,000.

Section 95.239 *Red Federal airway 39* is amended to read in part:

*Aniak, Alaska, LF/RBN; McGrath, Ark., LFR; 6,000. *3,500—MCA Aniak LF/RBN, northeastbound.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Kodiak, Alaska, LFR (Control 1217); Marble INT, Alaska; 4,000.
*Homer, Alaska, LFR; Gramite INT Alaska (Via Control 1218); **7,500. *5,000—MCA Homer LFR, southeastbound. **7,500—MOCA.
King Salmon, Alaska, LFR (Control 1401); Herring INT, Alaska; 3,000.
King Salmon, Alaska, LFR (Control 1400); Gar INT, Alaska; 3,000.
Cold Bay, Alaska, LFR; Otter INT, Alaska; 2,500.
Otter INT, Alaska; Raven INT, Alaska; 2,500.
Cold Bay, Alaska, LFR; Port Moller, Alaska, LF/RBN; 10,500.
Bethel, Alaska, LF/RBN (Control 1483); *Fluke INT, Alaska; **2,000. *2,500—MRA FH Communications required below 2,500 ft. **1,400—MOCA.
Cold Bay, Alaska, LFR; Nikolski, Alaska, LF/RBN; 11,500.
Florence, S.C., VOR; Floyd INT, S.C.; *2,500. *1,900—MOCA.
Floyd INT, S.C.; Lakeview INT, S.C.; 3,100.
Lakeview INT, S.C.; Delco INT, N.C.; *3,100. *2,000—MOCA.
Delco INT, N.C.; Wilmington, N.C., VOR; 2,000.
Cape Sarichef, Alaska, LF/RBN; Cold Bay, Alaska, LFR; 11,000.
Galveston, Tex., VOR; Grand Isle, La., VOR; 12,000.
Grand Isle, La., VOR; Fox trot-two INT, Gulf of Mexico LF/RBN; *1,500. *For that airspace over U.S. territory.
Grand Isle, Fla., RBN; *Neptune INT, Fla. (Via Control 1226); **2,500. *5,000—MRA. **1,300—MOCA.
*Neptune INT, Fla.; Cobia INT, Fla. (Via Control 1226); **2,500. *5,000—MRA. **1,300—MOCA.
Cobia INT, Fla.; Edmont Key, Fla., RBN (Via Control 1226); *2,500. *1,200—MOCA.
Grand Isle, La., VOR; New Orleans, La., VOR; 1,500.

Section 95.1001 *Direct routes—U.S.* is is amended by adding:

Woody Island, Alaska, LF/RBN; Marble INT, Alaska (Via Control 1217); 4,000.
*Kachemak, Alaska, LF/RBN; Granite INT, Alaska (Via Control 1218); 7,500. *500—MCA Kachemak LF/RBN, southeast bound.
Naknek River, Alaska, LF/RBN; Herring INT, Alaska (Via Control 1401); 3,000.
Naknek River, Alaska, LF/RBN; Gar INT, Alaska (Via Control 1400); 2,000.
Oscarville, Alaska, LF/RBN; *Fluke INT, Alaska (Via Control 1483); **2,000. *2,500—MRA HF Communication required below 2,500 ft. **1,400—MOCA.
Fort Randall, Alaska, LF/RBN; Raven INT, Alaska; 2,500.
Fort Randall, Alaska, LF/RBN; Port Moller, Alaska, LF/RBN; 10,500.
Fort Randall, Alaska, LF/RBN; Nikolski, Alaska, LF/RBN; 11,500.

Cape Sarichef, Alaska, LF/RBN; Fort Randall, Alaska, LF/RBN; 11,000.
Galveston, Tex., LF/RBN; Grand Isle, La., LF/RBN (Gulf Route 26); 5,000.
Grand Isle, La., LF/RBN; *Neptune INT, Fla. (Gulf Route 26); 2,500. *5,000—MRA.
*Neptune INT, Fla.; Egmont Key, Fla., LF/RBN (Gulf Route 26); 2,500. *5,000—MRA.

Section 95.1001 *Direct routes—U.S.*

BAHAMA ROUTES

From; to; and MEA

64V is amended to read:

Biscayne Bay, Fla., VOR; Int. 021 M rad Biscayne Bay VOR & 166 M rad Palm Beach VOR; 1,600.
Int. 021 M rad Biscayne Bay VOR & 166 M rad Palm Beach VOR; Pike INT, Fla.; *2,000. *1,200—MOCA.
Pike INT, Fla.; Basket INT, Fla.; *2,500. *1,200—MOCA.
Basket INT, Fla.; Munro INT, Bh.; *4,000. *2,000—MOCA.
Mundo INT, Bh.; Freeport, Bh., VOR; *3,000. *1,400—MOCA.

66V is amended to read:

Miami, Fla., VOR; Padus INT, Bh.; *4,000. *2,000-MOCA.
Padus INT, Bh.; Freeport, Bh., VOR; *2,000. *1,400—MOCA.

Section 95.5000 *High altitude RNAV routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J864R is amended to delete:

Front Royal, Va., W/P, Herndon, Va., W/P; 35; 103/283 to Herndon; 18,000; 45,000.

J864R is amended by adding:

Front Royal, Va., W/P, Armel, Va., W/P; 36; 111/291 to Armel; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From; to; and MEA

Dickinson, N. Dak., VOR; Sacco DME Fix, N. Dak.; *4,600. *4,100—MOCA.
Sacco DME Fix, N. Dak.; Dismarck, N. Dak., VOR; *4,000. *3,100—MOCA.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Niles INT, Ill.; Steamboat INT, Ill.; 3,000.

Section 95.6007 *VOR Federal airway 7* is amended by adding:

Montgomery, Ala., VOR Via E alter.; Andy INT, Ala., Via E alter.; *3,000. *2,500—MOCA.
Andy INT, Ala., Via E alter.; Birmingham, Ala., VOR Via E alter; *3,500. *2,800—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Niles INT, Ill.; Steamboat INT, Ill.; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Sioux Falls, S. Dak., VOR; Huron, S. Dak., VOR; 3,500.

Section 95.6021 *VOR Federal airway 21* is a...ended to read in part:

Helena, Mont., VOR Via W alter.; Wolf Creek INT, Mont., Via W alter.; 9,000.
Wolf Creek INT, Mont., Via W alter.; Cimms INT, Mont., Via W alter.; 9,500.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Andrews INT, Fla., Via E alter.; Int. 178 M rad Vero Beach VOR & 348 M rad Biscayne Bay VOR Via E alter.; *4,000. *1,300—MOCA.
Int. 178 M rad Vero Beach VOR & 348 M rad Biscayne Bay VOR Via E alter.; Vero Beach, Fla., VOR Via E alter.; *2,000. *1,300—MOCA.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Riverview INT, N.Y.; Bugsy INT, N.Y.; 6,000.
Bugsy INT, N.Y.; Massena, N.Y., VOR; 4,000.

Section 95.6194 *VOR Federal airway 194* is amended to delete:

Norcross, Ga., VOR; Commerce INT, Ga.; *4,000. *3,400—MOCA.
Commerce INT, Ga.; Anderson, S.C., VOR; 3,000.
Anderson, S.C., VOR; Charlotte, N.C., VOR; *3,000. *2,200—MOCA.
Charlotte, N.C., VOR; Liberty, N.C., VOR; 3,000.

Section 95.6214 *VOR Federal airway 214* is amended to delete:

Richmond, Ind., VOR; *Liberty INT, Ohio; 2,700. *3,000—MCA Liberty INT, northbound.

Section 95.6214 *VOR Federal airway 214* is amended by adding:

Richmond, Ind., VOR; South Solon INT, Ohio; *5,000. *3,000—MOCA.
South Solon INT, Ohio; Zanesville, Ohio, VOR; 3,000.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Garrison INT, Mont.; INT 253 M rad Helena VOR & 203 M rad Great Falls VOR; 9,800.
Great Falls, Mont., VOR; Havre, Mont., VOR; 6,000.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

*Caprock INT, N. Mex., Via S alter.; Dora INT, N.M., Via S alter.; **9,500. *9,000—MRA. 9,500—MCA Caprock INT, northeastbound. **6,500—MOCA.

Section 95.6296 *VOR Federal airway 296* is amended to delete:

Sugarloaf INT, N.C., VOR; *Rutherford INT, N.C.; 6,000. *5,000—MCA Rutherford INT, northwestbound.
Rutherford INT, N.C.; Cherokee INT, N.C.; 4,000.
Cherokee INT, N.C.; Fort Mill, S.C., VOR; *2,500. *2,000—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Johnstone Point, Alaska, VOR Via S alter.; Knight INT, Alaska, Via S alter.; 5,000.

Section 95.7165 *Jet route No. 165* is amended to read in part:

From; to; MEA; and MAA

Charleston, S.C., VORTAC; Richmond, Va., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7515 *Jet route No. 515* is amended to read in part:

U.S. Canadian Border; Northway, Alaska, VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to; and distance from; changeover point

V–100 is amended to delete:

Northbrook, Ill., VOR; Keeler, Mich., VOR; 47; Northbrook.

Section 95.8005 *Jet routes changeover points.*

J–515 is amended by adding:

U.S. Canadian Border; Northway, Alaska, VORTAC; 110; Northway.

J–160 is amended by adding:

Fort Yukon, Alaska, VORTAC; Komakuk, Yukon Territory, Canada; 130; Fort Yukon.

J–536 is amended by adding:

Sisters Island, Alaska, VORTAC; United States-Canadian Border; 56; Sisters Island.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on July 3, 1974.

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

[FR Doc.74–16159 Filed 7–16–74;8:45 am]

[Docket No. 13892; Amdt. No. 925]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United

States. A weekly transmittal of all SIAP changes and additions may be obtained by subscripton at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPS, effective September 12, 1974:

Middleton Island, Alaska—Middleton Island Arpt., VOR Rwy 19, Amdt. 3.

* * * effective August 29, 1974:

Billings, Mont.—Billings Logan Int'l. Arpt., VOR Rwy 9, Amdt. 14.
Billings, Mont.—Billings Logan Int'l. Arpt., VOR/DME Rwy 27, Amdt. 11.
Bloomington, Ill.—Bloomington-Normal Arpt., VOR Rwy 11, Amdt. 5.
Bloomington, Ill.—Bloomington-Normal Arpt., VOR Rwy 21, Amdt. 11.
Detroit, Mich.—Detroit Metropolitan Wayne County Arpt., VOR Rwy 9, Amdt. 6.
Dexter, Mo.—Dexter Municipal Arpt., VOR-TAC Rwy 36, Orig.
Goshen, Ind.—Goshen Municipal Arpt., VOR Rwy 9, Amdt. 7.
Goshen, Ind.—Goshen Municipal Arpt., VOR Rwy 27, Amdt. 1.
Jackson, Miss.—Hawkins Field, VOR–A, Amdt. 13.
Orlando, Fla.—McCoy AFB, VOR/DME Rwy 36R, Amdt. 3.
Owosso, Mich.—Owosso City Arpt., VOR Rwy 28, Orig.
Owosso, Mich.—Owosso City Arpt., VOR/DME Rwy 28, Amdt. 2, canceled.
Westminster, Md.—Westminster Arpt., VOR Rwy 36, Amdt. 1.

* * * effective July 3, 1974:

DeQuincy, La.—DeQuincy Industrial Airpark, VOR/DME–A, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPS, effective September 12, 1974:

Bethel, Alaska—Bethel Arpt., LOC/DME (BC) Rwy 36, Orig.
Juneau, Alaska—Juneau Municipal Arpt., LDA Rwy 8, Amdt. 3.
Nome, Alaska—Nome Arpt. LOC/DME (BC) Rwy 9, Orig.

* * * effective August 29, 1974:

Billings, Mont.—Billings Logan Int'l. Arpt., LOC (BC) Rwy 27, Amdt. 3.
Bloomington, Ill.—Bloomington-Normal Arpt., LOC (BC) Rwy 11, Orig.

* * * effective July 8, 1974:

Baltimore, Md.—Baltimore-Washington Int'l. Aprt., LOC (BC) Rwy 28, Amdt. 9, canceled.

* * * effective July 3, 1974:

Chicago, Ill.—Chicago O'Hare, Int'l. Arpt., LOC (BC) Rwy 14R, Amdt. 1.
Chicago, Ill.—Chicago O'Hare, Int'l. Arpt., LOC (BC) Rwy 22R, Amdt. 8.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 12, 1974:

Juneau, Alaska—Juneau Municipal Arpt., NDB–1 Rwy 8, Amdt. 5.
Middleton Island, Alaska—Middleton Island Arpt., NDB–A, Amdt. 5.

* * * effective August 29, 1974:

Billings, Mont.—Billings Logan Int'l Arpt., NDB Rwy 9, Amdt. 15.
Lyons, Kansas—Lyons-Rice County Municipal Arpt., NDB Rwy 17R, Amdt. 2.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 12, 1974:

Deadhorse, Alaska—Deadhorse Arpt., ILS/DME Rwy 4, Amdt. 2.

* * * effective August 29, 1974:

Billings, Mont.—Billings Logan Int'l Arpt., ILS Rwy 9, Amdt. 18.
Bloomington, Ill.—Bloomington-Normal Arpt., ILS Rwy 29, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 29, 1974:

Billings, Mont.—Billings Logan Int'l Arpt., RADAR–1, Amdt. 1.
Youngstown, Ohio—Youngstown Municipal Arpt., RADAR–1, Amdt. 3.

* * * effective July 25, 1974:

Ft. Smith, Ark.—Ft. Smith Municipal Arpt., RADAR–1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 29, 1974:

Fargo, N.D.—Hector Field, RNAV Rwy 13, Orig.
Hamilton, Ohio—Hamilton Arpt., RNAV Rwy 29, Orig.
Joplin, Mo.—Joplin Municipal Arpt., RNAV Rwy 31, Orig.
Parsons, Kansas—Tri-City Arpt., RNAV Rwy 17, Orig.
Parsons, Kansas—Tri-City Arpt., RNAV Rwy 35, Orig.
Waterloo, Iowa—Waterloo Municipal Arpt., RNAV Rwy 6, Orig.

Correction

In Docket No. 13757, Amendment 918, to Part 97 of the Federal Aviation regulations, published in the FEDERAL REGISTER dated May 31, 1974, on page 19204, under § 97.25 effective August 1, 1974, change effective date of McComb, Miss.-McComb-Pike County Arpt., LOC Rwy 15, Orig., and LOC (BC) Rwy 33, Orig. to August 29, 1974.

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

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

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74–16283 Filed 7–16–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–194]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Post Entry Filing and Navigation Fee

On March 28, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 11429), which proposed to amend § 4.98 of the Customs regulations (19 CFR 4.98) to set forth additional information concerning the collection of navigation fee number 5, which is collected whenever an American or foreign vessel is required to file a post entry covering merchandise or baggage which was not included in or did not agree with the manifest.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. No comments were received in response to the notice of proposed rulemaking.

Accordingly, § 4.98 of the Customs regulations (19 CFR 4.98) is amended as set forth below.

Effective date. This amendment shall become effective August 16, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: July 9, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Section 4.98 is amended by adding a new paragraph (e)(1) between paragraphs (e) and (f) of this section to read as follows:

§ 4.98 Navigation fees.

* * * * *

(e) * * *

(1) Fee 5 shall be collected from a foreign or American vessel at each port where the vessel is required to file a post entry in accordance with the provisions of § 4.12(a)(3). An original post entry may be supplemented by additional post entries in instances where items were omitted from the original post entry. A separate fee shall be collected for each supplemental post entry made to the original post entry.

* * * * *

(R.S. 251, as amended, R.S. 2654, as amended, R.S. 4382, as amended, secs. 440, 624, 46 Stat. 712, as amended, 759, sec. 501, 65 Stat. 290; (5 U.S.C. 301; 19 U.S.C. 58, 66, 1440, 1624; 31 U.S.C. 483a, 46 U.S.C. 330))

[FR Doc.74–16355 Filed 7–16–74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.702]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Treaty Traders and Investors

A notice of proposed rulemaking regarding the conditions whereby an alien

can be classified as a nonimmigrant treaty trader or as a nonimmigrant treaty investor was published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18792). That notice also provided for submission of comments by interested persons not later than June 14, 1974.

No written comments having been received, it has been determined that the amendments to 22 CFR 41.40(a) and 41.41(a) prescribing the conditions for classification of a nonimmigrant alien as a treaty trader or treaty investor, under sections 101(a)(15)(E)(i) or 101(a)(15)(E)(ii), respectively, of the Immigration and Nationality Act, respectively, are hereby adopted without change as set forth below.

1. Paragraph (a)(2) of § 41.40 is amended as follows:

§ 41.40 Treaty traders.

(a) * * * and (2) If he is employed by a foreign person or organization having the nationality of the treaty country which is engaged in substantial trade as contemplated by section 101(a)(15)(E)(i), he will be engaged in duties of a supervisory or executive character, or, if he is or will be employed in a minor capacity, he has the specific qualifications that will make his services essential to the efficient operation of the employer's enterprise and will not be employed solely in an unskilled manual capacity. The employment must be by an individual employer having the nationality of the treaty country who is maintaining the status of a nonimmigrant treaty trader, or by an organization which is principally owned by a person or persons having the nationality of the treaty country and, if not residing abroad, maintaining nonimmigrant treaty trader status.

* * * * *

2. Paragraph (a)(3) of § 41.41 is amended as follows:

§ 41.41 Treaty investors.

(a) * * * or that (3) he is employed by a treaty investor in a responsible capacity and the employer is a foreign person having the nationality of the treaty country who is maintaining the status of a nonimmigrant treaty investor, or an organization which is principally owned by a person or persons having the nationality of the treaty country and, if not residing abroad, maintaining nonimmigrant treaty investor status.

* * * * *

(Sec. 101, 66 Stat. 166; 8 U.S.C. 1101)

Effective date. These amendments become effective July 26, 1974.

Dated: July 1, 1974.

For the Secretary of State.

[SEAL] THOMAS M. RECKNAGEL,
Acting Administrator, Bureau of Security and Consular Affairs.

[FR Doc.74-16285 Filed 7-16-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7318]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Transfers for Public, Charitable, and Religious Uses

Corrections

In FR Doc. 74-15899, appearing at page 25451, in the issue for Thursday, July 11, 1974, make the following corrections:

1. In § 20.2055.2(e)(1), in the eleventh line in the first column on page 25453, the figure "(3)" is corrected to read "(2)"; the twentieth line is deleted, and the following words inserted: "ance of some act or the happening of a"

2. In § 20.2055-2(e)(2)(vi)(c), appearing on page 25455, the sixth line is corrected to read: "regularly engaged in issuing interests other-"

3. On page 25459, in the first column, the twenty-sixth line of § 25.2522(c)-3(c)(2)(i) is corrected to read: "other hand, the donor had been given a"; the thirty-sixth line of the same paragraph is corrected to read: "divided portion of such entire interest."

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD—74-173]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

A.I.W.W., Lake Worth, Fla.

This amendment revokes the regulations for the Florida State Road 802 drawbridge across the Atlantic Intracoastal Waterway, Lake Worth, Florida, because the drawbridge with the relatively low vertical clearance (15 feet at mean high water) which necessitated these regulations has been replaced by a new drawbridge with a relatively high vertical clearance (38.6 feet as mean high water) which makes the requirement for these regulations invalid.

Accordingly, Part 117 of 33 CFR is amended by revoking § 117.441.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on July 17, 1974.

Dated: July 11, 1974.

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

[FR Doc.74-16347 Filed 7-16-74;8:45 am]

[CGD—74-176]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hoquiam River, Wash.

This amendment revokes the regulations for the 8th Street drawbridge across the Hoquiam River, Hoquiam, Washington, because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (2) of paragraph (b) of § 117.775.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on July 17, 1974.

Dated: July 10, 1974.

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

[FR Doc.74-16346 Filed 7-16-74;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a)(2) and (3), 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations to increase the maximum allowable interest rates on new loans.

Sections 36.4311(a) and 36.4503(a), Title 38 of the Code of Federal Regulations are being amended to increase the maximum interest rate on new guaranteed, insured and direct loans from 8¾ to 9 percent. Section 36.4212(a)(2) and (3), Title 38 of the Code of Federal Regulations relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended to increase the maximum interest rate from 8¾ to 9 percent, except for that portion of § 36.4212(a)(3) which relates to loans that do not exceed $2,500 made for site preparation to a lot owned by the veteran where no change is made. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The availability of mortgage funds from the private sector is dependent upon the interest rate being competitive with other available investments. Compliance with § 1.12 would create an acute shortage of mortgage funds pending the effective date of the amendments, which would necessarily be more than 30 days after it was published in proposed form.

1. In § 36.4212, paragraph (a) (2) and (3) is amended to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima: * * *

(2) 9 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 9 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real estate loans insured under 38 U.S.C. 1815 effective July 8, 1974, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 9 per centum per annum on the unpaid principal balance.

* * * * *

3. § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 9 percent per annum.

* * * * *

These VA Regulations are effective July 8, 1974.

Approved: July 5, 1974.

DONALD E. JOHNSON,
Administrator.

[FR Doc.74-16312 Filed 7-16-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlordimeform

A petition (4F1477) was filed jointly by CIBA-GEIGY Corp., Greensboro, NC 27409, and NOR-AM Agricultural Products, Inc. 1275 Lake Avenue, Woodstock, IL. 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that the existing tolerance for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-*o*-tolyl)-*N,N* - dimethylformamidine) and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as chlordimeform) in or on the raw agricultural commodity pears at 5 parts per million be raised to 12 parts per million to permit elimination of the present 28 day preharvest interval.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.285 is amended as follows:

1. By deleting the word "pears" from the paragraph "5 parts per million * * *".

2. By adding the new paragraph "12 parts per million * * *", as follows:

§ 180.285 Chlordimeform; tolerances for residues.

* * * * *

12 parts per million in or on pears.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 16, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 17, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 11, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-16255 Filed 7-16-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Chief and Deputy Chief, Field Operations Bureau; Authority Delegation

1. Section 0.314 delegates inter alia to the Engineers in Charge at each headquarters office of the 24 districts of the Field Operations Bureau authority to act upon applications, requests, or other matters not in hearing status: "(a) For new, modified replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate." Section 0.311(a), delineating the authority conferred on the Chief and Deputy Chief of the Field Operations Bureau reads in pertinent part as follows: "(8) To act on requests for a provisional radio operator certificate."

2. Since it is, and has always been, the intention in this instance to confer the same authority on the Chief and Deputy Chief of the Bureau as is granted the Engineers in Charge, § 0.311(a)(8) of the rules will be modified to conform with the companion § 0.314(a).

3. This amendment is editorial in nature, intended merely to clarify the rules in keeping with the existing practice and procedure. Hence prior notice of rule making procedure and effective date provisions are unnecessary pursuant to the Administrative Procedure and Judicial Review provisions of 5 USC 553.

Accordingly, *it is ordered*, pursuant to section 4(i) and 5(d) of the Communications Act of 1934, as amended and § 0.231(d) of the Commission's rules and regulations that effective July 23, 1974, § 0.311(a)(8) of the Commission's rules is amended as set forth below.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: July 9, 1974.

Released: July 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Section 0.311(a)(8) is amended to read as follows:

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Operations Bureau.

(a) * * *

(8) Requests for new, modified, replacement, duplicate or renewal commercial radio operator license and provisional radio operator certificate.

* * * * *

[FR Doc.74-16363 Filed 7-16-74;8:45 am]

MISCELLANEOUS AMENDMENTS TO CHAPTER

1. Preparatory to the reprinting of the revised edition of Volume I of the

Commission's rules and regulations, numerous editorial changes were made involving a variety of revisions and amendments in Parts 1, 13, and 17.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes set forth below will be included in the revised edition of Volume I which will be available from the Superintendent of Documents, U.S. Government Printing Office, in the near future.

3. Accordingly, *It is ordered*, pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, That effective July 22, 1974, Parts 1, 13, and 17 are amended as set forth below.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; (47 U.S.C. 154, 155, 303, 307))

Adopted: July 9, 1974.

Released: July 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 1, 13, and 17. The changes are made as follows:

PART 1—PRACTICE AND PROCEDURE

§§ 1.526 and 1.1116 [Amended]

A.1. In § 1.526, (a)(6) and (10) are amended by substituting the words "—A Procedural Manual" for the words "Procedural Manual".

1a. In § 1.1116(a) is amended by numbering notes at end of paragraph as "1" and "2".

PART 13—COMMERCIAL RADIO OPERATORS

B.1. In § 13.2, the headnote and introductory text are amended and paragraph (d) is added to read as follows:

§ 13.2 Classification of operator licenses and endorsements.

Commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage. Endorsements are affixed according to special authorizations or restrictions. Licenses and endorsements are designated as follows:

* * * * *

(d) License endorsements:

(1) Six months service endorsement—applicable only to radiotelegraph first- and second-class licenses.

(2) Ship radar endorsement—applicable only to radiotelegraph and radiotelephone first- and second-class licenses.

(3) Aircraft radiotelegraph endorsement—applicable only to radiotelegraph first- and second-class licenses.

(4) Broadcast station operation endorsement—applicable only to radiotelegraph and radiotelephone third-class permits.

(5) Restrictive endorsements as specified in this part of the Rules.

2. Section 13.3(b) is revised to read as follows:

§ 13.3 Dual holding of licenses.

* * * * *

(b) A person at the same time may hold both a provisional radiotelephone third class operator permit endorsed for broadcast station operation and either (1) a third class operator permit not endorsed for broadcast station operation, or (2) a restricted radiotelephone operator permit.

§ 13.4 [Amended]

3. Section 13.4(a) is amended to delete reference to paragraph (d), and paragraph (d) is deleted.

4. In § 13.5(c)(2) is revised to read as follows:

§ 13.5 Eligibility for new license.

* * * * *

(c) * * *

(2) If an applicant afflicted with blindness is afforded a waiver of the written examination requirement and is found qualified for a radiotelephone first-class operator license, radiotelephone second-class operator license, and radiotelephone third-class operator permit, and radiotelephone third-class operator permit endorsed for broadcast station operation, he may be issued the license or permit: *Provided*, That the license or permit so received shall bear an endorsement as follows:

* * * * *

§ 13.7 [Amended]

In § 13.7, paragraph (a)(2) is amended by deleting the words "amateur and" following the word "except" and preceeding the word "broadcast" in the first sentence.

6. Section 13.8 is amended by revising paragraph (a), deleting paragraph (b) and by redesignating present paragraphs (c) through (e) as (b) through (d) as follows:

§ 13.8 Provisional Radio Operator Certificate.

(a) In circumstances requiring immediate authority to operate a radio station pending submission of proof of eligibility or of qualifications or pending a determination by the Commission as to these matters, an applicant for a radio operator license may be issued a Provisional Radio Operator Certificate.

(b) Except as provided by paragraph (d) of this section, if the Commission finds that the public interest will be served, it may issue such certificates for a period not to exceed 6 months with such additional limitations as may be indicated.

(c) Except as provided by paragraph (d) of this section, a Provisional Radio Operator Certificate will not be issued if the applicant has not fulfilled examination or service requirements, if any, for the license applied for.

(d) A request for a Provisional Radio Operator Certificate for a radiotelephone third-class operator permit endorsed for broadcast station operation shall be made on FCC Form 756C, which provides for a certification by the holder of a radiotelephone first-class operator license that he is responsible for the technical maintenance of a radio broadcast station, and that he has instructed the applicant in the operation of a broadcast station and believes him to be capable of performing the duties expected of a person holding a radiotelephone third-class operator permit with broadcast station operation endorsement. If the Commission finds that the public interest will be served, it may issue such certificates under the following conditions:

(1) The certificate may be issued for a period not to exceed 12 months.

(2) The certificate is not renewable.

(3) The certificate may be issued to a person only once.

(4) Additional limitations may be specified, as necessary.

(5) The certificate may be issued prior to the fulfillment of examination requirements for the radiotelephone third-class operator permit endorsed for broadcast station operation.

7. In § 13.11, paragraphs (d) and (e) are revised to read as follows:

§ 13.11 Procedure.

* * * * *

(d) *Short term license.* A license or permit issued for a term of less than five years (see § 13.4), may be renewed without further examination, provided proper application is filed in accordance with paragraph (a) of this section.

(e) *Blind applicant.* A blind person seeking an examination for radiotelephone first-class operator license, radiotelephone second-class operator license, radiotelephone third-class operator permit, and radiotelephone third class operator permit with broadcast station operation endorsement shall make a request in writing to the appropriate field office for a time and date to appear for such examination. The examination shall be administered only at the field office. Requests for examinations shall be made at least 2 weeks prior to the date on which the examination is desired.

§ 13.21 [Amended]

8. Section 13.21(a)(9) is amended by inserting the words "and elementary technical" between the words "regulatory" and "matters".

§ 13.22 [Amended]

9. Section 13.22 is amended by deleting and reserving paragraph (d).

10. Section 13.23 is revised to read as follows:

§ 13.23 Examination form.

The written examination shall be in English, except when waived in accordance with authority specified in § 0.314. In the case of a blind applicant, the examination questions shall be read orally and the dictated answers recorded by a Commission examiner authorized to administer such oral examination.

§ 13.25 [Amended]

11. Section 13.25 is amended by deleting the last sentence.

§ 13.26 [Amended]

12. Section 13.26 is amended by revising the second sentence to read as follows:

"Similarly, if the holder of a restricted operator permit qualifies for any license or permit, the Restricted Radiotelephone Operator Permit will be cancelled upon issuance of the new authorization, except as provided in 13.3(b)".

§ 13.28 [Amended]

13. In § 13.28, the second sentence is deleted.

§ 13.61 [Amended]

14. In § 13.61, at the end of paragraphs (d)(2), (f)(6), (g)(1) and (3), change the period to a comma and add the word "or" to each.

§ 13.62 [Amended]

15. In § 13.62(c), a part of the first sentence is amended to read: "The holder of a commercial radiotelegraph first- or second-class license, a radiotelephone second-class license, or a radiotelegraph or radiotelephone third-class permit" * * *, and subparagraphs (c)(4) and (5) are deleted.

§ 13.71 [Amended]

16. In § 13.71(a), the first sentence is deleted.

17. Section 13.72 is revised to read as follows:

§ 13.72 Exhibiting signed copy of application.

When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal, or a request has been made for an endorsement, higher class license or permit, or verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted to the Commission.

§ 13.74 [Amended]

18. In § 13.74(a), the last sentence is amended by substituting the words "properly verified posting statements on FCC Form 759" for the words "a duly issued verified statement (Form 759)" at the end of the sentence.

19. In § 13.75, the introductory text is revised to read as follows:

§ 13.75 Record of service and maintenance duties performed.

In every case where a station operating log or service and maintenance log is required, the responsible operator in charge of the station operation or maintenance shall make the required entries in the log for the station concerned. If no station log is required, an operator responsible for service or maintenance duties which may affect the proper operation of the station shall sign and date an entry in the station maintenance records giving:

* * * * *

§ 13.76 [Amended]

20. In § 13.76 the words "an operator permit" are substituted for the words "a license".

21. Section 13.91 is revised to read as follows:

§ 13.91 Endorsement of service record.

The licensed operator shall be responsible for obtaining the service record endorsement on the operator license. The endorsement shall include the station call sign(s), types of emission of the station(s) operated, the nature and period of employment, quality of performance of duty, and the signature of the station licensee or his duly authorized agent, or the master of a vessel acting as the agent of the licensee.

22. In § 13.94, the introductory text is revised to read as follows:

§ 13.94 Statement in lieu of service endorsement.

The holder of a radiotelegraph first- or second-class operator license desiring an endorsement to be placed thereon attesting to an aggregate of at least six months satisfactory service as a qualified operator on a vessel of the United States may, in the event documentary evidence cannot be produced, submit to any field office of the Commission a statement under oath accompanied by the license to be endorsed embodying the following:

* * * * *

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

§ 17.2 [Amended]

23. Section 17.2(a) is amended by inserting the words "and/or receive" between the words "radiating" and "system".

§ 17.7 [Amended]

24. In § 17.7(b) (1), (2), and (3), the word "subparagraph" is corrected to read "paragraph".

24a. Subpart C is amended by adding an undesignated center heading preceding § 17.24 to read as follows:

AVIATION RED OBSTRUCTION LIGHTING

§ 17.24 [Amended]

25. In § 17.24(a), the first sentence is amended to read "There shall be installed at the top of the tower at least two 116- or 125-watt lamps (A21/TS)".

§§ 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.31, 17.32, 17.33, 17.34, 17.35, 17.36, 17.37 and 17.45 [Amended]

26. In §§ 17.25(a)(1), 17.26(a)(1), 17.27(a)(1), 17.28(a)(1), 17.29(a)(1), 17.30(a)(1), 17.31(a)(1), 17.32(a)(1), 17.33(a)(1), 17.34(a)(1), 17.35(a)(1), 17.36(a)(1) and 17.37(a)(1), the figure "500" is deleted between the word "two" and the figure "620"; and §§ 17.25(a)(2), 17.26(a)(2), 17.27(a)(3), 17.28(a)(3), 17.29(a)(3), 17.30(a)(3), 17.31(a)(3), 17.32(a)(3), 17.33(a)(3), 17.34(a)(3), 17.35(a)(3), 17.36(a)(3), 17.37(a)(3) and 17.45 are amended by substituting "116- or 125-watt lamp (A21/TS)" for "100, 107, or 116-watt lamp (#100 A21/TS, #107 A21/TS, or #116 A21/TS, respectively)".

§ 17.48 [Amended]

27. Section 17.48(a) is amended by inserting the words "(no matter where located on the tower)" between the words "light" and "or" in the first sentence, and in paragraph (b) the word "or" is deleted between the words "side" and "intermediate".

§ 17.53 [Amended]

28. In § 17.53, the following is deleted from the table:

100-watt lamp	#100 A21/TS
107-watt lamp	#107 A21/TS (3,000 hours)
500-watt lamp	#500 PS-40/0 (1,000 hours)

Footnote 4 is also deleted.

The following is added to the table:

125-watt lamp	#125 A21/TS (6,000 hours)

In footnote 1, delete comma following the word "orange", and insert comma after the word "paint".

29. In footnote 1, delete the comma following the word "orange", and insert it after the word "paint".

[FR Doc.74-16362 Filed 7-16-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

The following special regulation is issued and is effective July 17, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Upland game hunting shall be in accordance with all applicable State regulations. No vehicle travel is permitted except on maintained roads and trails. This open area comprises 2,250 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, U.S. Fish and Wildlife Service, Denver Federal Center, P.O. Box 25486, Denver, Colorado 80225.

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

which are effective through December 31, 1974.

DONALD N. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

JULY 9, 1974.

[FR Doc.74-16301 Filed 7-16-74;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective July 17, 1974.

§ 32.32 Special regulations, Big Game; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Big game hunting is permitted on the area designated by signs as open to big game hunting. This open area comprises 8,000 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, U.S. Fish and Wildlife Service, Denver Federal Center, P.O. Box 25486, Denver, Colorado 80225. Big game hunting shall be in accordance with all applicable State regulations. No vehicle travel is permitted except on maintained roads and trails.

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 31, 1974.

DONALD N. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

JULY 9, 1974.

[FR Doc.74-16302 Filed 7-16-74;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective July 17, 1974.

§ 32.12 Special regulations, migratory game birds; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Migratory waterfowl hunting is permitted on the area designated by signs as open to waterfowl hunting. This open area comprises 2,735 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, U.S. Fish and Wildlife Service, Denver Federal Center, P.O. Box 25486, Denver, Colorado 80225. Migratory waterfowl hunting shall be in accordance with all applicable State and Federal regulations. No vehicle travel is permitted except on maintained roads and trails.

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 Januray 31, 1975.

DONALD N. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

JULY 9, 1974.

[FR Doc.74-16303 Filed 7-16-74;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 917]

FRESH PEARS GROWN IN CALIFORNIA

Proposed Rule Making

This notice invites written comments relative to the continuation of Pear Regulation 4 (§ 917.435; 39 FR 24625) which will expire on August 19, 1974. Said regulation currently requires that all California Bartlett, Max-Red Bartlett, and Red Bartlett variety pears shipped in interstate commerce grade at least U.S. Combination, with not less than 80 percent grading U.S. No. 1 grade. It also requires that such pears be not smaller than size 165 as verified by 12-pound random samples which must contain not more than 43 pears. Containers of all pears, as defined in the marketing order, must be marked with the name of the variety or, if the variety is not known, the words "unknown variety". The Pear Commodity Committee has unanimously recommended that said regulation be amended to extend its requirements throughout the entire shipping season for the 1974 crop of California Bartlett pears in order to assure the shipment of only those pears that will be of suitable quality and size in the interest of consumers and producers.

Accordingly, consideration is being given to the following proposal submitted by the Pear Commodity Committee, established pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 917.435 (Pear Regulation 4; 39 FR 24625) to continue the effective period of such regulation through July 31, 1975. Unless so amended the regulation would end August 19, 1974.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 31, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Under the proposal the provisions of § 917.435(b) preceding subparagraph (1) thereof would read as follows:

§ 917.435 Pear Regulation 4.

* * * * *

(b) During the period August 20, 1974, through July 31, 1975, no handler shall ship:

* * * * *

Dated: July 11, 1974.

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

[FR Doc.74–16290 Filed 7–16–74;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 722, 775, 1421, 1427, 1443]

FEED GRAIN, COTTON, SOYBEANS AND FLAXSEED

Allotments and Marketing Quotas, etc.

1975 National feed grain allotment, upland and ELS cotton allotments, ELS cotton marketing quota, feed grain and upland cotton set-aside, loan and purchase programs for feed grains, soybeans and flaxseed and CCC sales policy. Notice of proposed determinations relative to the National feed grain allotment, set aside, loan rates and maturity dates, payments, soybean and flaxseed loan and purchase program, CCC sales policy; the 1975 National allotment for upland and ELS cotton, ELS cotton marketing quota, marketing quota referendum, upland cotton set aside, and other related loan, purchase and set aside operating provisions for 1975.

Notice is hereby given that the Secretary of Agriculture proposes to make determinations and issue regulations relative to (1) 1975 feed grain allotment, set aside, loan, purchase and payment program, (2) 1975 Upland Cotton allotment, production goal, apportionment of allotment, set aside and seed cotton loan program, (3) 1975 ELS cotton allotment, marketing quota, marketing quota referendum, apportionment of allotment, and seed cotton loan program, (4) soybean and flaxseed loan and purchase program and (5) CCC sales policy relating to wheat, corn, grain sorghum, barley, oats, rye, cotton, soybeans and flaxseed.

I. FEED GRAINS

(a) *Determining the 1975 National Feed Grain Allotment.* Section 105(b)(1) of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall, prior to January 1 of each calendar year, determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains, which shall be the number of acres he determines on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

(b) *Whether there should be a set-aside requirement for feed grains for the 1975 crop and, if so, the extent of such requirement.* Section 105(c)(1) of the Agricultural Act of 1949, as amended, by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall provide for a set aside of cropland, if he determines that the total supply of feed grains or other commodities will, in the absence of such a set aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet a national emergency. If a set aside of cropland is in effect under this subsection (c), then as a condition of eligibility for loans, purchases, and payments on corn, grain sorghums, and, if designated by the Secretary, barley, respectively, the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to such percentage of the feed grain allotment for the farm as may be specified by the Secretary.

(c) *Whether there should be a provision for additional diversion for the 1975 crop and, if so, the extent of such diversion and payment rate therefor.* Section 105(c)(2) of the Agricultural Act of 1949, as amended, provides to assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments authorized in subsection (b), to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (c)(1). The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration the diversion undertaken by the producers and the productivity of the acreage diverted.

(d) *Loan and purchase rates.* Section 105(a) (1) and (2) of the Agricultural Act of 1949, as amended, by the Agriculture and Consumer Protection Act of 1973, requires that the Secretary shall make available to producers loans and purchases on each crop of corn at such level, not less than $1.10 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains in the United States. The Secretary shall make available to producers loans and purchases on each crop of barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401 (b), and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn.

II. Upland Cotton

The following determinations are to be made pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et. seq.):

(a) *National production goal.* Section 342a of the act requires the Secretary to proclaim a national production goal for the 1975 crop by November 15, 1974. Such production goal (in terms of standard bales of 480 pounds net weight) shall be the number of bales of cotton equal to the estimated domestic consumption and estimated exports for the 1975–1976 marketing year, which begins August 1, 1975, plus an allowance of not less than five percent of such estimated consumption and estimated exports for market expansion. Section 342a further provides that the Secretary shall make such adjustments in the amount of the production goal as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries, which would be available for the 1975–1976 marketing year, to assure the maintenance of adequate but not excessive carryover stocks in the United States (not less than 50 percent of the average offtake for the three preceding marketing years) to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries and, in addition, to provide an adequate reserve for purposes of national security.

(b) *National base acreage allotment.* Section 350(a) requires the Secretary to establish and announce a national base acreage allotment for the 1975 crop of cotton by November 15, 1974. Section 350(a) provides that the national base acreage allotment for any crop of cotton shall be the number of acres which the Secretary determines on the basis of the expected national yield will produce an amount of cotton equal to the estimated domestic consumption of cotton (standard bales of 480 pounds net weight) for the marketing year beginning in the year in which the crop is to be produced, plus not to exceed 25 per centum thereof if the Secretary, taking into consideration other action he may take under the Agricultural Act of 1970, as amended, determines that such additional amount is necessary to provide for a production which will equal the national cotton production goal, except that the national base acreage allotment for the 1974 through 1977 crops shall be in such amount as the Secretary determines necessary to maintain adequate supplies. The national base acreage allotment for the 1974 through 1977 crops shall not be less than 11 million acres.

(c) *Apportionment of the national base acreage allotment to States and counties.* Sections 350 (b) and (c) provide that the national base acreage allotment for 1975 shall be apportioned to States and counties on the basis of the acreage planted (including acreage regarded as having been planted) to cotton within the farm acreage allotment during 1969 and 1970, and the farm base acreage allotment during 1971, 1972, and 1973, adjusted for abnormal weather conditions or other natural disasters during such period. Section 350(c) further provides that the State committee may reserve not to exceed two percent of its State allotment to adjust county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings or for small or new farms, or to correct inequities in farm allotments and to prevent hardships.

The following determination will be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended 7 U.S.C. 1421 et seq.):

(d) *Cropland set-aside percentage.* Section 103(e)(4)(A) requires the Secretary to provide for a set aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set aside, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices to meet a national emergency. If a set aside of cropland is in effect, then as a condition of eligibility for loans and payments on cotton, producers must set aside and devote to approved conservation uses an acreage of cropland equal to such percentage of the farm base acreage allotment as the Secretary determines (not to exceed 28 percent).

III. ELS Cotton

The following determinations are to be made pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.):

(a) *National marketing quota.* Section 347(b)(1) of the act requires the Secretary to proclaim the amount of the national marketing quota for the 1975 crop of ELS cotton by October 15, 1974. Such marketing quota shall be the number of standard bales of ELS cotton equal to the sum of the estimated domestic consumption and estimated exports, less estimated imports, for the 1975–76 marketing year, which begins August 1, 1975, plus such additional number of bales, if any, as the Secretary determines necessary to assure adequate working stocks in trade channels until ELS cotton from the 1976 crop becomes readily available without resort to Commodity Credit Corporation stocks. The Secretary may reduce the quota so determined for the purpose of reducing surplus stocks, but not below the minimum quota of 82,481 standard bales prescribed under section 347(b)(2) of the act.

(b) *National acreage allotment.* Section 344(a) provides that the national acreage allotment for the 1975 crop of ELS cotton shall be that acreage determined by multiplying the national marketing quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield per acre of ELS cotton for the four calendar years 1970, 1971, 1972, and 1973.

(c) *Apportionment of the national acreage allotment to States and counties.* Sections 344 (b) and (e) provide that the national acreage allotment for the 1975 crop of ELS cotton shall be apportioned to States and counties on the basis of the acreage planted to ELS cotton (including acreage regarded as having been planted) during the five calendar years 1969, 1970, 1971, 1972, and 1973, adjusted for abnormal weather conditions during such period. Section 344(e) further provides that the State committee may reserve not to exceed 10 percent of its State allotment to adjust county allotments for trends in acreage, for counties adversely affected by abnormal conditions, or for small or new farms, or to correct inequities in farm allotments and to prevent hardship.

(d) *Date or period for conducting the national marketing quota referendum.* Section 343 requires the Secretary to conduct a referendum by secret ballot of the farmers engaged in the production of ELS cotton during 1974, by December 15, 1974, to determine whether such farmers are in favor of or opposed to the quota. If more than one-third of the farmers voting in the referendum oppose the national marketing quota, such quota shall become ineffective upon proclamation of the results of the referendum. Section 343 further requires the Secretary to proclaim the results of the referendum within 30 days after the date of such referendum.

IV. Seed Cotton Loans

The following determination is to be made pursuant to Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c).

Whether a seed cotton loan program should be offered. The Department is not required to offer a seed cotton loan program. However, such a program was instituted by Commodity Credit Corporation for 1971-crop seed cotton and has been renewed each crop year since. Participation in the program was moderate in 1971 and 1972 but increased substantially in 1973. Indications are that participation under the 1974 program will be more extensive. The program is being reviewed to determine whether it should be continued for 1975.

V. SOYBEANS AND FLAXSEED

Loan and Purchase Program for Soybeans and Flaxseed. Under the Agricultural Act of 1949, as amended, price support on flaxseed and soybeans is discretionary.

Comments and suggestions are invited on whether to have programs for these discretionary crops and, if so, what the provisions of these programs should be including (1) loan levels, national, State or other area and county; (2) CCC sales policy; (3) loan maturity dates; and (4) grading and all other aspects of the program.

VI. OTHER RELATED PROVISIONS NECESSARY TO CARRY OUT THE LOAN AND PURCHASE PROGRAM AND THE SET-ASIDE PROGRAM FOR 1975

Including but not limited to determinations such as (1) whether substitution should be permitted, and, if so, the extent of such substitution, (2) whether to permit haying and grazing and/or alternate crops on set-aside acreage if it is determined set aside is needed, (3) the terms and conditions under which haying and grazing and/or alternate crops will be allowed, (4) loan maturity dates for wheat, corn, grain sorghum, barley, oats, rye, flaxseed and soybeans, (5) commodity eligibility and storage requirements, (6) such other provisions as may be necessary to carry out the program.

VII. CCC SALES POLICY

Section 407 of the Agricultural Act of 1949, as amended, provides that CCC shall not sell commodities for unrestricted use at less than a certain percentage of loan rate levels plus carrying charges. The applicable markup percentage for wheat, barley, rye, oats, sorghum, corn, and extra long staple cotton is 115 percent; upland cotton 110 percent; and soybeans and flaxseed 105 percent. Soybeans and flaxseed sold for crushing and sales of all commodities for export are exempt from the foregoing provisions and therefore may be sold at the market price.

Comments and suggestions are invited relating to CCC sales policy on the abovementioned commodities.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations relative to feed-grain program determinations which are submitted in writing to the Director, Grain Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Written recommendations relative to cotton, flaxseed and soybean programs should be submitted to the Director, Cotton, Rice and Oilseeds Division at the same address indicated above.

In order to be sure of consideration, all submissions must be received by the Directors not later than August 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Directors during regular business hours. (8:15 a.m. to 4:45 p.m.)

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

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

[FR Doc.74-16307 Filed 7-12-74;2:20 pm]

Commodity Credit Corporation

[7 CFR Parts 1421, 1427, 1443]

FEED GRAINS, COTTON SOYBEANS AND FLAXSEED

Allotments and Marketing Quotas

CROSS REFERENCE: For a document relating to 1975 national feed grain and cotton allotments, and marketing quotas and loan and purchase programs for feed grains, soybeans and flaxseed, filed jointly by the Agricultural Stabilization and Conservation Service and the Commodity Credit Corporation, see FR Doc. 74-16307, *supra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 610, 640]

BIOLOGICAL PRODUCTS

Licensed Source Plasma (Human)

In the FEDERAL REGISTER of July 20, 1973 (38 FR 19362), the Commissioner of Food and Drugs, pursuant to section 351 of the Public Health Service Act, published additional standards for a licensed product called Source Plasma (Human) and defined as that plasma collected by plasmapheresis which would be used as a source material for further manufacture into blood derivative products intended for injection. The promulgation of standards for licensed Source Plasma (Human) reflected the Commissioner's determination that a high priority should be attached to assuring that the source material for a variety of licensed, fractionated products, such as Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) should be collected in a manner to ensure the safety, purity, and potency of those final products.

A further rationale for establishing uniform standards for this human source material was to protect the plasmapheresis donor. Consultation with the advisory committee of the Division of Medical Sciences, National Academy of Sciences/National Research Council, as well as a review of the general industry practices in the treatment of donors, convinced the Commissioner that it was imperative to take action to protect these persons from possible abuse. These abuses include taking excessive quantities of plasma from donors on a frequent basis, poor arm preparation prior to plasmapheresis which creates a potential for infection, and inadequate collection procedures which increase the risk of returning to a donor the red blood cells of another donor, which can lead to a hemolytic transfusion reaction and death. Therefore, the current regulations require safeguards to protect plasmapheresis donors. These safeguards include provisions for determining the health of the plasmapheresis donor, under §§ 640.63 and 640.65 (21 CFR 640.63 and 640.65), limiting the amount of whole blood which can be removed from a donor during specified periods of time, in paragraph (b) of § 640.65, obtaining the informed consent of prospective donors, under § 640.61 (21 CFR 640.61), and requiringthat plasmapheresis be conducted only when a qualified licensed physician is on the premises, under § 640.62 (21 CFR 640.62).

Since promulgation of these regulations governing Source Plasma (Human), the Food and Drug Administration has inspected approximately 250 plasmapheresis facilities which have applied for a Source Plasma (Human) license. A number of facilities were operated in a manner, both with respect to their general operations and with specific reference to donor protection measures, which was inconsistent with current regulations. Consequently, several centers have been advised that plasma collected by them could not be used for injectable products. Many of these centers are still plasmapheresing donors, and distributing the plasma for further manufacture into noninjectable products. Thus the abusive donor practices are continued and a major impetus behind the regulations is thwarted since the current regulations for Source Plasma (Human) do not encompass plasma for use in the manufacture of noninjectable blood products.

These inspections of license applicants raise substantial questions as to the manner in which plasmapheresis is being conducted in those establishments which have never applied for a Source Plasma (Human) license and therefore are not currently subject to the Source Plasma (Human) regulations and licensing. Such establishments, which draw plasma by plasmapheresis for use in noninjectable derivative products, such as clinical chemistry controls and certain diagnostic reagents and blood grouping sera, are currently subject only to the registration and biennial inspection pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act.

The deficiencies in collection and manufacturing by license applicants reaffirm the need for the strict regulatory

controls afforded by licensure of Source Plasma (Human) as currently defined, and reveal the necessity to redefine Source Plasma (Human) to include all plasmapheresis operations regardless of the eventual use of the plasma.

The Commissioner concludes that the necessary regulatory control of plasma intended for noninjectable product use cannot be accomplished by registration and inspection alone, but must also be included under the licensing provisions of section 351(a) of the Public Health Service Act. The continued existence of a double standard for donor protection is unacceptable. The eventual use to which a donor's plasma is put is irrelevant to the application of basic measures to protect the plasma donor from the possibility of dangerous exploitation during his participation in a plasmapheresis program. It is evident, therefore, that the Source Plasma (Human) regulations, with their comprehensive donor protection requirements, must be adhered to by all plasmapheresis facilities, regardless of the use of the plasma, if the public interest in this matter is to be truly served.

Although these proposed amendments constitute an expansion of the definition of Source Plasma (Human) as a particular licensed biological product, the products to which the Source Plasma (Human) standards will be applied are equally within the existing statutory scheme. Pursuant to section 351 of the Public Health Service Act, the licensing and other regulatory standards designed to assure the safety, purity and potency of all biological products apply to any blood component "applicable to the prevention, treatment, or cure of diseases or injuries of man". Human plasma is, by definition a blood component within the meaning of the act, and clinical chemistry controls, typing sera and the like are within the statutory definition with regard to their medical purpose since the law embraces diagnostic uses of biological products under § 600.3(j) (21 CFR 600.3(j)). There can be no question that these diagnostic products are applicable to prevention, treatment and cure of disease and injury to man.

Therefore, the Commissioner proposes to amend the definition of Source Plasma (Human) by revising § 640.60 (21 CFR 640.60) to include all plasma collected by plasmapheresis which is for use in any further manufacturing with the exception of Single Donor Plasma (Human) which is intended for use as a final product with or without further processing and which will be described in specific and separate additional standards. The effect of this proposed amendment will be to apply the licensing and regulatory requirements of the Public Health Service Act to all plasma collected by plasmapheresis. However, these amendments neither establish nor expand existing regulatory controls over the final derivative products themselves.

By redefining Source Plasma (Human) to include all plasma collected by plasmapheresis, regardless of its subsequent use in any particular final blood derivative product, certain portions of the current regulations must be amended to distinguish between plasma collected for injectable and noninjectable final products where particular requirements for one category are inapplicable to the other. The proposal also includes amendments to clairfy and strengthen the existing regulations in light of Food and Drug Administration inspectional and other regulatory experience with source plasma facilities.

In addition to and in conjunction with these proposed amendments for Source Plasma (Human), the Commissioner also proposes to amend at this time paragraph (b)(2) of § 610.40 Test for hepatitis B antigen (21 CFR 610.40) to strengthen existing limitations on the use of blood, plasma or serum that is reactive when tested for the hepatitis B antigen and intended for use as source material in the further manufacture of licensed in vitro diagnostic biological products.

Published data, confirmed by the Food and Drug Administration, indicate that 50 percent or more of lots of laboratory reagents were derived from blood or blood components reactive when tested for hepatitis B antigen. This situation presents a danger of infection to the thousands of technicians and others who handle these products daily unaware of the risk of hepatitis infection. Therefore, in addition to the existing requirement that the package label of the final licensed in vitro diagnostic biological product, prepared from blood, plasma, or serum indicate if it has been prepared from hepatitis B antigen reactive material and may transmit viral hepatitis, the proposed amendment will require an explicit label disclosure on the package of the source blood, plasma, or serum itself, as well as written approval from the Director, Bureau of Biologics, Food and Drug Administration prior to shipment of such source material.

The Commissioner has concluded that the regulations should be expanded to include unlicensed in vitro diagnostic biologicals which are prepared from licensed source material. Therefore, he proposes to add a new paragraph (b)(3) to § 610.40 to govern the use of source blood, plasma or serum that is reactive when tested for the hepatitis B antigen and intended for use in the further manufacture of unlicensed diagnostic biological products. The new paragraph will require (1) the label of the source blood, plasma or serum conspicuously indicate that it was reactive when tested for hepatitis B antigen and may transmit viral hepatitis; (2) the manufacturer of such blood, plasma or serum obtain written assurances from the manufacturer(s) of the final unlicensed product that the labeling of the unlicensed product will conspicuously indicate that the product was prepared from blood, plasma or serum that was reactive when tested for hepatitis B antigen and may transmit viral hepatitis as required by § 328.10(a)(4) (21 CFR 328.10 (a)(4)); and (3) the shipment of such reactive source blood, plasma or serum has received prior written approval from the Director, Bureau of Biologics, Food and Drug Administration.

The effect of the amendments to § 610.40 will be to restrict the use of the source hepatitis B antigen positive blood, plasma or serum to the very few situations in which the final product can only be prepared from hepatitis B antigen positive blood, plasma or serum. The Commissioner believes these provisions are advisable in order to limit the shipment of blood, plasma or serum source material that is reactive when tested for hepatitis B antigen so that such shipments do not become an unnecessary hazard to the public.

The Commissioner of Food and Drugs issued a proposal, published in the FEDERAL REGISTER of July 9, 1974 (39 FR 25233), concerning the testing of human blood, plasma, or serum for the presence of hepatitis B antigen. The proposal included changing all references reading "hepatitis associated (Australia) antigen" to "hepatitis B antigen", which is the commonly used term. This terminology has been used in this proposal for the purposes of regulatory consistency.

Inspections of plasmapheresis centers by Bureau personnel have indicated apparent misinterpretations regarding the frequency of the physical examination to be performed by a qualified licensed physician. The Commissioner wishes to clarify this provisions and proposes to amend paragraph (b) of § 640.63 to state that the donor must be examined by a qualified licensed physician before the first donation and at subsequent intervals of no greater than 1 year.

Initial inspections of plasmapheresis establishments by Bureau personnel have also indicated that in some instances donors do not receive their red blood cells after the plasmapheresis procedure. The Commission proposes to add a new paragraph (e) to § 640.63 to require that a plasmapheresis donor be treated as a Whole Blood (Human) donor if he does not receive his cells, and that he shall not be plasmapheresed again for at least 8 weeks, unless the donor has been examined by a qualified licensed physician and certified to be acceptable for plasmapheresis prior to the expiration of that 8-week period.

The manufacturer of Source Plasma (Human), intended for use in the manufacture of noninjectable products, may wish to collect the plasma in an anticoagulant other than the anticoagulants specified in the present regulations if the nature of the final product so requires. In recognition of this fact, the Commission proposes to amend paragraph (c) of § 640.64 (21 CFR 640.64) to permit the use of an anticoagulant other than those already specified, provided that prior written approval is obtained from the Director, Bureau of Biologics.

The Commissioner proposes to amend paragraph (a) of § 640.65 to alter the definition of a plasmapheresis procedure because the present definition, which states, in part, that "the formed elements are returned to the donor" is too

restrictive and does not permit the collection of platelets by plasmapheresis since platelets are part of the formed elements of blood. The revised definition would state that "at least the red blood cells are returned to the donor."

Based on the results of the Bureau's inspections of plasmapheresis facilities, the Commissioner proposes three amendments to paragraph (b)(1) of § 640.65, as follows: (1) A provision is being added which requires that the serum protein quantitation test, which is to be performed every 4 months, include a determination of the total protein value by a chemical assay test method because many laboratory testing centers are not performing a total protein test by any method other than a refractometer which is routinely performed in the plasmapheresis center; (2) Clarification that a low total plasma or serum protein value obtained by a chemical assay method requires removal of the donor from the program; and (3) The period of time within which a qualified licensed physician shall review the test results after the sample is drawn is being increased from the present 10 days to 21 days because it has become apparent that the 10-day requirement was unrealistic when outside testing laboratories were utilized due to mail delays and required laboratory processing time.

Inspections have also revealed that the physician's 4-month review of data did not include the most recent test results or the tracings of the serum protein electrophoretic patterns, when such test was performed. The Commissioner believes that to perform a meaningful review of a donor's history for the purpose of determining whether such donor is in good enough health to remain on the program, a physician must have current and complete information available to make a professional judgment. Therefore, the Commissioner proposes to amend paragraph (b)(2) of § 640.65 to specify that the serologic test for syphilis, the total plasma or serum protein chemical assay, and the serum protein quantitation, must be performed, and the test results available to the physician, prior to the 4-month review mandated by this section. If the serum protein quantitation determination is performed by electrophoresis, the tracing of the electrophoretic pattern must be supplied to the physician as well as the calculated value of each component.

The Commissioner proposes to amend § 640.67 (21 CFR 640.67) to include the exemptions which permit the rare use of hepatitis B antigen positive blood, plasma or serum in licensed or unlicensed in vitro diagnostic biological products as previously discussed under § 610.40(b)(2) and (3).

Some plasmapheresis facilities are utilizing accessory items, such as normal saline solutions and administration or transfusion sets, which are essential in the plasmapheresis procedure but for which there are inadequate data to establish safety and quality, and which have not been approved by the Food and Drug Administration. This practice is inconsistent with assuring the donor's safety and the sterility of the licensed Source Plasma (Human). The current regulations limit the requirement of sterility for processing materials to those surfaces that come into contact with the plasma only.

Therefore, the Commissioner proposes to amend paragraph (a) of § 640.68 (21 CFR 640.68) to clarify that all interior surfaces of accessory items must be sterile, pyrogen-free, nontoxic, and compatible with the intended contents under normal conditions of use. The normal saline used shall also be sterile and pyrogen-free and comply with all appropriate requirements of the United States Pharmacopeia.

The Commissioner proposes minor revisions in paragraphs (a), (b), (c), and (e) of § 640.69 (21 CFR 640.69) relating to the pooling, storage, inspection, and labeling of Source Plasma (Human) in accordance with the subsequent use of the plasma in the manufacture of either injectable or noninjectable final products.

The current regulations specifically permit performance of the test for hepatitis B antigen and for serum protein quantitation at a clinical laboratory licensed under section 353 of the Public Health Service Act or by an establishment licensed for blood or blood derivatives under section 351 of the Public Health Service Act. No provison was made for performance of the serologic test for syphilis by another laboratory yet there are circumstances where this would be clearly in the public interest. Also, some laboratories which are qualified to perform specialized tests for hepatitis, protein and syphilis are not licensed under either sections 353 or 351 of the Public Health Service Act. Therefore, the Commissioner proposes to amend section 640.69(f) to permit the Director, Bureau of Biologics, to approve arrangements for serologic testing for syphilis at qualified laboratories where, in his judgement, the public interest is served by so doing and to approve the use of qualified but unlicensed specialized labs for the hepatitis, protein and syphilis testing, where appropriate.

Recent inspections of plasmapheresis facilities have disclosed that such facilities have failed to document adherence to the shipping temperature requirements of § 600.15 (21 CFR 600.15). Inasmuch as shipping temperature is directly related to the safety and quality of the final product, the Commissioner proposes to amend § 640.69(g) to require that establishments producing Source Plasma (Human) maintain records documenting that, at least every 3 months, steps have been taken to verify that appropriate shipping temperatures are, in fact, being maintained.

An additional amendment to § 640.69 (g) will require that donor records indicate when a repeat donor is rejected or has a mild reaction. Agency inspections of plasmapheresis centers indicate that records listing the reasons for donor rejections or noting the occurrence of mild donor reactions are often not maintained. Such records are an integral part of the donor's history as they reflect his general health and must be considered when evaluating the donor's acceptability for plasmapheresis. The proposed amendment will make this requirement explicit.

The Commissioner is of the opinion that the regulations should require that the Bureau of Biologics be notified immediately by telephone, except for foreign establishments, in which case notifications would be by telegraph, in the event of a donor death or a severe reaction occurring during or after plasmapheresis. Prompt notification of the Bureau of Biologics is essential to protect donors, eliminate sources of severe risk and prevent recurring incidences by identifying and resolving any inadequate collection procedures. Accordingly, the Commissioner proposes to add a new paragraph (h) to § 640.69 to require such notification.

The Commissioner is aware that alternate procedures for some of the requirements for Source Plasma (Human) may be necessary when such plasma is intended for manufacture into noninjectable products. To provide for such alternate procedures, the Commissioner proposes to add a new § 640.71 (21 CFR 640.71) to the existing additional standards to require that all such alternate procedures be submitted in writing to the Director, Bureau of Biologics for approval.

Pertinent background data and information supporting the need for these regulations has been placed on public display in the office of the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852.

During the interim period for evaluation of comments on these proposed regulations, the Commissioner strongly urges voluntary compliance by those plasmapheresis establishments not now subject to the regulations, particularly with respect to the donor protection provisions of the regulations under §§ 640.61, 640.62, 640.63, 640.65, 640.66, and 640.67.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Parts 610 and 640 as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In Part 610 by amending § 610.40 by revising paragraph (b)(2) and by adding a new paragraph (b)(3) to read as follows:

§ 610.40 **Test for hepatitis B antigen.**

* * * * *

(b) * * *

(2) *Licensed in vitro diagnostic biological products.* Blood, plasma, or serum that is reactive when tested for hepatitis B antigen may be used in

manufacturing licensed in vitro diagnostic biological products, provided (i) the label of the source blood, plasma, or serum conspicuously indicates that it was reactive when tested for hepatitis B antigen and may transmit viral hepatitis, (ii) the package label of the licensed in vitro diagnostic biological product prepared from such blood, plasma, or serum conspicuously indicates that the product was prepared from material that was reactive when tested for hepatitis B antigen and may transmit viral hepatitis, and (iii) the shipment of such reactive source blood, plasma, or serum has received prior written approval from the Director, Bureau of Biologics, Food and Drug Administration.

(3) *Unlicensed in vitro diagnostic biological products.* Blood plasma or serum that is reactive when tested for hepatitis B antigen may be used in manufacturing unlicensed in vitro diagnostic biological products, including clinical chemistry control reagents, provided (i) the label of the source blood, plasma, or serum conspicuously indicates that it was reactive when tested for hepatitis B antigen and may transmit viral hepatitis, (ii) the manufacturer of such blood, plasma or serum obtains written assurances from the manufacturer(s) of the final unlicensed product that the package label of the unlicensed product will conspicuously indicate that the product was prepared from blood, plasma, or serum that was reactive when tested for hepatitis B antigen and may transmit viral hepatitis as required by § 328.10 (a)(4) of this chapter, and (iii) the shipment of such reactive source blood, plasma, or serum has received prior written approval from the Director, Bureau of Biologics, Food and Drug Administration.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

2. In Part 640:

a. By revising § 640.60 to read as follows:

§ 640.60 Source Plasma (Human).

The proper name of this product shall be Source Plasma (Human). The product is defined as the fluid portion of human blood which has been stabilized against clotting, collected by plasmapheresis, and is intended as source material for further manufacturing use. The definition excludes single donor plasma products intended for intravenous use.

b. In § 640.63 by revising paragraph (b) and adding a new paragraph (e) to read as follows:

§ 640.63 Suitability of donor.

* * * * *

(b) *Initial medical examinations.* Each donor shall be examined by a qualified licensed physician on the day of the first donation, or no more than 1 week prior to the first donation, and at subsequent intervals of no greater than 1 year, and shall be certified to be in good health by the examining physician. The certification of good health shall be on a form supplied by the licensed establishment and shall indicate that the certification applies to the suitability of the individual to be a plasmapheresis donor.

* * * * *

(e) *Failure to return red blood cells.* Any donor who has not had the red blood cells returned from a unit of blood collected during a plasmapheresis procedure shall not be subjected to further plasmapheresis for a period of 8 weeks unless the donor has been examined by a qualified licensed physician and certified by the physician to be acceptable for further plasmapheresis prior to the expiration of the 8-week period.

c. In § 640.64 by revising the opening text of paragraph (c) to read as follows:

§ 640.64 Collection of blood for Source Plasma (Human).

* * * * *

(c) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes, except that plasma for manufacture into products not intended for injection may use a different formula if prior written approval is obtained from the Director, Bureau of Biologics, at the time of licensing or in the form of an amendment to the Source Plasma (Human) product license: * * *

* * * * *

d. In § 640.65 by revising paragraphs (a) and (b) (1) and (2) to read as follows:

§ 640.65 Plasmapheresis.

(a) *Procedure-general.* The plasmapheresis procedure, which is defined as that procedure in which, during a single visit to the establishment, blood is removed from a donor, the plasma separated from the formed elements and at least the red blood cells returned to the donor, shall be described in detail in the product license application.

(b) * * *

(1) A sample of blood shall be drawn from each donor by a qualified licensed physician, or by persons under his supervision and trained in such procedure, on the day of the first plasmapheresis and at least every 4 months thereafter on which a serologic test for syphilis and a serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulins to determine the immunoglobulin composition of the serum shall be performed. The test for the immunoglobulin composition of the serum shall include a total protein determination performed by a chemical assay method. The results of the tests shall be reviewed by a qualified licensed physician within 21 days after the sample is drawn to determine whether or not the donor may continue on the program. If the plasma protein composition is not within normal limits established by the testing laboratory, or if the total serum protein, as performed by a chemical assay method, is less than 6.0 grams per 100 milliliters of serum, the donor shall be removed from the program until these values return to normal. A donor with a reactive serologic test for spyhilis shall not be plasmapheresed again until his serum tests nonreactive to a serologic test for syphilis.

(2) At least every 4 months, the accumulated laboratory data, including results of the serologic test for syphilis, the total plasma or serum protein obtained by a chemical assay method, the serum protein quantitation performed on a sample drawn within 21 days prior to the review, and the collection records of each donor, shall be reviewed by a qualified licensed physician to determine continuing suitability of the donor. Such records shall include the tracing of the serum protein electrophoresis pattern, when such test is performed, as well as the calculated values of each component. Only those donors found suitable upon such a review, shall remain in the plasmapheresis program. The review shall be signed by the reviewing physician.

* * * * *

e. By revising § 640.67 to read as follows:

§ 640.67 Test for hepatitis B antigen.

Each unit of Source Plasma (Human) shall be nonreactive to a test for the hepatitis B antigen as prescribed in §§ 610.40 and 610.41 of this chapter, except insofar as permitted pursuant to the requirements of § 610.40(b) (2) and (3) of this chapter.

f. In § 640.68 by revising paragraph (a) to read as follows:

§ 640.68 Processing.

(a) *Sterile system.* All interior surfaces of containers and of administration or transfer sets used as essential elements of the plasmapheresis procedure shall be sterile, pyrogen-free, nontoxic, and compatible with the contents under normal conditions of use. Normal saline used shall be sterile, pyrogen-free, and shall comply with all appropriate requirements of the United States Pharmacopeia. If the method of separation involves a vented system (i.e., where an airway must be inserted into a container for withdrawal of the plasma), the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

* * * * *

g. In § 640.69 by revising paragraphs (a), (b), (c), (e) (1) through (6), (f), and (g) and adding a new paragraph (h) to read as follows:

§ 640.69 General requirements.

(a) *Pooling.* The pooling of plasma from two or more donors by the manufacturer of Source Plasma (Human) is not permitted for plasma intended for manufacture into injectable products. The pooling of plasma from two or more

donors by the manufacturer of Source Plasma (Human) that is for manufacture into products not intended for injection, must receive prior written approval from the Director, Bureau of Biologics, at the time of licensing or as an amendment to the product license application. Two units of Source Plasma (Human) from the same donor may be pooled if such units are collected during one plasmapheresis procedure, provided that the pooling is done by a procedure that gives maximum assurance of a sterile container of plasma and does not introduce a risk of contamination of the red blood cells.

(b) *Storage.* Immediately after filling, plasma for manufacture into products intended for injection shall be stored at a temperature not warmer than −20° C, except for such plasma collected as provided for in § 640.70.

(c) *Inspection.* Source Plasma (Human) for manufacture into products intended for injection shall be inspected at the time of issuance. If there is any evidence of thawing, the unit shall not be issued.

* * * * *

(e) *Labeling.* In addition to the labeling requirements of § 610.62 of this chapter, and in lieu of the requirements in §§ 610.60 and 610.61 of this chapter, the following information shall appear on the label affixed to each container of Source Plasma (Human):

(1) The proper name of the product: *Provided,* That plasma intended for the manufacture of products not intended for injection shall also include the phrase "for Reagents Only" immediately after the proper name and in the same size and type as the proper name.

(2) Name, address, and license number of the manufacturer.

(3) Donor number. Where plasma is for manufacture into products not intended for injection and has been pooled, all donor numbers shall be listed.

(4) Collection date of the plasma. Where plasma is for manufacture into products not intended for injection and has been pooled, the collection date shall be listed for each donation.

(5) The statement: "Caution: For Manufacturing Use Only": *Provided,* That where plasma is not for manufacture into products intended for injection, in lieu of the above phrase, the label shall bear the statement, "Caution: For Use in Manufacturing Products Not Intended for Injection".

(6) The statement: "Store at −20° C or colder": *Provided,* That where plasma is for manufacture into products not intended for injection, this statement may be omitted if replaced by a suitable temperature appropriate to the intended utilization of the product.

* * * * *

(f) *Manufacturing responsibility.* All steps in the manufacture of Source Plasma (Human), including donor examination, blood collection, plasmapheresis, laboratory testing, labeling, storage, and issuing shall be performed by the establishment licensed to manufacture Source Plasma (Human), except that the following tests may be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act, or by an establishment licensed for blood or blood derivatives under section 351 of the Public Health Service Act, or by other qualified laboratories, provided such arrangements are approved by the Director, Bureau of Biologics, Food and Drug Administration.

(1) The test for hepatitis B antigen pursuant to § 640.67.

(2) The serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulin as required by § 640.65(b)(1).

(3) The serologic test for syphilis as required by § 640.65(b)(1).

(4) Such testing pursuant to paragraph (f)(1)(2) and (3) of this section shall not be considered divided manufacturing, requiring two product licenses for Source Plasma (Human) provided that:

(i) The results of such tests are maintained by the establishment licensed for Source Plasma (Human) whereby such results may be reviewed by a licensed physician as required in § 640.65(b)(2), and/or by authorized Food and Drug Administration inspectors.

(ii) The Source Plasma (Human) manufacturer has obtained a written agreement that the testing laboratory will permit authorized Food and Drug Administration inspectors to inspect their testing procedures and facilities during any reasonable business hours.

(iii) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

(g) *Records.* In addition to the general record keeping requirements of § 600.12 of this chapter, which in the case of Source Plasma (Human) shall include documentation every 3 months that the shipping temperature requirements of § 600.15 are being fully complied with, every manufacturer of Source Plasma (Human) must keep for each donor a separate and complete record of all initial and periodic examinations, tests, laboratory data, interviews, etc., undertaken pursuant to §§ 640.63, 640.65, 640.66, and 640.67. This record must also contain the original or a clear copy of the donor's written consent for participation in the plasmapheresis program as required by § 640.61 and the certification of good health as prescribed in § 640.63(b). Each donor record must be directly cross-referenced to the unit(s) of Source Plasma (Human) associated with the donor. If a repeat donor is rejected, or a donor's plasma is found unsuitable for any reason, the records shall contain an explanation for the rejection. If a donor has a reaction during any part of plasmapheresis procedure, or immediately thereafter, the donor's record shall contain a full explanation of the reaction, including the measures taken to assist the donor and the final outcome of the incident.

(h) *Reporting of severe adverse reactions.* A severe adverse reaction is defined as a clinical response that results in death or life-threatening illness. In the event of a severe adverse reaction occurring during any part of or immediately after the plasmapheresis procedure, the Director, Bureau of Biologics, shall be notified immediately by telephone. If the facility is outside of the United States, notification by telegraph may be substituted.

h. By adding a new § 640.71 to read as follows:

§ 640.71 Alternate procedures.

Plasma for manufacture into products not intended for injection may be collected and processed at variance with one or more of the requirements of this subpart, provided that prior written approval is obtained from the Director, Bureau of Biologics for such alternate procedures at the time of licensing or in the form of an amendment to the Source Plasma (Human) product license.

The Commissioner intends to make these proposed amendments to Parts 610 and 640 effective 60 days after date of publication of the final order in the FEDERAL REGISTER. Plasmapheresis establishments which have not previously submitted license applications, because they were producing source plasma intended for noninjectable use only, will be required to file promptly after publication of the final order. For those plasmapheresis establishments which have pending or approved license applications for the licensed product as currently defined, appropriate amendments consistent with this extension of the definition of Source Plasma (Human) must also be filed promptly. The Commissioner has determined that where an applicant has submitted a seemingly valid application or amendment, the effective date of the enforcement of the regulations will be stayed until such time as final action has been taken with respect to approval or denial of the license application, or amendment, provided the published additional standards for Source Plasma (Human) are being adhered to in all respects. If these conditions are met, the establishment may continue to ship Source Plasma (Human). In order to afford a prospective applicant more time for filing, applications for Source Plasma (Human) are now available from the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20014.

Interested persons may, on or before, August 16, 1974 file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–16282 Filed 7–16–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 159]

[Docket No. 13893; Notice No. 74-27]

WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS

Posting or Distributing Written, Printed, or Pictorial Matter; Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending § 159.93 of Part 159 of the Federal Aviation regulations relating to the posting or distributing of written, printed, or pictorial matter on Washington National and Dulles International Airports.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before August 31, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Subpart D of Part 159 prescribes rules of conduct and prohibitions applicable to persons on Washington National and Dulles International Airports. Section 159.93 currently provides that no person may post, distribute, or display, a sign, advertisement, circular, or other written or printed matter on the Airport without the permission of the Airport Manager, except under a contract between that person and the United States.

The regulation as presently written places broad discretion in the Airport Manager for making the determination as to whether to grant or deny permission to post, distribute, or display matter on the Airport. No statement of policy, standards, or guidelines, upon which the public may rely, or to which the Airport Manager may refer in determining whether to grant or deny permission, is presently included in § 159.93. The absence of such a statement of policy, standards, or guidelines has led to some misunderstandings, and has the potential for inconsistent determinations. Accordingly, the FAA is proposing amendment of § 159.93 to provide interested persons and the Airport Manager with guidelines and standards applicable to the distribution of noncommercial signs, advertisements, circulars or other noncommercial written, printed, or pictorial matter. The current prohibitions against posting of matter, or the ditsribution of commercial matter, unless otherwise authorized by the Airport Manager or except pursuant to a contract with the United States, are retained as essential to airport operation.

The proposed change would prescribe in detail the factors which the Airport Manager must consider in the issuance or denial of permits to persons for the distribution of any noncommercial signs, advertisements, circulars, or other noncommercial written, printed, or pictorial matter on the Airport. In accommodating the interest of persons desiring to distribute matter on the Airport and in order to assure that such distribution does not substantially impede the operation of the Airport or otherwise interfere with the rights of passengers and other persons on the Airport, it is proposed to adopt reasonable requirements with respect to the number of persons who may engage in such activities at any specific time, the duration of the activity, and the places on the Airport where the permit privileges may be exercised. Additionally, it is proposed that each person applying for a permit be required to give advance notice of at least four working days to the Airport Manager before the date on which the permit is to become effective. Provision is made for appeal of the denial or failure to act upon an application for a permit at least two working days before the date on which the permit is to become effective by the Airport Manager to the Director, Metropolitan Washington Airports Service.

In addition, it is anticipated that a Notice of Proposed Rule Making proposing further amendment of Part 159 of the Federal Aviation Regulations providing for the issuance of permits for demonstrations and picketing will be issued in the near future.

This amendment is proposed under the authority of section 2 of the Act of June 29, 1940, as amended (54 Stat. 688; Title 7, District of Columbia Code 1302); section 4 of the Act of September 7, 1950, as amended (64 Stat. 771; Title 7, District of Columbia Code 1404); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.47(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).

In consideration of the foregoing, it is proposed to revise § 159.93 of Part 159 of the Federal Aviation regulations to read as follows:

§ 159.93 Posting or distributing written, printed, or pictorial matter on the Airport.

(a) Unless otherwise authorized by the Airport Manager, no person may post any sign, advertisement, circular, or other written, printed, or pictorial matter on the Airport except pursuant to a contract with the United States.

(b) Unless otherwise authorized by the Airport Manager, no person may distribute any commercial sign, advertisement, circular, or other commercial written, printed, or pictorial matter on the Airport except pursuant to a contract with the United States. For the purpose of this section, the term "commercial" includes any activity which has as a principal purpose the sale of a product or service or the making of a profit by any person.

(c) No person may distribute any noncommercial sign, advertisement, circular or other noncommercial written, printed, or pictorial matter on the Airport except pursuant to a permit from the Airport Manager. Permits for this purpose shall be issued by the Airport Manager on the following conditions:

(1) Distribution shall be made only at locations specified in the permit.

(2) Distribution shall not be made in the air operations area, any hanger or office, or any restricted area of the Airport.

(3) Distribution shall not be made in an area of the Airport leased or assigned to a tenant or concessionaire without the express permission of such tenant or concessionaire.

(4) Distribution shall not be made within any terminal building unless the subject of the matter being distributed is directly related to an Airport tenant or concessionaire, the Airport operation, or aviation.

(5) The maximum number of persons distributing such matter, for any one permittee at any one time, shall be four persons outside each terminal building of each Airport and two persons inside each terminal building of each Airport. If more than one permittee is distributing matter, demonstrating or picketing on the Airport at the same time, the Airport Manager may reduce the number of persons distributing matter on the Airport to as few as one person per permittee, if such reduction is necessary in order to afford all permittees an opportunity to exercise their permit privileges without interfering with the operation of the Airport.

(6) The permittee shall not disturb the peace, incite imminent lawless acts by other persons on the Airport, obstruct traffic, harass, block the movement of, or interfere with the rights of other persons, or disrupt any of the functions of the Airport.

(7) The permittee shall take appropriate measures to insure that the distributed matter does not litter the Airport. At the discretion of the Airport Manager, this may include the deposit of an amount not to exceed $50 to compensate the Airport for the cost of cleaning up the distributed matter. The full amount of the deposit shall be refunded to the permittee if cleaning up is unnecessary.

(8) The permit shall be effective for one calendar day, unless the Airport Manager determines that a longer period would not interfere with Airport operation. The permit may specify the hours during which the permittee may distribute matter on the Airport, if distribution would otherwise unduly interfere with Airport operation.

(9) The permit may be revoked by the Airport Manager if the permittee fails to comply with any of its terms.

(10) The permittee shall comply with all applicable laws and rules and regulations, including but not limited to this section.

(d) Each person applying for a permit shall identify, by name and address, the organization or person sponsoring the distribution of the written, printed, or pictorial matter and the persons who will be distributing such matter on the Airport. In addition, each applicant shall furnish the Airport Manager with a copy of the matter to be distributed.

(e) Each person applying for a permit shall do so at least four working days before the date on which the permit is to become effective. If the Airport Manager denies, or fails to act on, an application for a permit at least two working days before the date on which the permit is to become effective, his denial or failure to act may be appealed to the Director, Metropolitan Washington Airports Service.

(f) Except as provided in paragraphs (b) and (c)(4) of this section, the Airport Manager shall not deny any person a permit under this section because of the content of the matter proposed to be distributed on the Airport. However, the issuance of a permit does not mean or imply that the Airport, the United States of America, or any of its officers or employees, are responsible for the truth, accuracy or good taste of that written, printed, or pictorial matter, or endorse any of the views expressed therein. Nor will the issuance of a permit bar, or be a defense to, any criminal prosecution or civil suit.

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

JAMES T. MURPHY,
Acting Director, Metropolitan Washington Airport Service.

[FR Doc.74-16281 Filed 7-16-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 243]

[EDR-271A; Docket No. 26770]

REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Extension of Time

JULY 12, 1974.

The Board, by circulation of notice of proposed rulemaking, EDR-271, dated June 4, 1974, and published at 39 FR 20603 gave notice that it had under consideration the enactment of an amendment to Part 243 of the Economic Regulations which would establish standard allocation procedures for allocating investment and expenses to Military Airlift Command charter contracts, and require the reporting of additional data on CAB Form 243 "Report of Charter Services Performed for the Military Airlift Command." Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before July 15, 1974.

By letter dated July 10, 1974, counsel for World Airways, Inc., has requested a 30-day extension of time for filing comments. In support of the request, counsel states, inter alia, that additional time is needed for consultation with accountants in order to analyze the substantial additional reporting requirements and intricate accounting innovations before views useful to the Board can be formulated.

The undersigned finds that good cause has been shown for granting the requested extension. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for filing comments until August 14, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[FR Doc.74-16335 Filed 7-16-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 237-4]

WASHINGTON

Indirect Source Review Regulations; Notice of Proposed Rulemaking

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, the State of Washington plan for implementation of the national ambient air quality standards. Pursuant to a ruling of the United States Court of Appeals for the District of Columbia in the case of NRDC v. EPA, EPA subsequently disapproved all State plans, including Washington's, insofar as such plans did not contain adequate provisions to insure maintenance of national standards.

On June 18, 1973 (38 FR 15834), the Administrator promulgated requirements directing States to submit implementation plan revisions by August 15, 1973, to provide for preconstruction review and approval of indirect sources of air pollution to insure maintenance of standards. The State of Washington submitted amendments to the Washington Administrative Code (WAC) as a revision to the plan, in accordance with requirements of 40 CFR Part 51, but subsequently withdrew that submittal. On February 25, 1974 (39 FR 7270), pursuant to Section 110 of the Clean Air Act, 40 CFR Part 51, and an order of the U.S. Court of Appeals for the District of Columbia, the Administrator sustained disapproval of the Washington plan and promulgated regulations for the review of indirect sources of air pollution to insure maintenance of national ambient air quality standards in the State of Washington.

On June 14, 1974, the State of Washington re-submitted to EPA amendments to WAC 18-24 to provide for preconstruction review and approval of complex (indirect) sources of air pollution as a revision to the State implementation plan to insure maintenance of standards. The amendments to WAC 18-24 provide for review of new or modified parking facilities of 250 or more spaces in the counties of King, Snohomish, Pierce, Spokane and Clark and new or modified parking facilities of 1000 or more spaces in all other areas of the State. New highways designed for use by 20,000 or more vehicles per day, modified highways designed to allow increased vehicle usage by 10,000 vehicles or more per day, new airports which will have 50,000 or more operations per year or use by 1,600,000 passengers per year and airport modifications which will increase operations 50,000 or more per year or use by 1,600,000 passengers per year are also subject to the amended regulations.

The Administrator is required by section 110 of the Act to approve or disapprove any revision of an implementation plan submitted by a State and hereby issues this notice to invite public comment on whether the amendments to WAC 18-24, review of complex sources, should be approved or disapproved as a revision to the State implementation plan. If the State submittal is approved, the Administrator will rescind the Federal indirect source review regulations for the State of Washington published on February 25, 1974 (39 FR 7270), and portions of the Federally promulgated Washington transportation control plan (38 FR 32668, November 27, 1973) parking supply management regulations (40 CFR 52.2486), which provide for preconstruction review of parking facilities located outside the Seattle and Spokane central business districts, but within the counties of King, Snohomish, Pierce, Kitsap and Spokane. Those portions of the Washington transportation control plan prohibiting increases in the number of non-residential parking spaces in the Seattle and Spokane central business districts would not be rescinded.

Copies of the proposed revisions are available for public inspection during normal business hours at the office of EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101; State of Washington Department of Ecology, Lacey, Washington 98504; State of Washington Department of Ecology, East 103 Indiana Avenue, Spokane, Washington 98204; State of Washington Department of Ecology, 504 N. Naches Avenue, Yakima, Washington 98901; Northwest Air Pollution Control Agency, 207 Pioneer Building, 2nd and Pine, Mt. Vernon, Washington 98273; Southwest Air Pollution Control Authority, Suite 7601H, NE. Hazeldell Avenue, Vancouver, Washington 98665; and Douglas County Air Pollution Control Commission, 110 E. Third Street, East Wenatchee, Washington, 98801, and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written

comments, preferably in triplicate, to the Regional Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: B. Wiese. Relevant comments received on or before August 16, 1974 will be considered, and will be available during normal working hours at the Region X office and at the Freedom of Information Center.

This notice of proposed rulemaking is issued under authority of Section 110(a) of the Clean Air Act as amended. 42 U.S.C. 1857c-5(a).

Dated: July 9, 1974.

L. EDWIN COATE,
Acting Regional Administrator.

[FR Doc.74-16382 Filed 7-16-74;8:45 am]

[40 CFR Part 80]

REGULATION OF FUELS AND FUEL ADDITIVES

Availability of Unleaded Gasoline; Correction

In FR Doc.74-10437 appearing at page 16141 in the issue for Tuesday May 7, 1974, the following counties were inadvertently omitted in the text of Appendix C.

The name of the counties together with their population densities follow:

North Dakota:	Population [1]
McKenzie	2
McLean	5
Mercer	6
Morton	11
Mountrail	5
Melson	6
Oliver	3
Pembina	10
Pierce	6
Ramsey	10
Ransom	8
Renville	4
Richland	12
Rolette	13
Sargent	7
Sheridan	3
Sioux	3
Slope	1
Stark	15
Steele	5
Stutsman	10
Towner	4
Traill	11
Walsh	13
Ward	29
Wells	6
South Dakota: Bon Homme	15

[1] County Density (persons per square mile excluding cities of 50,000 or more).

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel (EG-329).

JULY 10, 1974.

[FR Doc.74-16254 Filed 7-16-74;8:45 am]

[40 CFR Part 120]

ALABAMA; NAVIGABLE WATERS

Proposed Water Quality Standards; Public Hearing

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the State of Alabama pursuant to section 303(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(b); 86 Stat. 816 et seq.; Pub. L. 92-500. "the Act.") A notice announcing the intention of the Environmental Protection Agency to review all interstate and intrastate water quality standards pursuant to the Act was published in the FEDERAL REGISTER on December 29, 1972 (37 FR 28775-28780).

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for interstate and intrastate waters adopted and submitted by the States. When he determines that changes in such standards are necessary to meet the requirements of the Act as in effect prior to October 18, 1972 (the date of enactment of the 1972 Amendments of the Act), he must notify the State. If the State does not adopt the required revisions, or if the revisions submitted by the State do not meet the requirements of the Act, the Administrator may publish proposed revised water quality standards in accordance with such requirements.

The State of Alabama, prior to October 17, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, U.S. Environmental Protection Agency reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. On January 18, 1973, the Regional Administrator notified Alabama that certain revisions to its interstate water quality standards were necessary to make the standards consistent with applicable requirements of the Act. On February 23, 1973, a similar notification was made for intrastate water quality standards.

In response to the EPA's request, the State of Alabama held public hearings on June 18, 20, and 22, 1973, for proposed revisions to the standards. On September 17, 1973, new and revised water quality standards for all interstate and intrastate waters were adopted by the State and submitted to the EPA on April 30, 1974. The EPA partially approved Alabama standards on May 23, 1974 and notified the State that the standards were not completely consistent with applicable requirements of the Act. The standards submitted by the State of Alabama explicitly adopt for certain waters a classification of "Fish and Wildlife as a 'Goal'" based on present technology limits. Since this classification can only apply to those water segments which are excepted from fish and wildlife criteria, and not to a general classification of streams where no specific showing justifying exception has been made, it is, therefore, not acceptable to the EPA.

The revised water quality standards, contained in the documents entitled, "The State of Alabama Water Improvement Commission Water Quality Criteria" and "Water Use Classifications for Interstate and Intrastate Waters of the State of Alabama," as submitted to the EPA on April 30, 1974, have been found to be consistent with the requirements of the Law, except as otherwise noted below, and are the water quality standards applicable to the navigable waters of Alabama and to the requirements of section 303(a) (1) and (2) of the Act. Accordingly, pursuant to section 303(b)(1), U.S. EPA is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972. The standards document is available for inspection and copying at the Alabama Water Improvement Commission, State Office Building, Montgomery, Alabama 36104 and the U.S. Environmental Protection Agency Regional Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. U.S. Environmental Protection Agency's information regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

Section 303(b)(2) of the Act requires the Administrator to promulgate standards no later than 190 days after the date of publication of this notice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act.

However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

Except as provided in the attached proposed regulations, the interstate and intrastate standards previously adopted by the State of Alabama, as referenced above, are the effective water quality standards under section 303 of the Act for interstate and intrastate navigable waters within the State.

A public hearing on the proposed regulations will be held on August 15, 1974. The hearing will begin at 10:00 a.m. at the Birmingham-Jefferson Civic Center, Room South A, Number One Civic Center Plaza, Birmingham, Alabama.

Both oral and written comments will be accepted at the hearing. However, the EPA Regional Administrator or his designee reserves the right to fix reasonable limits on the length of oral presentations.

Interested persons may also submit written data, views, or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. All relevant material received on or before August 22, 1974, will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 120 be amended by deleting from § 120.10 the paragraph entitled, "Alabama," and adding new § 120.21 to read as set forth below.

The proposed new section would be effective immediately upon republication.

(Sec. 303(b), Pub. L. 92-500, 86 Stat. 816 (35 U.S.C. 1313(b)))

Issued on: July 12, 1974.

JOHN QUARLES,
Acting Administrator.

§ 120.21 Alabama Water Quality Standards.

Water Quality Standards established by Alabama on September 17, 1973, and approved by the U.S. Environmental Protection Agency on May 28, 1974, contained in the documents entitled, "State of Alabama Water Improvement Commission Water Quality Criteria" and "Water Use Classifications for Interstate and Intrastate Waters of the State of Alabama," hereafter will be the water quality standards for the State of Alabama except for the following:

(a) The following shall be added to Section III—General Conditions Applicable to All Water Quality Criteria:

* * * * *

(5) In certain specific waters to be identified by the State of Alabama excepted classifications and criteria may be granted by the Environmental Protection Agency's Administrator upon submission by the State of proposed alternative water quality standards for such specified waters and upon submission of an analysis based upon presently available information and sufficient data to support the identification, that because of naturally occurring water quality conditions and/or technological limitations, improvement of water quality of such specific areas to the degree necessary to protect the preservation and propagation of desirable or indigenous species of aquatic biota and secondary contact recreation, to meet the general standards is impossible.

(b) The following shall be added to Section X—Specific Water Quality Criteria Fish and Wildlife as a "Goal:" Certain specific waters classified "Fish and Wildlife as a Goal" will be considered excepted from meeting water quality standards as required by Public Law 92-500 based on Section III, subsection (5) of these criteria.

(c) The section entitled, "Segments of Water Not Listed in Classifications," shall be revised to read as follows:

Most of the major water segments are included in this classification listing; however, for any segments which are not included, the Fish and Wildlife classification and associated criteria will apply.

(d) All stream segments classified Fish and Wildlife as a "Goal" shall be reclassified as "Fish and Wildlife" with the exception of Chickasaw Creek from the Mobile River to Shell Bayou and Three Mile Creek from the Mobile River to Mobile Street. The latter segments shall be classified "Fish and Wildlife as a Goal."

[FR Doc.74-16435 Filed 7-16-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR 15-50]

[218-4]

PREVENTION OF CONFLICTS OF INTEREST IN CONTRACTS INVOLVING FORMER EPA EMPLOYEES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Environmental Protection Agency is considering an amendment to 41 CFR, Ch. 15, by adding a new Subpart 15-50.7, Prevention of Conflicts of Interest in Contracts Involving Former Employees of the Environmental Protection Agency.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Contracts Management Division, PM-214, Environmental Protection Agency, Washington, D.C. 20460. Communications received on or before August 16, 1974 will be considered prior to adoption of the final regulation. A copy of each communication received will be placed on file for public inspection in the Contracts Management Division, Room 415 Waterside Mall West, Washington, D.C. 20460.

This amendment prohibits, for a period of one year after EPA employment, the award of noncompetitive contracts to organizations employing certain former employees of the Environmental Protection Agency, unless waived by the Deputy Administrator. This amendment is intended to ensure that in competitively awarded contracts, such awards are in full compliance with the conflict of interest laws and regulations, and are not tainted by improper influence or favoritism.

This regulation will be effective July 17, 1974. However, all comments received will be considered prior to publication of the final regulation.

Dated: July 11, 1974.

JOHN QUARLES,
Acting Administrator.

As proposed, the new Subpart 15-50.7 would read as follows:

Subpart 15-50.7—Prevention of Conflicts of Interest in Contracts Involving Former Employees of the Environmental Protection Agency

Sec.

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

Subpart 15-50.7—Prevention of Conflicts of Interest in Contracts Involving Former Employees of the Environmental Protection Agency

§ 15-50.700 Scope of subpart.

(a) This subpart prescribes procedures for identifying and dealing with real or apparent conflicts of interest in negotiated contracts awarded by the Environmental Protection Agency to organizations employing former Environmental Protection Agency employees. This subpart is not applicable to agreements with other Departments and agencies of the Federal Government, or contracts awarded to State or local units of government as defined herein.

(b) This regulation is designed to ensure that no negotiated contract is awarded to any organization that employs a former regular or special EPA employee in circumstances which constitute a real or apparent conflict of interest and to ensure that awards are not based on improper influence or favoritism.

§ 15-50.701 Definitions.

(a) *Local Government.* The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, and other regional or interstate governmental entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(b) *State.* "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(c) *Regular employee.* A "regular employee" is one who served in a capacity exceeding 130 days during any period of 365 consecutive days, including regular officers of the Public Health Service Commissioned Corps and Reserve Officers of the Corps while on active duty.

(d) *Special Government employee.* A "special government employee" is an employee appointed to serve for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis, and who was so employed for more than 60 days during that 365 days.

§ 15-50.702 Limitations on award of noncompetitive negotiated contracts.

(a) No contract shall be awarded without competition if the prospective contractor employs in the capacity of officer, director, other senior management employee, or proposes to employ as project officer or a major consultant on the contract, a former EPA regular employee or a former special EPA employee, if either of the following conditions exists:

(1) The former EPA employee is involved in developing or negotiating the proposal for the prospective contractor.

(2) The former EPA employee will be involved, directly or indirectly, in the management, administration, or performance of any contract resulting from the proposal.

(b) The prohibition of paragraph (a) of this section shall cease one year after termination of the former employee's EPA employment.

§ 15-50.703 Treatment of competitive contracts.

(a) The prohibition of § 15-50.702, shall not apply with respect to competitive contracts. However, award of such contracts must be consistent with 18 U.S.C. 207; former employes must not exert improper influence over the award; and the award must not be based on favoritism arising out of the employee's former association with EPA.

(b) Where disclosure required under § 15-50.705 is in the affirmative, no contract shall be awarded without the prior

written approval of the Deputy Assistant Administrator for Administration, who shall determine whether award would be consistent with the standards set forth in paragraph (a) of this section.

(c) The provisions of paragraph (b) of this section shall cease to be applicable one year after the termination of the former employee's EPA employment.

§ 15–50.704 Waivers.

The provisions of this subpart may be waived only upon written determination by the Deputy Administrator that the award would not be likely to involve a violation of 18 U.S.C. 207 or EPA regulations respecting conflicts of interest (40 CFR Part 2), and that the best interests of the Government would be served by award of the contract in view of the outstanding scientific or technological qualifications of the former EPA employee who would participate in the performance of the contract.

§ 15–50.705 Solicitations for contracts.

(a) The following provision shall be inserted in all EPA requests for proposals for contracts of $2,500.00 or more. The offeror shall state as part of the proposal:

(1) Whether or not it is now negotiating with a regular or special EPA employee for employment with the offeror as an officer, director, or senior management employee.

(2) Whether or not it now employs in the capacity of officer, director, or other senior management employee or proposes to use as project officer or a major consultant on the contract, a former regular or special EPA employee, whose employment with EPA terminated within one year prior to submission of the proposal.

(3) If either paragraph (a) (1) or (2) of this section is answered in the affirmative, specify whether any such individual(s) have participated or will participate in the management, administration, or performance of any contract resulting from the proposal, and whether such individual participated in the development of the proposal while at EPA.

§ 15–50.706 Subcontracts.

The provisions of this subpart do not apply to subcontracts unless the effect of such subcontracts would be to circumvent the restrictions of this subpart.

[FR Doc.74–16383 Filed 7–16–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20002; RM 2184]

FM BROADCAST STATIONS IN FLORIDA

Table of Assignments; Extension of Time for Reply Comments (RM-2184 Only)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (39 FR 20704), (Marco, Florida; St. Augustine, Florida; and Milton, Florida).

1. On April 8, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. The time for filing comments has expired and the date for filing reply comments is presently July 5, 1974.

2. On July 2, 1974, Senator Jack D. Gordon, by his attorneys, requested an extension of time to and including August 5, 1974, in which to file reply comments. Counsel states that the time is necessary due to the voluminous nature of the comments filed. Counsel for both WKTX, Inc. and the City of Jacksonville have authorized counsel for Senator Gordon to state that neither party will interpose any object to the extension request.

3. We are of the view that the public interest would be served by extending time in this proceeding. Accordingly, *it is ordered*, That the date for filing reply comments in RM–2184 only is extended to and including August 5, 1974.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: July 5, 1974.

Released: July 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–16361 Filed 7–16–74;8:45 am]

[47 CFR Part 76]

[Dockets Nos. 20018–20024]

CABLE TELEVISION TECHNICAL STANDARDS

Extension of Time for Comments

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to the advisability of Federal preemption of cable television technical standards or the imposition of a moratorium on non-Federal standards et al.

1. Noting that it is in the process of preparing comments in each of the rule makings in Docket Nos. 20018–20024 for numerous of its CATV clients and that there are other rule making proceedings outstanding to which it is also preparing comments, the law firm of Dow, Lohnes & Albertson has requested a time extension until July 25, 1974, in which to file comments and oppositions to the petitions for reconsideration of the Clarification of the Cable Television Rules and Notice of Proposed Rule Making and Inquiry, FCC 74–384, 46 FCC 2d 175.

2. In view of the complexity of the matters raised in the pending reconsideration petitions as well as the number of proceedings outstanding in which comments are due during the same general period of time, it appears that there is good cause for granting the requested extension of time.

Accordingly, *it is ordered*, That the "Petition for Extension of Time to File Opposition," filed June 25, 1974, by Dow, Lohnes & Albertson is granted.

It is further ordered, That the time for filing reply comments on Reconsideration of the above-captioned proceeding is extended until July 25, 1974.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289 of the Commission's Rules and Regulations.

Adopted: July 9, 1974.

Released: July 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74–16360 Filed 7–16–74;8:45 am]

[47 CFR Part 83]

[Docket No. 20102; FCC 74–704]

BRIDGE-TO-BRIDGE RADIO STATIONS

Notice of Proposed Rule Making

In the matter of Amendment of § 83.717 of the rules to ensure the ready availability of an energy source for required Bridge-to-Bridge radio stations.

1. Section 83.717 of the rules is intended to ensure the ready availability of an energy source for bridge-to-bridge transmitters. Information available to the Commission indicates that, in some instances, where batteries are used as the required energy source, the batteries are removed from the ship's bridge for charging. Such a situation results in the unavailability of the required energy source.

2. To prevent such occurrences, and to clarify the intention of this rule section, it is proposed that language be added requiring that either (a) the battery charger be located on the bridge, or (b) there be available a spare set of batteries for use when the batteries are removed from the bridge for charging.

3. Accordingly, it is proposed that § 83.717(c) be amended as set forth below to clarify this requirement.

4. The proposed amendment as set forth in the attached Appendix is issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended, and section 8 of the Vessel Bridge-to-Bridge Radiotelephone Act.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 16, 1974, and reply comments on or before August 26, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rulemaking will be available for public inspection in the Docket Reference Room

in the Commission's Offices in Washington, D.C.

Adopted: July 2, 1974.

Released: July 8, 1974.

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

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 83.717, paragraph (c) is amended to read as follows:

§ 83.717 Bridge-to-bridge source of energy.

* * * * *

(c) Means shall be provided for adequately charging any rechargeable batteries used in the vessel's bridge-to-bridge radiotelephone installation. Such means shall consist of either a battery charger on the bridge or of a set of spare batteries when batteries must be removed from the bridge for charging. There shall be provided a device, which during charging of the batteries, will give a continuous indication of the charging current.

[FR Doc.74-16359 Filed 7-16-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES OF PRACTICE AND PROCEDURE

Exclusion of Withheld Material; Extension of Time

Notice was published in the FEDERAL REGISTER on May 14, 1974 (39 FR 17238), of a proposed amendment to the Federal Trade Commission's Rules of Practice and Procedures by the addition of a new § 3.40 which would bar the offer or introduction into evidence, as substantiation for an advertising claim, of substantiating materials which were required to be but were not timely submitted in response to Commission process under sections 6 or 9 of the Federal Trade Commission Act calling for such materials. The period for public comment was 45 days, ending on June 28, 1974.

On June 28, 1974, the Commission published in the FEDERAL REGISTER an extension of time for public comment until July 15, 1974. Because of the expressed interest in the proposed rule and additional requests for more time to file comments, the Commission has determined it is in the public interest to extend the period for public comment for an additional six weeks. All comments are now due on August 28, 1974, to be submitted to the Secretary, Federal Trade Commission, Pennsylvania Avenue and 6th Street, NW., Washington, D.C. 20580. All comments will remain on the public record at the above address until August 28, 1974, and will be available for inspection in Room 130 during normal business hours.

By the Commission.

Dated: July 10, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-16288 Filed 7-16-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[41 CFR Part 101]

LIMITATIONS ON USE OF PURCHASE SPECIFICATIONS

Advance Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedures in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the General Services Administration is considering an amendment to 41 CFR Part 101.

The proposed revision implements the executive branch position for the Commission on Government Procurement (COGP) Recommendation Number 3 found in Volume 3 of the Commission's report. The COGP recommendation is as follows:

> Require that development of all new Federal specifications for commercial-type products be limited to those that can be specifically justified, including the use of total cost-benefit criteria. All commercial product-type specifications should be reevaluated every 5 years. Purchase descriptions should be used when Federal specifications are not available.

An interagency task group considered the COGP recommendation and proposed affirmative action by the executive branch to implement the general thrust of the Commission's recommendation. The task group proposed the following executive branch position:

> Require that development of all purchase specifications for commercial-type products be limited to those that can be specifically justified, including the use of total cost-benefit criteria. All commercial product-type specifications should be reevaluated every 5 years.

Official views were solicited from 16 Federal agencies concerning the task group proposal. Comments from these agencies are considered to represent a consensus to adopt this proposal as the official executive branch position with respect to the COGP recommendation.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them to the General Services Administration (FF), Washington, D.C. 20406. To be given consideration, written comments must be submitted not later than 45 days after the date of this notice.

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

Dated: July 3, 1974.

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

As proposed, the amendment to the Federal Property Management regulations would read as follows:

CRITERIA FOR DEVELOPING PURCHASE SPECIFICATIONS

The development of all purchase specifications for commercial-type products shall be limited to those that can be specifically justified, including the use of total cost-benefit criteria. Justification for the development of a purchase specification shall be based on criteria to assure that the scope, depth, and complexity of the necessary technical documentation required for the specification are compatible with actual needs. Guidelines are provided for consideration in the development of criteria to determine whether a purchase specification would be an efficient and effective instrument for the procurement of commercial-type products. Further, each agency shall develop a system to provide appropriate criteria to permit a review of all specifications on a planned time cycle so that each is screened at least once every 5 years in order to bring about uniformity in the evaluation of specifications. Each agency shall establish a review board comprised of responsible officials to review purchase actions undertaken by the agency and assure that the criteria have been complied with. The review board shall retain files and records concerning its findings. Accordingly, the following are provided for use by agencies in the implementation of the requirement that specifications for commercial-type products be limited to those that can be specifically justified.

1. *Guidelines for use in the development of criteria in determining justification of purchase specifications.* a. The required item does not fit into an existing Federal, military, or other specification.

b. There is no adequate industry specification applicable to the required item.

c. A brief description or a listing of salient features will not ensure the required quality at competitive prices.

d. A need exists for specific design or performance considerations.

e. A uniform purchase specification is required in the interest of standardization or cost-avoidance.

f. Adequate test methods exist for measurement of specified performance and characteristics.

g. The rate at which the state of the art for the required items is advancing is sufficiently stable to allow the development of a specification with minimum obsolescence in the product purchased.

h. The required item is susceptible to life cycle costing and a specification will provide improved cost effectiveness.

i. Environmental requirements compliance may best be assured only by use of a specification.

j. Safety or hazardous implication of the required item can be dealt with most effectively through the use of a specification.

k. Energy conservation and other policy considerations dictate the use of a specification applicable to all Federal agencies.

l. Serious procurement, inspection, or operational problems may be caused by the lack of a specification.

m. The standards of regulatory agencies require a specification for implementation in Federal procurement.

n. The expense of developing a specification based on, but not limited to, estimated cost:

(1) To the preparing agency;

(2) To the coordinating agencies;

(3) To participating industry for development and coordination;

(4) Of obtaining, filing, and maintaining specifications by all recipients; and

(5) Of acquiring copies of reference specifications by prospective suppliers.

o. The benefits and/or cost savings to be derived by use of a specification based on, but not limited to, such factors as listed below:

(1) Lower total logistic system costs;

(2) Lower life cycle costs;

(3) Lower purchase price;

(4) Improved quality;

(5) Assurance that the item complies with existing regulations and policies;

(6) Reduced training costs;

(7) Improved maintainance; and

(8) Item standardization.

2. *Guidelines for establishing a review system to bring about uniformity in the systematic evaluation of specifications by all Federal agencies.* a. All specifications should be reviewed on a planned (but not necessarily identical) time cycle with the schedule adjusted to ensure that all specifications are reviewed at least once every 5 years.

b. Specifications should be reviewed any time there are substantial complaints by users, Government quality control representatives or inspectors, or by industry.

c. Specifications for items of a critical nature such as hospital supplies or equipment should be reviewed when considered necessary but at least every 3 years.

d. The following guidelines are provided for consideration in the development of a review system for purchase specifications:

(1) The specification, in its present form and scope, is still required;

(2) References included in the specification are current and applicable by commercial industrial standards;

(3) Significant portions of a specification can be replaced, or included by reference, to reflect new commercial or other standards which may better reflect agency requirements;

(4) Characteristics of products which are available commercially are better suited for agency needs than an existing product meeting minimum requirements of the existing specification;

(5) Applicability of requirements of regulatory agencies;

(6) The level of sophistication in a specification in relation to the need; and

(7) Consideration of the factors applied when the specification was developed.

[FR Doc.74-16260 Filed 7-16-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 293 (Sub-No. 3)]

IMPLEMENTATION OF REGIONAL RAIL REORGANIZATION ACT OF 1973

Submission of Cost Data To Justify Reimbursement

JULY 11, 1974.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of June, 1974.

Pursuant to section 601(e) of the Regional Rail Reorganization Act of 1973, notice is hereby given that the Commission proposes to establish a general form and procedures whereby railroads directed to perform emergency service over the lines of another railroad under that section may submit to the Commission a record of the cost incurred in such performance, the direct revenues derived therefrom, and other pertinent information from which the Commission may certify to the Secretary of the Treasury the amounts, if any, to be paid to the directed carrier.

Section 601(e) is an amendment to section 1(16) of the Interstate Commerce Act which authorizes the Commission to respond to cessations of service by a carrier by railroad, by directing another railroad to temporarily provide for the handling, routing, and movement of traffic over the lines of the carrier no longer able to perform that service. This provision specifies three circumstances under which the cessation of service must occur in order to justify a direction by the Commission, the general method by which such directed service shall be performed, and the criteria which must be satisfied as to the directed railroad before it may be ordered to temporarily conduct the discontinued operations.

Section 601(e) also requires that a directed carrier reimbursed by the Federal Government in the amount by which the cost, as defined in subparagraph (E), of handling, routing, and moving the traffic of the other carrier over that carrier's lines of railroad exceeds the direct revenues therefrom. To expedite and standardize the reimbursement procedure, Congress has required the Commission to prescribe a form by which a directed carrier shall currently record the cost of the directed operation, which form shall be submited by the directed carrier to the Commission at the time or times specified in the order directing the performance of the operation. The Commission shall, in turn, audit the cost form submitted and certify to the Secretary of the Treasury the amount of the payment required to be made to the directed carrier, which payment shall be made from funds authorized to be appropriated under section 601(e).

The Commission herein proposes the form by which the cost of an operation directed under section 601(e) may be recorded and submitted to the Commission, as set forth in the Appendix hereto.

Respondents and participants in this rulemaking proceeding are invited to submit statements on any and all aspects of the attached form and explanatory material, in addition to any other factors they deem relevant to this proceeding;

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 601(e) of the Regional Rail Reorganization Act (45 U.S.C. 701 et seq.), the Interstate Commerce Act (49 U.S.C. 1 et seq.), including more specifically section 1(16), and the Administrative Procedure Act (5 U.S.C. 553 and 559) to determine whether the general form for recordation and submission to the Commission of the cost incurred in or attributable to performance of operations directed by the Commission, as set forth in the Appendix to this notice, shall be adopted and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all Class I and Class II railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

It is further ordered, That the United States Railway Association, the Federal Railroad Administration of the United States Department of Transportation, the Secretary of the United States Department of Treasury, and the Governors and the Public Utilities Commissions of the various States be given notice of the institution of this proceeding.

It is further ordered, That no hearing be scheduled for the receiving of oral testimony in this proceeding unless a need therefor should later appear but that respondents or any other persons interested in making representations in favor of or against the proposed form or in recommending revisions in that form are hereby invited to do so by the submission of written data, views, and arguments.

It is further ordered, That any person intending to participate in this proceeding shall file an original and 15 copies of such data, views or arguments with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before 30 days from the date of service of the order herein; and that all such statements will be a part of the record in the proceeding.

It is further ordered, That written materials or comments submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue

NW., Washington, D.C., during regular business hours; and

It is further ordered, That statutory notice of the institution of this proceeding 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 of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

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

NOTE: This proceeding is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

APPENDIX A

INTERSTATE COMMERCE COMMISSION

(Name of carrier)

Statement of Amount Reimbursable for Directed Traffic Movement Performed Over Line of Road of Another Carrier.

Description of the directed traffic movement:

Dates of the movement:
Commenced ----------, 19--
Completed ----------, 19--

INTRODUCTORY STATEMENTS

The directed carrier must maintain detailed separations in its accounting records to identify the revenues and costs attributable to the movement of traffic and related activities in compliance with any Commission order issued under section 601(e) of the Regional Rail Reorganization Act of 1973 (section 1(16)(b) of the Interstate Commerce Act). Requests for payments must be supported by the information documented in this appendix. Records of all common expenses and overhead allocations, and all figures used to support these allocations, are required to be maintained in a separate file for review by the Commission.

Except as essential to safety and with prior approval of the Commission, expenditures shall not be made for deferred maintenance and shall not be considered as a cost of the directed operation. Capital expenditures, to be recognized as a cost, shall also require prior Commission authorization.

The compensable cost of a directed operation shall not include amounts for wages or salaries owed to personnel of the other carrier as a result of obligations incurred or for services rendered prior to the directed operation. It is anticipated that state, regional, and local subsidies normally paid for a service prior to the commencement of a directed operation of that service, shall be continued without diminuation if the state, regional or local government expects the service to be continued by a Commission directive; and, therefore, costs of a directed operation shall not include amounts by which such subsidies have been curtailed or eliminated during the directed operation.

Included as a compensable cost of the directed operation shall be a provision for interest on the amount by which revenues fall short of the directed carrier's cost in conducting the directed operation or on funds actually and necessarily borrowed to conduct such operations. The amount of interest recognized as a cost shall be determined by the average prime rate at New York City during the period of the directed operation and shall be paid on the amount by which the total expenses of the directed operation exceed the gross revenues.

Expenditures made for clearing wrecks and derailments, for injuries to and deaths of persons, and for damage to or destruction of property, including property in transit, caused by or incurred in connection with the directed operations, including cost of investigations and legal expenses, shall be a compensable cost and shall be specified in an expense account. If the actual amounts of damages or necessary expenditures have not been finally determined on the date of submission of this cost form, a reasonable reserve shall be established, with the supporting figures included, in the cost form to the Commission. If the directed carrier obtains insurance to cover such contingencies, the cost of the insurance and expenditures within the limits of the insurance "deductible" shall be included as compensable items of cost.

Wages, salaries, and payments for benefits shall be separately recorded in the appropriate accounts of the cost form. Included as a compensable cost of the directed operation shall be all expenditures made by the directed carrier to or for the benefit of (1) employees of the carrier no longer able to perform the directed service who had previously performed such directed service, (2) any supervisory personnel or officials of the other carrier whose employment is shown to be essential to performance of the directed operation, and (3) any employees, supervisory personnel, or officials of the directed carrier whose employment is shown to be essential to performance of the directed operation. The term "employees" as used herein shall be defined as in the Railway Labor Act (45 U.S.C. 151) and in reference to orders of this Commission now in effect. The terms "supervisory personnel or officials" shall include all those persons in the service of a carrier who performs supervisory or management functions and who are not included in the term "employees" as used herein.

Line No.	Account No.	Directed traffic: Direct	Directed traffic: Common apportionment	Directed traffic: Total	Suggested apportionment factors
	(1)	(2)	(3)	(4)	(5)
	OPERATING EXPENSES				
	MAINTENANCE OF WAY AND STRUCTURES				
1	202, 212, 214, 216, 218, and 220				Equated track miles.
2	227				Revenue tons.
3	229, 231, 233, and 265				Do.
4	237, 239, 241, and 243				Miles of road.
5	244				Tons carried in TOFC service.
6	206, 208, 210, and 221				Accounts 202-265.
7	201, 274-277, and 282				Do.
8	266, 267, 269-273				Miles of road.
9	253 and 257				Electric locomotive unit-miles.
10	278 and 279				Miles of track.
11	All other expenses		XXX		Direct.
12	Total of maintenance of way and structures.	XXX	XXX		
	MAINTENANCE OF EQUIPMENT				
13	311 (yard)				Yard switching locomotive miles.
14	311 (other)				Gross ton-miles.
15	314				Freight train car-miles other than mileage cars-loaded and empty.
16	317				Passenger train car-miles.
17	318				Vehicle miles loaded and empty.
18	323				Number of cars handled-loaded and empty.
19	301, 332-335, and 339				Total repairs—expenses.
20	302, 304, 305, 306, 329, 331, 336, and 337				Total repairs—expenses.
21	All other expenses		XXX		Direct.
22	Total of maintenance of equipment	XXX	XXX		
	TRANSPORTATION				
23	372				Train-miles.
24	373				Revenue-tons.
25	389				Yard switching locomotive unit-miles.
26	371, 409-411, 414, and 420				Accounts 372, 373, and 389—expenses.
27	401, 404-407, and 415-417				Train-miles.
28	376				Revenue tons.
29	374, 375, 408		XXX		Direct.
30	377-380, 382-384, 388, 390, and 391				Yard switching locomotive unit-miles.
31	392		XXX		Direct.
32	394-396, 400, 412, and 413				Locomotive unit-miles including train switching.
33	402				Freight train car-miles loaded and empty including caboose.
34	403				Passenger train car-miles.
35	421				Trailers handled—loaded and empty.
36	All other expenses				Direct.
37	Total transportation	XXX	XXX		

Line No.	Account No.	Directed traffic: Direct	Directed traffic: Common apportionment	Total	Suggested apportionment factors
	(1)	(2)	(3)	(4)	(5)
	MISCELLANEOUS OPERATIONS				
38	449		XXX		Direct.
39	441–448				Apportion according to local condition.
40	All other expenses		XXX		Direct.
41	Total miscellaneous	XXX	XXX		
	GENERAL EXPENSES				
42	456		XXX		Direct.
43	451–455, 457–462				Apportion on the basis of total expenses lines 12, 22, 37, and 41.
44	All other expenses				Direct.
45	Total general				
46	Total expenses, lines 12, 22, 37, 41, and 45.	XXX	XXX		
	532 RAILWAY TAX ACCRUALS				
47	Payroll taxes		XXX		Direct.
48	Property taxes				Miles of road.
49	Other taxes				Do.
50	Total taxes, lines 47–49	XXX	XXX		
	RENT INCOME				
51	503				Car-miles.
52	504 and 506				Assign where applicable.
53	505				Do.
54	507				Nonrevenue ton-miles.
55	508				Assign where applicable.
56	Total rent income, lines 51–55	XXX	XXX		
	RENT PAYABLE				
57	536				Car-miles.
58	537				Locomotive unit-miles.
59	538				Assign where applicable.
60	539				Assign where applicable.
61	540				Nonrevenue ton-miles.
62	541				Assign where applicable.
63	542				Do.
64	543				Do.
65	Total rents payable, lines 57–64	XXX	XXX		
66	Total expenses, rents and taxes, lines 46, 50 less 56 plus 65.	XXX	XXX		
	REVENUES				
67	101	XXX	XXX		Actual.
68	102	XXX	XXX		Do.
69	All other	XXX	XXX		Do.
70	Total revenues	XXX	XXX		
71	Allowance for profit, line 70 × 0.06 [1]	XXX	XXX		
72	Rate of interest of total expenses over total revenues (line 66—line 70×rate of interest).	XXX	XXX		
73	Total expenses plus profit+interest (line 66+line 70+line 72).	XXX	XXX		
74	Reimbursement including an allowance for profit (line 73 minus line 70). [2]	XXX	XXX		

[1] Profit is based on 6% of total revenues.
[2] If line 70 is larger than line 73, enter zero.

ATTENTION: Knowing and willful misstatements or omissions of material facts constitute federal criminal violations punishable by up to five years imprisonment and fines of up to $10,000 for each offense. (See 18 U.S.C. 1001, 1003, 287.)

Each person by whom this document is signed certifies that the representations appearing herein and in the appendices attached hereto (including any accompanying schedules and statements) are, to the best of his knowledge and belief, true, correct, and complete, based upon all the information required to be included therein, of which he has any knowledge, and that these representations are made in good faith.

Dated this _____ day of _____, 19__.

_____
(Signature of Accounting Officer)

By _____
_____
(Title)

INSTRUCTIONS TO APPENDIX A

1. Enter in column (2) the expenses directly assignable to the directed traffic moved. This includes wages, rentals and other expenses paid or incurred by the applicant and chargeable only to the directed traffic.

2. Enter in column (3) the portion of common expenses allocable to the directed traffic. Common expenses means those expenses paid or incurred for the movement of the directed traffic which are common or jointly incurred for the movement of other traffic. Whenever it is not feasible to use the suggested apportionment factors in column (5) the relationship of the carrier's own revenues and the directed traffic revenues is acceptable.

3. Enter in column (4) the total of columns (2) and (3).

4. The cost of rehabilitation of the line necessary to permit operation should be shown in the maintenance of way accounts. Expenditures for substantial improvements shall require authorization by the Commission.

5. Expenses included in lines 11, 20, 38 and 42 should be identified on a spearate sheet.

[FR Doc.74-16238 Filed 7-16-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Certification as to Educational Needs

The following regulatory change in §§ 21.4235(e) and 21.4237 (e), (f) and (g) provides that Veterans Administration counselors may certify as to the educational needs for veterans and eligible spouses for training under the special assistance programs for the educationally disadvantaged. In addition minor editorial changes have been made to §§ 21.4234, 21.4235, and 21.4237 to reflect agency policy of using precise terms denoting gender.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before August 16, 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 VA 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 to make §§ 21.4235(e) and 21.4237 (e), (f), and (g) effective the date of final approval.

1. In § 21.4234, paragraphs (d) and (e) (3) are revised to read as follows:

§ 21.4234 Change of program.

* * * * *

(d) *Chapter 35; wife, husband, widow, widower.* The eligible wife, husband, widow, or widower may make one optional change of program if the previous course was not interrupted or discontinued due to her or his own misconduct, neglect or lack of application. A second change or an initial change after interruption or discontinuance due to her or his own misconduct, neglect or lack of application may be approved if it is found that:

(1) The program of education which the eligible wife, husband, widow or widower proposes to pursue is suitable to her or his aptitudes, interests, and abilities; and

(2) In any instance where the eligible wife, husband, widow, or widower has interrupted, or failed to progress in, her or his program due to her or his own misconduct, neglect or lack of application, there exists a reasonable likelihood with respect to the program which she or he proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(e) *Adjustments; transfers.* A change in courses or places of training will not be considered a change of objective in the following instances:

* * * * *

(3) Revision of a program which does not involve a change of objective or material loss of credit nor loss of time originally planned for completion of the veteran's or eligible person's program. For example, an eligible person enrolled for

a bachelor of science degree may show a professional objective such as chemist, teacher or engineer. His or her objective for purposes of this paragraph shall be considered to be "bachelor degree" and any change of courses will be considered only an adjustment in the program, not a change, so long as the subjects he or she pursues lead to the bachelor degree and there is no extension of time in the attaining of that degree.

2. § 21.4235, paragraphs (a) (1) and (3), (e) and (f) are revised to read as follows:

§ 21.4235 Predischarge Education Program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; chapter 34.

(a) *Enrollment.* Enrollment of a veteran may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of his or her previous educational experience;

(1) While he or she is on active duty and meets the eligibility requirements of § 3.1040(e)(3), if such course or courses (but not including correspondence courses) are required to receive a secondary school diploma, or if such course or courses (including individual unit subjects within a General Education Development (G.E.D.) examination program) are required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment; or

* * * * *

(3) After discharge or release from active duty, if such course or courses are necessary to the pursuit of a program of education for which he or she would be eligible but for that lack.

* * * * *

(e) *Certifications.* Certifications as to the serviceman's or servicewoman's need for deficiency and/or remedial courses in basic English language skills and mathematic skills under paragraph (a)(1) of this section may be made by either the service education officer, by a Veterans Administration counselor, or by the educational institution administering the course or to which the student has made application for admission. Certifications as to the veteran's need for deficiency and/or remedial courses in basic English language skills under paragraph (a)(2) and (3) of this section may be made by a Veterans Administration counselor or by the educational institution administering the course or to which the student has made application for admission. Certifications as to need for other refresher, remedial and/or deficiency course requirements under paragraph (a)(1), (2) and (3) of this section are to be made by the educational institution administering the course which the student is preparing to enter, or to which the student has made application for admission.

(f) *Basic skills.* Basic English language courses or mathematic courses will be authorized when it is found by accepted testing methods that the serviceman, servicewoman, or veteran is lacking in basic reading, writing, speaking or essential mathematics.

* * * * *

3. In § 21.4237, the headnote, the introductory portion of paragraph (a) preceding subparagraph (1), and paragraph (d) are revised and paragraphs (e), (f), and (g) are added so that the amended and added material reads as follows:

§ 21.4237 Special Assistance for the Educationally Disadvantaged; chapter 35 wife, husband, widow, or widower.

(a) *Enrollment.* Enrollment of an eligible wife, husband, widow, or widower may be approved in an appropriate course or courses at the secondary school level in a State if the wife, husband, widow, or widower:

* * * * *

(d) *Entitlement charge.* No charge will be made against the period of the entitlement of the wife, husband, widow, or widower because of enrollment in courses under the provisions of this section. (38 U.S.C. 1733)

(e) *Certifications.* Certifications as to the need of the eligible spouse for deficiency and/or remedial courses in basic English language skills and mathematic skills under paragraph (a) of this section may be made by either the Veterans Administration counselor or by the educational institution administering the course, or to which the student has made application for admission. Certification as to the need for other refresher, remedial and/or deficiency course requirements under paragraph (a) of this section are to be made by the educational institution administering the course which the student is preparing to enter, or to which the student has made application for admission.

(f) *Basic skills.* Basic English language courses or mathematic courses will be authorized when it is found by accepted testing methods that the eligible spouse is lacking in basic reading, writing, speaking or essential mathematics.

(g) *Deficiency course.* A deficiency course is any secondary level course or subject not previously completed satisfactorily which is specifically required for pursuit of a post-secondary program of education.

Approved: July 10, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-16311 Filed 7-16-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 424]

EGYPT; TECHNICAL ASSISTANCE IN FIELD OF ENTOMOLOGY

Secretarial Determination

Findings, determinations and certifications under section 620 of the Foreign Assistance Act of 1961, as amended ("the Act")—providing technical experts to Egypt in the field of entomology.

Pursuant to the authority vested in the Secretary by section 101 of Executive Order 10973 (26 FR 10469), as amended, I hereby:

(a) Find, pursuant to section 620(c) of the Act, that the withholding of such assistance under the Act from Egypt would be contrary to the national security;

(b) Determine and certify, pursuant to section 620(e)(1) of the Act that the waiver of that section in order to permit such assistance to Egypt is important to the national interest of the United States,

(c) Find, pursuant to section 620(p) of the Act, that the furnishing of such assistance to Egypt is essential to the national interest of the United States, and will neither directly nor indirectly assist aggressive actions by Egypt; and

(d) Determine, pursuant to section 620(q) of the Act, that the furnishing of such assistance to Egypt is in the national interest.

This Determination shall be published in the FEDERAL REGISTER.

[SEAL] JOSEPH J. SISCO,
Acting Secretary of State.

JULY 2, 1974.

[FR Doc.74-16286 Filed 7-16-74;8:45 am]

Agency for International Development

[Delegation of Authority No. 36, Amdt. No. 4]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Delegation of Authority

Pursuant to authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 FR 10608) I hereby further amend Delegation of Authority No. 36 (29 FR 5353), as amended, to delete the phrase, "supplies, equipment and services, advertising, printing and binding" from paragraph 3(a)(i).

Any redelegations issued and official actions taken prior to the effective date of this amendment by officers duly authorized pursuant to the paragraph modified herein are hereby continued in effect according to their terms until modified, revoked, or superseded by actions of the officers to whom relevant authority has been delegated by Delegation of Authority No. 99 (38 FR 12834), as amended.

This amendment shall be effective on July 1, 1974.

Dated: July 1, 1974.

JOHN E. MURPHY,
Deputy Administrator.

[FR Doc.74-16323 Filed 7-16-74;8:45 am]

[Redelegation of Authority No. 99.1.1, Amdt. No. 3]

CHIEF, REGIONAL OPERATIONS DIVISION, ET AL.

Redelegation of Authority Regarding the Contracting Function

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973 (38 FR 12836), from the Assistant Administrator for Program and Management Services, I hereby further amend Delegation of Authority No. 99.1.1 dated May 2, 1973 (38 FR 12836), as amended, to add a new section C as follows:

C. To the Director, Office of Management Operations, and such subordinate officials as he may designate, authority to sign:

(1) Contracts and purchase orders for small purchases, as defined in § 1-3.600 of the Federal Procurement Regulations for services (except international training and data management related activities) and commodities;

(2) Contracts and leases for motor vehicles, regardless of amount;

(3) Delivery orders for commodities against indefinite delivery contracts executed by the Office of Contract Management or the Department of State, and delivery orders for services against indefinite delivery contracts executed by the Office of Contract Management, when the Office of Management Operations is designated as an authorized ordering activity, regardless of amount;

(4) Delivery orders for items available through Federal Supply Schedule contracts or GSA store stock, regardless of amount; and

(5) Contracts for telephone equipment for A.I.D. missions overseas regardless of amount.

This amendment is effective on July 1, 1974.

Dated: July 1, 1974.

JOHN F. OWENS,
Director,
Office of Contract Management.

[FR. Doc.74-16324 Filed 7-16-74;8:45 am]

CONTROLLER, A.I.D., ET AL.

Redelegation of Authority

Pursuant to the authority delegated to me from the Administrator by Delegation of Authority No. 36 dated April 8, 1964 (29 FR 5353), as amended, and Delegation of Authority No. 99 date April 27, 1973 (38 FR 12834), as amended, I hereby further amend the Redelegation of Authority dated April 8, 1964 (29 FR 5354), as follows:

1. In paragraph 2, delete the words "Chief, General Services Division" and substitute therefore the words "Director, Office of Management Operations."

2. Paragraph 2(a)(i) is amended to delete the phrase "supplies, equipment and services, advertising, printing and binding."

3. A new paragraph 2(d) is added as follows:

(d) Authority to settle and approve payment of claims of officers and employees of the Agency for International Development (including employees serving under personal services contracts where an employer-employee relationship exists between themselves and this Agency) for damage to, or loss of, personal property incident to their service with this Agency, pursuant to authority contained in section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88-558), as amended.

Actions within the scope of this amendment to the Redelegation of Authority of April 8, 1964, as amended, heretofore taken by the previously authorized officials are hereby ratified and confirmed.

This amendment shall be effective on July 1, 1974.

Dated: July 1, 1974.

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

[FR Doc.74-16325 Filed 7-16-74;8:45 am]

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF KENYA

Nairobi City Council; Information for Investors

The Agency for International Development (A.I.D.) has advised the Nairobi City Council (the "Borrower") that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the Borrower an amount not to exceed $10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guarantee repayment to the investor of the

principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act").

Proceeds of the loan will be used in the financing of housing in Nairobi, Kenya.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. S. K. Mbugua, City Treasurer
Nairobi City Council
City Hall
P.O. Box 30037
Nairobi, Kenya

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full not later than 30 years from the first disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing
Agency for International Development
Room 300, SA-2
Washington, D.C. 20523

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

Dated: June 28, 1974.

PETER M. KIMM,
Director, Office of Housing, Agency for International Development.

[FR Doc.74-16321 Filed 7-16-74;8:45 am]

HOUSING GUARANTY PROGRAM FOR REPUBLIC OF KENYA

National Housing Corporation of Kenya; Information for Investors

The Agency for International Development (A.I.D.) has advised the National Housing Corporation of Kenya (the "Borrower") that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the Borrower an amount not to exceed $5 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act").

Proceeds of the loan will be used in the financing of housing in Kenya.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Samuel G. Ayany
General Manager
National Housing Corporation
P.O. Box 30257
Nairobi, Kenya

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than 30 years from the first disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing
Agency for International Development
Room 300, SA-2
Washington, D.C. 20523

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

Dated: June 28, 1974.

PETER M. KIMM,
Director, Office of Housing, Agency for International Development.

[FR Doc.74-16322 Filed 7-16-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD STRATEGIC PANEL

Notice of Meeting

JULY 11, 1974.

The USAF Scientific Advisory Board Strategic Panel will hold a closed meeting on July 30, 1974, from 9 a.m. until 5 p.m., and on July 31, 1974, from 9 a.m. until noon, at the Space and Missile Systems Organization, Los Angeles Air Force Station, California.

The Panel will receive classified briefings on strategic systems.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

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

[FR Doc.74-16313 Filed 7-16-74;8:45 am]

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92-463 (1972)] notice is hereby given that closed meetings of the Naval Research Advisory Committee will be held on July 25-26, 1974, at the Naval Electronics Laboratory Center, San Diego, California.

In accordance with a determination made by the Secretary of the Navy, these meetings will be closed to the public, as the agenda consists of matters classified in the interests of national security.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JULY 11, 1974.

[FR Doc.74-16287 Filed 7-16-74;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, August 6, 1974
Tuesday, August 13, 1974
Tuesday, August 20, 1974
Tuesday, August 27, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 USC 552(b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee,

Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

JULY 12, 1974.

[FR Doc.74-16289 Filed 7-16-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 21135]

NEW MEXICO

Notice of Application

JULY 8, 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 a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 20 S., R. 28 E.,
Sec. 14, NE¼NW¼.

This pipeline will convey natural gas across 0.050 miles of national resource land in Eddy 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, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-16315 Filed 7-16-74;8:45 am]

[NM 20121]

NEW MEXICO

Notice of Application

JULY 8, 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 a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 22 S., R. 22 E.,
Sec. 5, S½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼.

This pipeline will convey natural gas across 0.665 miles of national resource land in Eddy 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, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-16316 Filed 7-16-74;8:45 am]

Bureau of Land Management

[A 8193]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior, has filed an application, Serial Number A 8193 for the withdrawal of 3,275.02 acres of national resource lands from all forms of appropriation under the public land laws including the mining and mineral leasing laws, except leasing for oil and gas, subject to valid existing rights. The national resource lands involved will continue to be administered for other multiple resources, consistent with the proposed use of the applicant and best interest of the public.

The Bureau of Reclamation desires these lands to be used for rights-of-way and a source of construction material for the Granite Reef Aqueduct of the Central Arizona Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 4 W.,
sec. 29, N½ and SW¼;
sec. 31, lots 1, 2, 3, 4, NE¼ and E½W½.
T. 3 N., R. 5 W.,
sec. 17, NW¼NE¼, S½NE¼, NW¼, and S½;
sec. 18, lots 3 and 4, E½ and E½SW¼;
sec. 19;
sec. 20, N½.
T. 4 N., R. 14 W.,
sec. 36, S½.

Total aggregation of the lands described above is 3,275.02 acres, in Maricopa and Yuma Counties.

Dated: July 10, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-16314 Filed 7-16-74;8:45 am]

NEVADA STATE MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Nevada State Multiple Use Advisory Board will be held August 27, 1974 at 8:00 a.m. at the Pioneer Inn, 221 S. Virginia Street, Reno, Nevada. There will also be a sub-committee meeting held on August 26, at 7:30 p.m. at the Pioneer Inn to discuss recommendations regarding advisory boards in Nevada.

Following the meeting on August 27, the Board will tour an area of geothermal development in Northern California.

The Nevada State Multiple Use Advisory Board was established to advise and counsel the Bureau of Land Management and the Secretary of the Interior on national resource land management. The sub-committee was appointed to consider the possible reorganization, makeup and development of a charter of functions, duties and limitations of advisory boards in Nevada.

The purpose of the Board meeting is to present information on BLM's geothermal program and to hear a report on state and district advisory board membership from the sub-committee. In addition, such topics will be discussed as the Organic Act, Energy, and Planning Framework for Land Management Decisions.

The meeting is open to the public. It is expected that 50 persons will be able to attend the main session in addition to the Board members. Interested persons may make oral presentations to the Board or file written statements. Such requests should be made to the official listed below at least 20 days prior to the meeting.

Further information concerning this meeting may be obtained from Gerald H. Brown, Chief, Public Affairs Office, Bureau of Land Management, Nevada State Office, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89502, telephone 702-784-5459. Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Bureau of Land Management, Nevada State Office, Room 3041, Federal Building, 300 Booth Street, Reno, Nevada 89502.

E. I. ROWLAND,
State Director, Nevada.

JULY 10, 1974.

[FR Doc.74-16334 Filed 7-16-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P. L. 93-205).

Applicant:
Columbia Zoological Park,
Riverbanks Park Commission,
Post Office Box 1143,
Columbia, South Carolina 29202.

COLUMBIA ZOOLOGICAL PARK,
RIVERBANKS PARK COMMISSION,
POST OFFICE BOX 1143,
Columbia, South Carolina 29202,
(803) 779-8717, May 23, 1974.

DIRECTOR,
Bureau of Sport Fisheries and Wildlife,
U.S. Department of the Interior,
Washington, D.C. 20240.

DEAR SIR: The information immediately following and attached hereto represents an application to the Department of the Interior for the importion of an endangered species for the Columbia Zoological Park, P.O. Box 1143, Columbia, South Carolina, 29202, U.S.A., as required by Public Law No. 91-135; specifically as indicated in Paragraph 17.12, Section (b)(1), CFR Title 50, Part 17, for the permit request authorization to import 0/1 Baird's tapir (*Tapirus bairdii*), and permission and authorization to house, exhibit, and own 1/0 Baird's tapir (*Tapirus bairdii*), currently being boarded at this institution with the permission of the U.S. Department of the Interior, Bureau of Endangered Species, and authorized by Mr. Marshall Stinnett.

(1) The name and address of the applicant:

Columbia Zoological Park
Riverbanks Park Commission
P.O. Box 1143
Columbia, South Carolina, 29202
United States of America

(2) The number of specimens and the common and scientific names (genus and species) of each species or subspecies of fish or wildlife proposed to be imported:

One Female (0/1) Baird's tapier (*Tapirus bairdii*) (Gill, 1865). (Authorization is hereby requested to own, house and exhibit one male (1/0) Baird's tapir (*Tapirus bairdii*), currently boarded at this institution, as authorized by U.S. Department of the Interior (Mr. Marshall Stinnett), Office of Endangered Species: and to defray the cost of importation, housing and handling of this animal by the Charles P. Chase Company, 7330 NW. 66th Street, Miami, Florida 33166, who imported the animal on 16 July 1969 from Honduras, which fact is recorded with the agent in charge, U.S.D.I. Enforcement Division, Miami, Florida; thus making it a *pre-act animal.*

(3) Complete statement of the purpose of such importation:

The Central American or Baird's tapir (*Tapirus bairdii*), (Gill, 1865), is one of the least sought after or appreciated large and rare perissodactylid mammals of zoological parks. In the past, parks which had the necessary funds obtained the colorful Malayan tapir, (*Tapirus indicus*), or the common and less expensive Brazilian tapir (*Tapirus terrestris*). The obscure and unusually wooly tapir (*Tapirus pinchaque*), is not normally available and too difficult to maintain to justify the cost, leaving Baird's tapir with few admirers despite its rarity and continued population decline in the wild.

Illustrations of this neglect are readily apparent when captive groups of other tapir species are examined. From 1968 to 1973, captivé Malayan tapirs increased in numbers from 83 to 135 individuals (Jarvis, 1968; Duplaix-Hall, 1973) while the still unprotected Brazilian tapir has well over 200 individuals in captivity. Only Baird's tapir has received so little emphasis. Between 1967-73, their captive population never exceeded 20, and was usually less. Of these, 25% are in the Tuxtla Zoological Park, Tuxtla, Mexico, where they were caught locally and frequently bred in captivity. For an animal of its rarity, size and public appeal, zoological parks have been rather lax toward establishing captive breeding banks of this species.

Breeding captive tapirs is not an impossible task by any means. Although only seven Malayan tapirs were bred in captivity in 1973 (Duplaix-Hall), only 35 zoological parks had pairs of animals. Then, of these paired animals, actually just individuals of opposite sexes, the age/maturity difference was too wide in many cases, eliminating effective reproductive activities for many zoos. Since Baird's tapir has no known fecundity traits different from those of other tapirs, especially the closely-related Brazilian tapir, and breeds yearly in Tuxtla, Mexico, we should be able, by obtaining oppositely sexed individuals of the same sex, age, and maturity, to establish a breeding group of Baird's tapir without too much difficulty. Reproduction in captivity has been fairly frequent. Compatible pairs of tapirs, regardless of species, in satisfactory surroundings, such as we have, have had seven or more young in captivity. Although Baird's tapir has only been bred in Tuxtla, Mexico, a zoological park within their natural range, this is primarily caused by their accessibility. Other zoos in this country have only single animals, usually males, and only two zoological parks in this country maintain pairs, with no breeding yet recorded.

Our climate is quite warm most of the year, similar to their native country, so the thermal change would be minimal. The populations of higher elevations certainly experienced temperatures near freezing, and would fare well outdoors here for most of the year during normal visiting hours. Individuals in South American parks similarly withstand seasónal changes with impunity (Hershkovitz, 1954). Being very closely related to Brazilian tapirs should mean that there would be no special problems in captive reproduction and the species is certainly in need of sound captive management if the species is expected to survive.

(4) If live fish or wildlife are involved, include a detailed description of the type, size and construction of the container, arrangements for feeding, watering and otherwise caring for the fish or wildlife in transit, and arrangements for caring for the fish or wildlife on entry into the United States;

The animals to be transported to Columbia Zoological Park would be obtained (imported) from Charles P. Chase Company, Miami, Florida, USDA #58-AG, and transported to Columbia by Animal Transports, Inc., ICC #MC-136687, with the president, John Roth, supervising. Both the importer and carrier have many years of experience with exotic wildlife, including tapirs, and are well qualified to safely deliver the animals.

The male of the pair is already in the country, legally imported 16 July 1969, by Charles P. Chase Company from Honduras and has lived there ever since. This individual was recently transported interstate to Columbia Zoological Park for temporary boarding, by Animal Transports, Inc, after receiving verbal permission from the USDI Enforcement Division (Marshall Stinnet, Pers. Comm.), 1 May 1974. The male tapir is approximately six years of age and fully mature, weighing at least 300 pounds.

To obtain a female (mate) for the male, we wish to import one (1) female Baird's tapir of slightly less or equal size maturity (200-300 pounds). No surplus female individuals are available from the zoological parks of this country, lone animals being males, and the female would have to come from wild stocks. Such individuals are frequently available (Chase, pers. comm.) and upon granting the permit, we will inform the Charles P. Chase Company to expedite acquisition of a female.

The animal will be flown to Maimi, Florida and promptly delivered to Columbia by Animal Transports, Inc. and/or Columbia Zoological Park personnel. It will be transported in a sturdy, wooden crate, reinforced with metal and well ventilated for safety. Bedding (bermuda or timothy) will add pedal protection plus lend absorptive qualities to the crate. The animal would be fed soft vegetables (boiled carrots and lettuce) enroute and the animal's anal area hosed to protect against potential prolapse.

(5) The address and complete description of the facilities where such fish or wildlife will be kept;

The outside exhibit for Baird's tapir is very spacious. Measuring 275 x 175 feet, the sides are wooden poles positioned vertically and anchored in the ground with cement. A dry moat barrier in the front separates the animals from the public. A large pool (20 feet in diameter) in the center of the yard, four feet deep, supplies water for drinking, bathing, and defecation. Plants have been added, such as bamboo, pampas grass, and oats, in addition to native trees already in the yard. Artificial rockwork (gunite—pneumatically applied concrete) adds ledges and rock formations, and the surface of the entire yard is sand covered for good drainage, foot conditioning and parasite control. Inside quarters are available for winter and nighttime security, the animals being fed and observed in close proximity daily by the keeper to check for any injury or disease problems. Thermostatically controlled heat and air-conditioning units are present for optimum environmental control, and additional flank and mat heat for complete protection. Each stall has a pool with steps for a safe entrance and exit. The stall floor and pool sides are finished concrete and the sides are high cyclone fencing. Bedding of bermuda hay is provided daily for comfort and occupational feeding. The facility is well lit, with night lights for psychological reassurance at night. The walls are painted with a smooth finish, stain resistant epoxy for easy cleaning. The water for exhibit and inside pools is supplied from the city water system and certified for human consumption. Fed through backflow preventers which meet all Federal, State and local regulations, the water lease from recesed drains to a sanitary sewer system that also meets all Federal and State requirements.

For medical protection, a hospital is present with major surgery, X-ray, quarantine, and laboratory preparation facilities. A hospital supervisor is present at all times, and a staff veterinarian, making bi-weekly visits, is on 24-hour call. The keepers, hospital supervisor, veterinarian, and zoo director all have previous experience with tapirs.

Tapir diets are rather simple, and recent dietary surveys (Wilson and Wilson, 1973) among various successful zoos demonstrate a great deal of similarity. We feed tapirs twice a day, giving a mild pablum, oatmeal, boiled rice mixture in addition to boiled carrots and lettuce leaves. Alfalfa tops are available ad lib, the coarse part being removed by the keeper. Although few Baird's tapirs are present in zoological parks, no dietary peculiarities are known and they appear to feed just as the closely related Brazilian tapir does.

(6) A statement, if applicable, of the applicant's qualifications and previous experience in caring for and handling captive live widlife;

The animal collection in the Columbia Zoological Park is under the supervision of the director, John M. Mehrtens; and the

curator of mammals, Palmer E. Krantz III; and head keeper of mammals, Mark D. Pyritz. (Statistics on director are attached.)

Routine medical care is provided by the Columbia Zoological Park veterinarian, E. R. Van de Grift III, D.V.M. Routine fecal examinations, as well as diet control, is under the direct supervision of Preston Sandifer, Jr., supervisor of the hospital/laboratory, who in turn is responsible to the veterinarian.

(7) A copy of contract or other arrangements under which such fish or wildlife is to be imported, showing the name and address of the seller or consignor, date of contract, contract price, number and weight (if available), and description of the items;

We have been advised by the Charles P. Chase Company, Miami, Florida, that female Baird's tapirs are readily available for export from Central America. In compliance with the recent regulations reflected by the Endangered Species Act of 1974, the Columbia Zoological Park would in the case of the female be the importer of record, with the Charles P. Chase Company acting as our agent and broker. The fees for the services provided by the Charles P. Chase Company are indeterminate and would have to be based on such items as air freight costs, correspondence, personnel time and related factors. It should be noted that as soon as suitable arrangements are made through the Chase Company, acting as our agent, we will be pleased to send a copy of the contract and other pertinent documents, as well as the total financial outlay expended for securing the specimen to U.S.D.I. for inclusion in its files.

Baird's tapir has been an uncommon species for many years, and recognized by the I.U.C.N. survival service commission as early as 1966 (Simon) as a species threatened with extinction. Formerly ranging throughout Central America from the western Andes of Ecuador and Colombia north to southern Mexico, it utilized rain forest, hardwood, and mature forests at all elevations, being found to treeline regions wherever suitable cover and water courses were found (Hershkovitz, 1954). Baird's tapir, like other tapir species, live a solitary, semiaquatic existence and is always sparsely populated throughout its range (Fisher, et al. 1969). In addition to human persecution and habitat destruction, this tapir is preyed upon by jaguars and other small cats, Caimans, and Anacondas. Their fecundity is also low, gestation long (13 months) and post-natal care extending over two years, all of which reduce their reproduction and survival potential.

Presumably displaced from the Yucatan Peninsula by the Mayan Indian settlement (Circa 500 A.D.) (Leopold, 1959); its range has shrunk rapidly during the 20th century in the face of human settlement. Since listed by the 1966 I.U.C.N. Survival Service Commission, it has been formally declared in the most recent 1972 survey (Goodwin and Holloway, 1972) as endangered species because of habitat destruction, excessive hunting, and the inability of the animal to adjust to human settlement. Protection from hunting by law in only one country, Mexico, has been very insufficient. No wild life preserves are proposed within its range. Their population in the wild state continues, therefore, to decrease toward extinction.

(8) A certification; I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in Subchapter B, of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of U.S.C.–1001.

(9) The signature(s) of the applicants; see below. Your consideration of the foregoing will be very much appreciated.

Sincerely,

JOHN M. MEHRTENS,
Director.

E. R. VANDEGRIFT III,
D.V.M.

PALMER E. KRANTZ III,
Curator, Mammals.

PRESTON SANDIFER, Jr.,
Supervisor, Hospital/Lab.

Data compiled and written by:

ALAN H. SHOEMAKER,
Zoologist.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received no later than August 16, 1974 will be considered.

Dated: July 12, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement.

[FR Doc.74–16350 Filed 7–16–74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant:

Mr. Frank H. Gilbert,
5105 East Exeter,
Phoenix, Arizona 85018.

JUNE 5, 1974.

Mr. R. G. KINGHORN,
Special Agent, U.S. Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, Ameico Towers, Suite 704, 2721 North Central Avenue, Phoenix, AZ 85004.

Re: Application for Permit to Import Species on Endangered Species List (Cheetah).

GENTLEMEN: The undersigned, FRANK H. GILBERT, ("Applicant") herewith makes application pursuant to Section 10(a), Endangered Species Act of 1973, 87 Stat. 884, et seq. and Section 17.23, 50 CFR 17 for a permit or permits to import species on the Endangered Species List for educational, scientific and for the propagation of wildlife in captivity for preservation purposes, and in support of this application provides the following information:

1. Applicant's Name, Address and Phone Number:

Frank H. Gilbert
5105 East Exeter
Phoenix, Arizona 85018
Phone: (602) 959–3064

2. Applicant is a 61-year old male, date of birth, April 3, 1913, height 6'3", weight 220, color of hair, gray; color of eyes, blue; and has no business or institutional affiliation having to do with the wildlife to be covered by the permit.

3. Applicant applies for a permit to import four (4) unrelated cheetah (Acinonyx Jubatus), consisting of two (2) male and two (2) female, as young as possible.

4. Applicant proposes to locate the cheetah himself on a trip to country of West Africa Togo-Lome in the months of June through August of 1974.

5. Applicant has not entered into a contract or agreement regarding the importation of the wildlife to date. It is anticipated that a contract or arrangement will be entered into with a qualified individual or entity in the near future and applicant will supplement this application with a copy of all documents or other arrangements entered into prior to importing the animals into this country.

6. The purpose of the application for a permit to import the cheetah is primarily for the propagation of the species, for an educational breeding project and to conduct scientific study on the habits of this type of wildlife in captivity. Applicant at the present time owns four (4) cheetah which were acquired in May, 1973, consisting of two males and two female animals; however, one male and one female are from the same litter. It is suggested that a minimum of two (2) male and two (2) female cheetah be imported to insure that applicant will not have a problem with inbreeding or blood lines in the future. It is critical for the purposes intended that there be no intermingling of related animals, and a minimum of eight (8) animals is required for this purpose. If the project is ever abandoned or terminated, the animals will be transferred to a scientific or zoological organization conducting a similar program.

7. Prior to or during the trip, applicant will make arrangements for the transportation of the cheetah, the feeding, watering and care of the animals in transit from place of acquisition to Phoenix, Arizona, and will provide the Department of the Interior with additional information upon obtaining the same if required. It is anticipated that air transportation will be provided for the animals from the country of acquisition to New York, New York, and from there to Los Angeles, California, where the animals will be under the care of a qualified veterinarian from the time they arrive at Los Angeles for a complete health study before being transported to their permanent place of residence in Phoenix.

8. Applicant has after considerable study and discussion with knowledgeable people, recently (1974) completed a facility at 5105 East Exeter, Phoenix, Arizona, where the cheetah will be permanently residing. The facility is located on approximately three (3) acres of land adjacent to applicant's residence and is encircled with an 8-ft. high fence with a 3-ft. 45° cantilevered section on top of that, six separate pens and runs and utilizes natural foliage and landscaping presently existing at the facility. Applicant in addition to himself has a full-time employee responsible for the care, feeding and maintenance of the animals. Photographs of the area and facilities in which the wildlife will be housed are attached hereto as Exhibits.

9. As of the date of this application, the wildlife to be imported are still in the wild and will not be born in captivity, nor have they been removed from the wild.

10. Applicant's qualifications and previous experience in caring for and handling captive wildlife has been acquired over a period of many years. Applicant at the present time is the owner of the following types of captive wildlife: cheetah, leopard, lion, raccoon, fox and otter.

Applicant has a library of most of the publications pertaining to the care and breeding of cheetah, has attended seminars and has visited numerous locations where cheetah

are kept in captivity. In addition, applicant has worked closely with Dr. Marty Dinnes, D.V.M. in connection with the care and treatment of animals, together with Rob Herdman of the San Diego Animal Game Park at San Pasqual, California. Applicant has available for consultation and service Dr. Howell Hood, D.V.M. of the Phoenix Zoo, Dr. Marion Smith, D.V.M., Assistant at the Phoenix Zoo, Dr. Rod Simpson, D.V.M., and Mr. Chuck Hanson, Arizona Sonora Desert Museum.

In addition to applicant's experience in the breeding of domestic animals, he has recently completed a successful breeding of Southwest Leopards (felis pardus).

11. Applicant is willing to participate in a cooperative breeding program and maintain or contribute data to a studbook.

12. Applicant has made attempts to obtain the wildlife from sources that would not cause the removal of additional animals from the wild by contacting sources in several locations in the United States. Because of the requirement of four animals similar in age and to blend the newly-acquired animals into the existing program, applicant has been unsuccessful in obtaining animals from domestic sources.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

The desired effective date of the permit is July 1, 1974, provided that the permit remains in effect for a period in ninety (90) days thereafter.

Dated at Phoenix, Arizona, this 5 day of June, 1974.

FRANK H. GILBERT.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FSF/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received no later than August 16, 1974 will be considered.

Dated: July 12, 1974.

C. R. BAVIN,
Chief,
Division of Law Enforcement.

[FR Doc.74-16351 Filed 7-16-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-149]

C. L. KLINE MINING CO.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), C. L. Kline Mining Company has filed a petition to modify the application of 75.1504 to its No. 6 Mine, Robbins, Scott County, Tennessee.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition to secure a waiver of 30 CFR 75.1405 Petitioner states in pertinent part that:

The alternate method Petitioner proposes to establish in lieu of the mandatory standard is one in which there is employed manual devices, described in detail hereafter. The alternate method will at all times guarantee a standard of protection no less than would the application of the mandatory standard. This will be accomplished by permanently coupling the mine cars into trips in which the end cars are provided with loose pins controlled by levers extending to the clearance side of the car. The link at the fixed-pin end will be attached to both ends of the locomotive and its alignment will be controlled, if required, by a 37 inch hand link aligner prior to coupling. Thus, the coupling and uncoupling of the locomotive at either end of the fixed trip will be safely accomplished by the coupler or brakeman standing outside of the path of the cars and locomotive.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JULY 10, 1974.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.74-16317 Filed 7-16-74;8:45 am]

[Docket No. M 74-156]

COAL RESOURCES CORP.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mines Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Coal Resources Corporation has filed a petition to modify the application of § 75.1405 to its Belmon No. 1 and Oxford Nos. 1 and 2 Mines, Coalgood, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

30 CFR 75.1405-1 of the regulations, to be read concurrently with § 75.1405, provides that:

The requirements of 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition to secure a waiver of 30 CFR 75.1405 Petitioner states in pertinent part:

1. Under normal conditions the supply car is delivered to the supply point underground twice daily where the car is unloaded. The car is only uncoupled when the motor changes direction of travel to return to the surface.

2. The motorman places the car at the supply point on the surface where it is loaded with the necessary material and supplies required for the section that day. The car is only uncoupled and coupled on the surface so the motor can change its direction of travel to enter the mine. At no time does the person coupling the car go between the car and the motor while they are in motion.

3. Modification of supply cars in use at the subject mine will be effected by installation of a coupling lever on the rear of each car. Hand link aligners will be used in positioning the link pins.

Petitioner's proposal is supported by schematic drawings of the proposed coupling lever and hand link aligners.

Petitioner asserts that its proposed alternative will at all times afford the same protection as the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Divisions, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 10, 1974.

[FR Doc.74-16319 Filed 7-16-74;8:45 am]

[Docket No. M 74-155]

HARRISBURG COAL CO., INC.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Harrisburg Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its Harrisburg No. 1 Mine, Marion, Illinois.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic

couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition to secure a waiver of 30 CFR 75.1405 Petitioner states in pertinent part that:

1. The mine cars have a link-and-pin coupling system which has been in use since the mine started producing coal in 1950.

2. To date there has been no serious injuries due to the coupling system.

3. The cagers can couple the cars without getting between them.

Petitioner asserts that its proposed alternative will at all times afford the same protection as the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 10, 1974.

[FR Doc.74-16318 Filed 7-16-74;8:45 am]

[Docket No. M 74-163]

FAIRVIEW COAL CO.

Mandatory Safety Standards; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Fairview Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Fairview No. 5 Mine, Punxsutawney, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

30 CFR 75.1405-1, to be read concurrently with § 75.1405, provides that:

The requirement of 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition to secure a waiver of 30 CFR 75.1405, Petitioner states:

1. There is no coupling or uncoupling of mine cars while the trip of the cars is in motion.

2. The mine haulage system has been in operation for a period of seventeen (17) years without a haulage accident of any nature.

3. Automatic couplers will not afford a safer haulage system than has been used at the petitioner's mine for the last seventeen (17) years. Automatic couplers placed on the existing mine cars could create additional hazards and accidents since the mine cars and mine track are not suitable to automatic couplers. The mine cars are small and light and automatic couplers require additional impact to couple the cars. This additional impact may create a hazard of de-railing.

4. Petitioner will operate his haulage system in the same manner as previously operated with a free accident record frequency of 0.00 with the additional use of a Hand Link Aligner which will guarantee no less than the same measure of protection to the miners at this mine.

Petitioner's proposal is supported by a drawing of the hand link aligner and by photographs of mine cars.

Petitioner asserts that its proposed alternative will at all times afford the same protection as the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JULY 10, 1974.

[FR Doc.74-16320 Filed 7-16-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Postponed Meeting

The Flue-Cured Tobacco Advisory Committee meeting which was scheduled for July 19, 1974, (39 FR 24043, 6-28-74) is postponed until Thursday, August 8, 1974, at 1 p.m., and will be held in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27692.

The purpose of the meeting is to readjust the selling schedule on the basis of the first period of producer redesignation of warehouses, pursuant to 7 CFR Part 1464, Subpart A, § 1464.2, which ends August 2, 1974, and other matters as specified in 7 CFR Part 29, Subpart G, § 29.9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: July 12, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-16364 Filed 7-16-74;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 83]

SUGARCANE; LOUISIANA

Extension of the Closing Date for Filing of Applications for the 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for sugarcane crop insurance for the 1975 crop year in all counties in Louisiana where such insurance is otherwise authorized to be offered is hereby extended until the close of business on September 30, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.74-16235 Filed 7-16-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

NUCLEAR POWERED COMMERCIAL VESSELS

Consideration of Construction Differential Subsidy; Extension of Time

By notice published in the FEDERAL REGISTER on April 26, 1974, (39 FR 14737) the Maritime Subsidy Board invited interested parties to submit applications on or before July 29, 1974, for the award of construction-differential subsidy for nuclear merchant vessels. The Board, having received requests to extend the July 29, 1974 submittal date, has determined that additional time will be required to obtain essential cost and schedule data from shipyards.

Accordingly, the date for submittal of completed application is herewith extended to September 30, 1974. Applications should be submitted on FMB Form 8 and should be filed with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Street, NW., Washington, D.C. 20230.

Dated: July 11, 1974.

By Order of the Maritime Subsidy Board Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-16472 Filed 7-16-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applica-

tions must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE AIR FORCE,
AF/JACP,
Washington, D.C. 20314.

Patent application 271,944: Communications System Having Single RF Channel Diversity Means; filed 14 July 1972; PC $4.00/MF $1.45.

Patent application 271,945: Digital Bit Synchronizer; filed 14 July 1972; PC $4.00/MF $1.45.

Patent application 274,030: Mechanical Rotary Tilt Stage; filed 21 July 1972; PC $4.00/MF $1.45.

Patent Application 275,018: Method and Means for Passivation and Isolation in Semiconductor Devices; filed 25 July 1972; PC $4.00/MF $1.45.

Patent application 275,022: Portable Hand Held Dosimeter; filed 25 July 1972; PC $4.00/MF $1.45.

Patent application 288,816: Ramjet with Integrated Rocket Boost Motor; filed 13 September 1972; PC $4.00/MF $1.45.

Patent application 298,209: Portable Repair Apparatus; filed 17 October 1972; PC $4.00/MF $1.45.

Patent Application 300,934: Direction Finding Interferometer for a Linear FM Signal; filed 26 October 1972; PC $4.00/MF $1.45.

Patent application 304,582: Columbium-Base Alloy; filed 7 November 1972; PC $4.00/MF $1.45.

Patent application 310,036: Flys-Eye Mirror Laser Apparatus; filed 28 November 1972; PC $4.00/MF $1.45.

Patent application 317,554: Air-to-Air Fire Control Disturbed Line Method and System; filed 22 December 1972; PC $4.00/MF $1.45.

Patent Application, 320,796; A Compatable Scanning System; filed 3 January 1973; PC $4.00/MF $1.45.

Patent Application 322,571: Tow Plate; filed 10 January 1973: PC $4.00/MF $1.45.

Patent Application 326,207: Laser Window Materials, filed 24 January 1973; PC $4.00/MF $1.45.

Patent Application 327,360: Burst Phase Shift Keyed Receiver; filed 29 January 1973; PC $4.00/MF $1.45.

Patent Application 328,157; Truncated Modified Sequential Hypothesis Test Target Detector; filed 31 January 1973; PC $4.00/MF $1.45.

Patent Application 334,798: Method of Connecting Substantial Similar Metal Parts: filed 22 February 1973; PC $4.00/MF $1.45.

Patent Application 336,583: Thermal Stabilization of Polyamide Fibers; filed 28 February 1973; PC $4.00/MF $1.45.

Patent Application 340,516: Atomic Resonance Optical Filter-Detector; filed 12 March 1973, PC $4.00/MF $1.45.

Patent Application 349,902: Cargo Handling Trailer; filed 9 April 1973; PC $4.00/MF $1.45.

Patent Application 349,903: Boost-Surge Power Supply; filed 9 April 1973; PC $4.00/MF $1.45.

Patent Application 350,257: Temperature Compensated Latching Ferrite Phase Shifter; filed 11 April 1973; PC $4.00/MF $1.45.

Patent Application 350,258: Ultra Broad Band RF Phase Shifter; filed 11 April 1973; PC $4.00/MF $1.45.

Patent Application 350,259: Atmospheric Sampling; Probe for a Mass Spectrometer; filed 11 April 1973; PC $4.00/MF $1.45.

Patent Application 350,855: Compton Back-Scattered Radiation Source; filed 13 April 1973; PC $4.00/MF $1.45.

Patent Application 351,670: Four-Horn Radiometric Tracking RF System; filed 16 April 1973; PC $4.00/MF $1.45.

Patent Application 352,385: High Modulus Graphite Fiber Reinforced Tubes; filed 18 April 1973; PC $4.00/MF $1.45.

Patent Application 352,389: Treatment of Aluminum Alloys; filed 18 April 1973; PC $4.00/MF $1.45.

Patent Application 366,390: Cassette-Type Tube Welder; filed 8 June 1973; PC $4.00/MF $1.45.

Patent application 369,385: Self Normalizing Spectrum Analyzer and Signal Detector; filed 12 June 1973; PC $4.00/MF $1.45.

Patent Application 379,026: High Resolution, Very Short Pulse, Ionosounder; filed 13 August 1973; PC $4.00/MF $1.45.

Patent Application 379,028: Anti-Frost Apparatus; filed 13 July 1973; PC $4.00/MF $1.45.

Patent Application 381,443: Electrolytic Igniter; filed 19 June 1973; PC $4.00/MF $1.45.

Patent Application 386,924: Dielectric Directional Antenna; filed 9 August 1973; PC $4.00/MF $1.45.

Patent Application 386,925: Preparation of Lead Lanthanum Zirconate Titanate Bodies; filed 9 August 1973; PC $4.00/MF $1.45.

Patent Application 392,380; Aft Inlet Ramjet Powered Missile; filed 28 August 1973; PC $4.00/MF $1.45.

Patent Application 407,378: Method for Converting Chrysotile Asbestos; filed 17 October 1973; PC $4.00/MF $1.45.

Patent Application 407,380: Surface Treatment of Titanium and Titanium Alloys; filed 17 October 1973; PC $4.00/MF $1.45.

DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent application 472,166: Visual Divided Attention Alcohol Safety Interlock System; filed 22 May 1974: PC $4.00/MF $1.45.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, *National Institutes of Health*, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 423,303: Human Parathyroid Hormone; filed 10 December 1973: PC $4.50/MF $1.45.

Patent application 441,445: Cell Culture on Semi-Permeable Tubular Membranes; filed 11 February 1974: PC $4.25/MF $1.45.

Patent application 444,920: Process for the Preparation of Dehydroberdinium Salts; filed 22 February 1974; PC $4.00/MF $1.45.

Patent application 451,300: Isolation of Glucocerebrosidase From Human Placental Tissue; filed 14 March 1974, PC $4.00/MF $1.45.

Patent 3,654,477: Obstacle Detection System for use by Blind Comprising Plural Ranging Channels Mounted on Spectacle Frames; filed 2 June 1970; Patented 4 April 1972; not available NTIS.

Patent 3,790,552: Method of Removing Hepatitis-Associated Antigen from a Protein Fraction Using Polyethylene Glycol; filed 16 March 1972; Patented 5 February 1974; not available NTIS.

Patent 3,790,663: Preparation of Dry Antiserum Coated Solid-Phase for Radioimmunoassay of Antigens. Filed 7 July 1970; Patented 5 February 1974; not available NTIS.

Patent 3,791,374: Programmer for Segmented Balloon Pump; filed 9 August 1971; Patented 12 February 1974; not available NTIS.

Patent 3,799,159: Hydraulic Flexion Control Device; filed 28 October 1971; Patented 26 March 1974; not available NTIS.

Patent 3,799,844: Instrumental Method for Plating and Counting Aerobic Bacteria; filed 2 June 1971; Patented 26 March 1974; not available NTIS.

Patent 3,807,401: Anticoagulating Blood Suction Device; filed 21 June 1972; Patented 30 April 1974; not available NTIS.

Patent 3,807,563: Individual Household Aerated Waste Treatment System; filed 27 July 1971; Patented 30 April 1974; not available NTIS.

DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 412,222: Method for the Preparation of Highly Pure Titanium Tetrachloride from Calcium-Containing Titanium Materials; filed 2 November 1973; PC $4.00/MF $1.45.

Patent application 422,802: MHD Generator with Uniform Current Distribution; filed 15 February 1974; PC $4.00/MF $1.45.

Patent application 438,906: Method of Desorbing Gold from Activated Carbon; filed 1 February 1974; PC $4.00/MF $1.45.

Patent application 442,800: MHD Generator with Uniform Voltage Distribution; filed 15 February 1974; PC $4.00/MF $1.45.

Patent application 456,509: Long Shield Mining Method; filed 1 April 1974; PC $4.00/MF $1.45.

Patent application 457,667: Ultrahigh Vacuum Mounting Fixture; filed 3 April 1974; PC $4.00/MF $1.45.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Council for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent 3,797,098: Totally Confined Explosive Welding; Patened 19 March 1974; not available NTIS.

Patent 3,797,919: High Speed Shutter, Patented 19 March 1974; not available NTIS.

Patent 3,798,741: Method of Fabricating an Object with a Thin Wall Having a Precisely Shaped Slit; Patented 26 March 1974; not available NTIS.

Patent 3,798,748: Diffusion Welding; Patented 26 March 1974; not available NTIS.

Patent 3,798,778: Orbital and Entry Tracking Accessory for Globes; Patented 26 March 1974; not available NTIS.

Patent 3,798,896: Optically Actuated Two Position Mechanical Mover; Patented 26 March 1974; not available NTIS.

Patent 3,800,082: Auditory Display for the Blind; Patented 26 March 1974; not available NTIS.

Patent 3,800,253: Digital Controller for a Baum Folding Machine; Patented 26 March 1974; not available NTIS.

Patent 3,802,249: Method and Apparatus for Checking Fire Detectors; Patented 9 April 1974; not available NTIS.

Patent 3,802,253: Ultrasonic Biomedical Measuring and Recording Apparatus; Patented 9 April 1974; not available NTIS.

Patent 3,802,262: Electromagnetic Flow Rate Meter; Patented 9 April 1974; not available NTIS.

Patent 3,802,660: Flow Control Valve. Patented 9 April 1974; not available NTIS.
Patent 3,802,753: Hollow Rolling Element Bearings; Patented 9 April 1973; not available NTIS.
Patent 3,803,090; Ultraviolet and Thermally Stable Polymer Compositions; Patented 9 April 1974; not available NTIS.
Patent 3,803,617; Thiophenyl Ether Disiloxanes and Trisiloxanes Useful as Lubricant Fluids; Patented 2 April 1974; not available NTIS.
Patent 3,803,617: High Efficiency Multifrequency Feed; Patented 9 April 1974; not available NTIS.
Patent 3,804,506: Rotary Solenoid Shutter Drive Assembly and Rotary Inertia Damper and Stop Plate Assembly; Patented 16 April 1974; not available NTIS.
Patent 3,804,525: Long Range Laser Traversing System; Patented 16 April 1974; not available NTIS.
Patent 3,804,703: Glass-to-Metal Seals Comprising Relatively High Expansion Metals; Patented 16 April 1974; not available NTIS.
Patent 3,805,622: Deployable Pressurized Cell Structure for a Micrometeoroid Detector; Patented 23 April 1974; not available NTIS.
Patent 3,806,802: Automatic Quadrature Control and Measuring System; Patented 23 April 1974; not available NTIS.
Patent 3,806,831: Ultra-Stable Oscillator with Complementary Transistors; Patented 23 April 1974; not available NTIS.
Patent 3,806,835; Rapidly Pulsed, High Intensity, Incoherent Light Source; Patented 23 April 1974; not available NTIS.
Patent 3,806,932; Amplitude Steered Array; Patented 23 April 1974; not available NTIS.

[FR Doc.74-16304 Filed 7-16-74;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

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DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

Department of the Air Force, AF/JACP, Washington, D.C. 20314.

Patent application 310,613: Barrier Ring Injector; filed 29 November 1972; PC $4.00/MF $1.45.
Patent application 314,623: Overload Clutch with Zero Parasitic Torque; filed 13 December 1972; PC $4.00/MF $1.45.
Patent application 315,744: Radiocative Preionization Method and Appartus for Pulsed Gas Lasers; filed 15 December 1972; PC $4.00/MF $1.45.
Patent application 315,767: Coating for Lightning Protection of Structural Reinforced Plastics; filed 15 December 1972; PC $4.00/MF $1.45.
Patent application 326,208: Portable Etching System for Holes Drilled in Metals; filed 24 January 1973; PC $4.00/MF $1.45.
Patent application 332,539: Apparatus for the Direct Measurement of Thermal Stresses; filed 14 February 1973; PC $4.00/MF $1.45.
Patent application 336,584: Thermal Stabilization of Polybenzimidazole Fiber Fabrics; filed 28 February 1973; PC $4.00/MF $1.45.
Patent application 344,787: Thermally Stable Phenylated Heterocyclic Aromatic Polymers and Method of Synthesis; filed 26 March 1973; PC $4.00/MF $1.45.
Patent application 365,908: Dual Mode Auxiliary Power Unit; filed 1 June 1973; PC $4.00/MF $1.45.
Patent application 366,908: Multi-Component Flow Probe; filed 4 June 1973; PC $4.00/MF $1.45.
Patent appliaction 371,089: Benzothiophenedioxideisoquinoline Polymers and Method for Synthesizing Same; filed 18 June 1973; PC $4.00/MF $1.45.
Patent application 375,557: Angle Data Processor for Reciprocating Narrow Scanning Beams; filed 2 August 1973; PC $4.00/MF $1.45.
Patent application 379,024: Vacuum Blazing Tantalum Alloys; filed 13 July 1973; PC $4.25/MF $1.45.
Patent application 379,029: Method and Means for Determining Fatigue Damage and Surface Stress; filed 13 August 1973; PC $4.00/MF $1.45.
Patent application 386,923: Method for Preparing Lead Lanthanum Zirconate-Titanate Powders; filed 9 August 1973; PC $4.00/MF $1.45.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 445,665: Method of Purifying Enzymes Using Boronic Acids Covalently Bonded to an Insoluble Support; filed 25 February 1974; PC $4.25/MF $1.45.
Patent 3,799,672: Oximeter for Monitoring Oxygen Saturation in Blood; filed 15 September 1972; Patented 26 March 1974; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20242.

Patent application 453,140: Process for the Preparation of a Stable Salt Form of a Sulfonated Polyarylether Sulfone; filed 20 March 1974; PC $4.00/MF $1.45.
Patent application 457,309: Method of Distributing Feed in an HTME Distillation Plant; filed 2 April 1974; PC $4.75/MF $1.45.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent 3,799,149: Metabolic Analyzer; Patented 26 March 1974; not available NTIS.
Patent 3,799,475: Airflow Control System for Supersonic Inlets; Patented 26 March 1974; not available NTIS.
Patent 3,800,227: Pulse Code Modulated Signal Synchronizer; Patented 26 March 1974; not available NTIS.
Patent 3,802,779: Method and Apparatus for Optically Monitoring the Angular Position of a Rotating Mirror; Patented 9 April 1974; not available NTIS.
Patent 3,803,393: A Synchronous Binary Array Divider; Patented 3 May 1974; not available NTIS.
Patent 3,803,445: Rotating Raster Generator; Patented 9 April 1974; not available NTIS.
Patent 3,805,303: Reduced Gravity Fecal Collector Seat and Urinal; Patented 23 April 1974; not available NTIS.
Patent 3,806,815: Decision Feedback Loop for Tracking a Polyphase Modulated Carrier; Patented 23 April 1974; not available NTIS.
Patent 3,806,816: Pulse Code Modulated Signal Synchronizer; Patented 23 April 1974; not available NTIS.

[FR Doc.74-16305 Filed 7-16-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

ASSISTANCE UNDER THE HEALTH MAINTENANCE ORGANIZATION ACT

Notice Regarding Applications

On May 8, 1974, there was published at 39 FR 16421 et seq., a notice of proposed rulemaking, which proposed the adoption of regulations to implement, in part, the Health Maintenance Organization Act of 1973, Pub. L. 93-222. A supplemental appropriation Act (Pub. L. 93-305) which, among other items, appropriates funds for programs authorized by Pub. L. 93-222, has been enacted. In order to expedite the review procedures for the award of Federal financial assistance, notice is hereby given that applications for grants, loans, and loan guarantees may be submitted prior to the publication of final regulations in accordance with application procedures set forth in Subparts B, C, D, and E of the proposed regulations (39 FR 16421). Such applications may be submitted prior to the expiration of the period of notice to section 314 (a) or (b) agencies required by § 110.203(h) of the proposed regulations. Application forms and further information may be obtained from the respective Regional Health Administrators in each of the DHEW Regional Offices listed at 45 CFR 5.31(b).

It should be noted that these application forms and procedures are based on proposed regulations, and that final action with respect to any applications submitted will not be taken by DHEW until after final regulations are published. Furthermore, should the final regulations differ substantially from the proposed regulations, applications filed on the basis of the proposed regulations will be required to be revised or amended as may be necessary. Subject to these considerations, applications for grants, loans, and loan guarantees will be accepted and reviewed on a continuing basis until further notice.

Dated: June 28, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: July 12, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-16337 Filed 7-16-74;8:45 am]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Wel-

fare is hereby amended to add a division structure to the Office of Guaranteed Student Loans to more effectively administer that Program. The statement under the heading Office of Management, Office of Guaranteed Student Loans is hereby deleted and a new statement added to read as follows:

OFFICE OF GUARANTEED STUDENT LOANS

The Office of Guaranteed Student Loans plans, directs and evaluates all administrative activities associated with the operation and management of a program of low interest long-term insured loans for college and vocational students under which loans made by commercial and other lenders are insured (or reinsured) by the Federal Government and insured by State and nonprofit private agencies. Provides for payments to reduce interest costs to student borrowers and payments of special incentive allowances to lenders including payment of claims on insured loans.

Division of Program Development. Responsible for program planning, development and coordination of matters relating to legislation and regulations. Coordinates Guaranteed Student Loan Program with other student financial aid programs. Conducts program analysis to provide recommendations for changes in legislation and/or regulations. Develops policies and procedures defining the operation of the Guaranteed Student Loan Program for lenders, schools, and guarantee agencies including the development and issuance of manuals and guidelines. Provides policy guidance to regional offices, guarantee agencies and various constituent groups in areas relating to legislation and regulations. Coordinates interpretation of legislation and regulations with the Office of General Counsel and other appropriate agencies. Coordinates compliance resolution.

Division of Operational Support. Responsible for internal operating policies and procedures relating to processing and programmatic activities to include insuring loans, paying interest benefits special allowances and claims, collection of defaulted accounts and day to day communication and personal contact with individual lenders, schools, guarantee agencies and students. Provides operational support through document processing activities which are supportive to regional office operations, lenders, schools and guarantee agencies. Prepares internal program operating policies and procedures supportive to the internal (both headquarters and regions) operation of the Program. Monitors operations for consistency with national policies and standards. Assures adequate control of documents flowing both to and from the computer system and distributes computer outputs. Provides for effective management information reports including the monitoring of the Student Loan Insurance Fund.

Division of Program Systems. Responsible for the design of management systems, and the development of computer based information systems, in accordance with OE standards to accomplish the goals of the Guaranteed Student Loan System. This includes: conducts management analyses and making recommendations concerning future management systems development, consulting on internal policies, operations and program objectives and reviewing all procedures and forms developed within the program. Responsible for furnishing Guaranteed Student Loan Program management with systems information, guidance, advice and recommendations emerging from the overall work performed. Conduct highly complex management analyses and makes continuing systems assignments on internal operating policies and program objectives. Provides a single point management function for all the planning, development, and operation of data processing systems activities within the program. Establishes and issues overall system policy and allocates resources to systems activities. Resolves conflicting priorities and competitive demands for systems activities. Prepares requests for proposal and authorizes the procurement of outside commercially available services through contracts. Acts as Contract Technical Representative on program management consulting and systems contracts. Recommends systems budget and authorizes expenditures within the approved budget. Conducts liaison with the Automatic Data Processing Branch who will provide all systems hardware engineering and production services.

Dated: July 10, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-16338 Filed 7-16-74;8:45 am]

Office of Education

BILINGUAL EDUCATION

Closing Date for Receipt of Applications

The Commissioner of Education hereby gives notice that pursuant to 20 USC 880b—880b-5, the Bilingual Education Act, applications for assistance are being accepted from local educational agencies, institutions of higher learning in combination with such agencies, certain organizations of Indian tribes which operate schools for Indian children, and elementary and secondary schools for Indian children on a reservation which are operated or funded by the Department of the Interior. Funds are available for grants to new applicants and applicants for the continuation of assistance under Public Law 93-305, the Second Supplemental Appropriations Act, 1974.

Applications must be received by the U.S. Office of Education Application Control Center on or before August 23, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.403. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program Period.* Awards of assistance will be made pursuant to this notice to develop and carry out programs terminating no later than June 30, 1975.

D. *Applicable Regulations.* Awards of assistance made pursuant to this notice will be subject to the regulations in 45 CFR Part 123 (published in the FEDERAL REGISTER at 39 FR 17965 on May 22, 1974), relating to the bilingual education program, and the Office of Education general provisions regulations relating to direct project assistance programs (45 CFR parts 100a and 100c, 38 FR 30662 and 30691, November 6, 1973).

The criteria contained in § 123.14(a) of the regulations as published in the May 22, 1974 issue of the FEDERAL REGISTER will be applied in the evaluation of applications invited by this notice. Applicants for both initial assistance and the continuation of assistance should submit the information necessary under § 123.14(a) of the regulations.

Information and application forms may be obtained from the Division of Bilingual Education, U.S. Office of Education, Regional Office Building Three, Room 3600, 7th and D Streets, SW., Washington, D.C. 20202.

(20 U.S.C. 880b-3(a))

(Catalog of Federal Domestic Assistance Number 13.403; Bilingual Education)

Dated: July 12, 1974.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[FR Doc.74-16390 Filed 7-16-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-445-DR; Docket No. NFD-221]

OHIO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on July 11, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Ohio resulting from heavy rains and flooding beginning about June 22, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Ohio. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under the Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area in the State of Ohio to have been adversely affected by this declared major disaster:

The County of:

Warren

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: July 11, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-16377 Filed 7-16-74;8:45 am]

Federal Insurance Administration

[Docket No. N-74-240]

MANDATORY PURCHASE OF FLOOD INSURANCE

Guidelines

The following guidelines represent the current views of the Federal Insurance Administration with respect to the mandatory purchase of flood insurance under section 102 of the Flood Disaster Protection Act of 1973, and are effective until further notice.

The purpose of these guidelines is to provide guidance to the many Federal agencies and private lending institutions responsible for the enforcement of the Act's flood insurance purchase requirements, which became effective on March 2, 1974.

The Flood Disaster Protection Act of 1973 (Pub. L. 92-234, December 31, 1973, hereinafter referred to as the "Act") requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the National Flood Insurance Program. This Federal program is authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127).

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community centers the program and the special flood hazard areas have been identified. However, after July 1, 1975, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program and flood insurance has been purchased.

The term Federal or federally-related financial assistance includes not only loans, grants, guarantees, and similar forms of direct and indirect assistance from Federal agencies, such as FHA or VA mortgage insurance, but also any similar forms of assistance from federally-insured or regulated lending institutions, such as banks, savings and loan associations, and credit unions.

Acquisition or construction purposes include all forms of construction, reconstruction, repair, or improvement to real estate, whether or not the value of the building is enhanced, and the flood insurance purchase requirement applies to both private and public recipients, except as otherwise noted in the guidelines. We have included a glossary of the other terms used in the National Flood Insurance at Paragraph G below.

A. BACKGROUND

1. *Description of program and program limits.* (a) The National Flood Insurance Program was enacted by the Congress in 1968 as a means of making flood insurance, which was previously unavailable from the private insurance industry, available at reasonable rates through a joint Government-industry program, within communities that meet eligibility requirements by adopting certain land use and control measures, consistent with Federal criteria, to reduce or avoid flooding in connection with future construction in their flood plains.

(b) The program is highly subsidized and seeks in its early stages to assure wiser future flood plain management rather than to obtain adequate premiums for the coverage provided. However, flood insurance for buildings constructed within identified special flood hazard areas after December 31, 1974 (or the effective date of the initial Flood Insurance Rate Map, whichever is later), will be subject to actuarial rather than the subsidized premium rates. Such rates can be prohibitively expensive unless the buildings are properly elevated or floodproofed to lessen flood damage.

(c) Communities entering the National Flood Insurance Program generally do so in two phases. They first become eligible for the sale of flood insurance in the Emergency Program, under which only half of the program's total limits of coverage are available and all such insurance is sold at subsidized premium rates. After the flood insurance rate study has been completed, a community enters the Regular Program under which full limits of coverage are available.

(d) Under the Regular Program, buildings constructed on or before December 31, 1974 (or the effective date of the rate map, if later), as well as those located outside of the special flood hazard areas, remain eligible for the first half of available coverage (known as "first layer" coverage) at either subsidized rates or actuarial rates, whichever are cheaper. All other buildings require actuarial rates on both layers of coverage.

(e) Regardless of date of construction, actuarial rates are always required for the second layer of coverage.

(f) Present limits of coverage under the Emergency Program (except in Alaska, Hawaii, the Virgin Islands, and Guam) are $35,000 on single family dwellings and $100,000 on all other types of buildings, with $10,000 per unit available for residential contents, and $100,000 per building available for nonresidential contents. In Alaska, Hawaii, the Virgin Islands, and Guam, limits on residential structure coverage under the Emergency Program are increased to $50,000 on single-family dwellings and $150,000 on buildings containing more than one unit.

(g) Present limits of coverage under the Regular Program are double those indicated in paragraph (f) for the Emergency Program.

(h) The regulations governing the National Flood Insurance Program are set forth in title 24 of the Code of Federal Regulations, Chapter 10, Subchapter B, commencing at Part 1909. Specific information on insurance coverage and rates is set forth in 24 CFR 1911, as amended.

2. *Community eligibility and special flood hazard area identifications.* (a) Once a community has met eligibility requirements for the Emergency Program and has submitted a copy of its preliminary land use measures, the Federal Insurance Administration arranges for the sale of flood insurance within the community in less than two weeks (normally, within 6 working days). The eligibility date for a particular community is always published in the FEDERAL REGISTER, indexed both under HUD and under Federal Insurance Administration.

(b) Similarly, lists of communities with newly identified special flood hazard areas are regularly published in the FEDERAL REGISTER under 24 CFR 1915.3 in

advance of the effective date of the identification. However, the maps showing the boundaries of such areas are not published in the FEDERAL REGISTER and must be obtained or verified as indicated in item 3, below.

(c) In addition to publication in the FEDERAL REGISTER, daily notifications are made to HUD regional offices and to National Flood Insurers Association (NFIA) servicing companies of changes in community status within their areas. Monthly lists of all eligible communities, indicating the dates of all hazard area identifications, are published in booklet form about the 15th of each month (with information current as of the end of the previous month) and are widely distributed to agencies having an interest in the flood insurance program. However, because of printing and mail delivery time lags, the published lists available at any given time may be as much as a month old. To ascertain whether a community not listed in this booklet has been subsequently identified as flood prone, an inquiry may be made to the NFIA Servicing Company in the appropriate state or by calling the FIA toll free numbers 800–424–8872 or 800–424–8873.

(d) It is not the intent of the program to require the purchase of flood insurance for buildings located outside the curvilinear flood line and where the first floor elevations are on natural ground and above the base flood level. Consequently, after the publication of flood maps, the Administrator may issue amendments to the maps correcting technical mapping deficiencies.

(e) Furthermore, it is recognized that the descriptions of special flood hazard areas contained in Flood Hazard Boundary Maps and Flood Insurance Rate Maps in some instances may not be clear enough to permit lending institutions to decide with certainty and precision whether or not property which is the security for a loan or which is the subject of a Title I loan is located in such an area. Accordingly, for the purposes of the Flood Disaster Protection Act of 1973 and for the loan, the Federal Insurance Administrator has determined that a lender's decision made in the exercise of due diligence and good faith as to the location of a property, which is the subject of a loan, on such a map will be final and sufficient to comply with the Act.

In such instances where a good faith finding has been made by a lender or its agent, acting pursuant to the requirements of the Act, that the property is outside the special flood hazard area, such finding as to the location of the property shall be final with respect to such property, regardless of any subsequent contrary conclusion by any person, agency, or body, and regardless of any change of ownership of the property or status of the loan or transaction, provided, at the time of any subsequent making, increasing, extension, or renewal of a loan with respect to which the property is the subject, the map upon which the original finding was based is still in effect and remains unrevised as to the property in question.

This determination is effective as of March 2, 1974.

(f) Because the most current information on program changes is that which is periodically published in the FEDERAL REGISTER, a publication routinely available to Federal agencies but not private lenders, private lenders might consider subscribing to the FEDERAL REGISTER directly. The FEDERAL REGISTER may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a subscription price of $5 per month or $45 per year, payable in advance.

3. *Where to obtain insurance policies, maps, and program information.* (a) Insurance policies under the National Flood Insurance Program can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIA servicing company for the State (see paragraph (c) below).

(b) The Flood Hazard Boundary Maps are the first maps prepared in the identification process. These indicate the locations of identified special flood hazard areas and are always maintained on file within each eligible community in a repository designated by the mayor or chief executive officer, usually the building inspector's office or the city clerk's office. The address of such repository is published in the FEDERAL REGISTER at 24 CFR 1914. The Flood Insurance Rate Maps are issued later following a detailed study of the flood hazard area. These maps delineate degrees of flood hazard and include more precise area identification.

(c) Maps, literature, and policy application forms and manuals are available from any NFIA servicing company, and a current list of servicing companies is provided at the end of this notice. The servicing companies are also equipped to answer questions on eligibility of communities, scope of coverage, and maximum amounts of insurance available with respect to particular types of buildings.

(d) Questions that cannot be answered by individual agents or brokers or by the appropriate servicing company may be referred to the National Flood Insurers Association, 160 Water Street, New York, New York 10038, telephone (212) 487–4641; to the nearest HUD regional office; or to the Federal Insurance Administration, HUD, Washington, D.C. (202) 755–5581, or its toll-free numbers 800–424–8872 or 800–424–8873.

(e) Copies of statutes, program regulations, and community eligibility application forms may be obtained from HUD regional offices or directly from the Federal Insurance Administration in Washington.

B. GENERAL GUIDELINES FOR LENDERS

1. *Property eligible for flood insurance coverage.* (a) For the purposes of the National Flood Insurance Program, the term building is defined to include mobile homes, as well as any walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site. Thus, nearly all types of industrial, commercial and agricultural buildings, such as lumber sheds, machinery storage sheds, grain storage bins, and silos are eligible for coverage, but each building and its contents (if eligible) must generally be insured separately. *Exception:* The owner of a single family dwelling may apply up to 10 percent of his coverage to the appurtenant private structures on the premises if they are used primarily in connection with the occupancy of the dwelling.

(b) Mobile homes are eligible for coverage if they are on foundations, whether or not permanent, and regardless of whether the wheels are removed either at time of purchase or while on the foundation. Travel trailers and campers are not eligible for coverage, and thus the insurance purchase requirement of the Act does not apply to them.

(c) Where a condominium plan includes traditional townhouses and row houses that are contiguous to the ground and capable of separate ownership and legal descriptions, these units are eligible for coverage as single-family dwellings, regardless of the type of common walls. However, high-rise or vertical condominium units are not eligible for separate coverage, since all condominium owners normally share ownership in, and liability for, structural damage to the common areas which comprise the entire structure less the individual units. Thus, in the second instance, the flood insurance policy would be issued in the name of the condominium owners' association, up to a maximum coverage of $100,000 per building under the Emergency Program and $200,000 per building under the Regular Program. When an individual loan is obtained to purchase a condominium unit, the lender should see to it that additional flood insurance coverage is obtained by the owners' association in an amount equal to the amount of the loan, and that the new purchaser's name is added to the schedule of named insureds, until the association has purchased the maximum amount of coverage for which the building can be insured under the program. New subsequent condominium unit purchasers would simply have their names added to the common policy on the building, in the same manner as fire insurance coverage is generally handled.

(d) All condominium unit owners in eligible communities are entitled to purchase individual contents coverage, however, and the owners of units on the first two floors of buildings located within special flood hazard areas should be especially encouraged to do so, since they are most likely to sustain individual damage.

(e) Regardless of the type of condominium involved, contents coverage up to $10,000 per unit under the Emergency Program, and $20,000 under the Regular Program, is available for each condominium unit owner. Contents coverage for a mobile home, however, is available

only if the mobile home is eligible for structure coverage, as discussed in paragraph (b) above.

(f) Although structure coverage may be written on buildings that are not fully enclosed, flood insurance coverage is applicable to contents only while in an enclosed structure. Thus, contents coverage cannot be written on the contents of a three-walled machinery shed or a similar type of open building, and flood insurance on such contents is never required.

2. *When the purchase of flood insurance is required.* (a) Between March 2, 1974, and July 1, 1975, flood insurance is generally required by the Act only when financial assistance is provided to finance the acquisition, construction, repair, or improvement of a building or mobile home located within an identified special flood hazard area in a community in which flood insurance under the program is currently being sold. However, after July 1, 1975, the above assistance cannot legally be provided in such an area unless the community involved is participating in the National Flood Insurance Program.

(b) The Federal Insurance Administration and the Federal Home Loan Bank Board have construed the Act to include not only the origination of mortgage loans but also the purchase of mortgage loan portfolios in the secondary market and participations thereof. Thus, mortgage loans and interests in mortgage loans purchased after March 2, 1974, must be covered by flood insurance, where applicable, unless the original loan was made pursuant to a formal loan commitment issued prior to March 2, 1974. The Federal Deposit Insurance Corporation, the Federal Reserve Board and the Comptroller of the Currency have construed the term financial assistance to include only the origination of mortgage loans and not the purchase of loans in the secondary markets in this respect; therefore, guidelines from these instrumentalities will differ.

(c) The mere assumption of an existing mortgage by the new purchaser of a property after March 2, 1974, does not require the purchase of flood insurance if the original mortgage was made before March 2, 1974, and there is no change in its terms after that date. However, if there is any extension, increase, or renewal, including a novation, then flood insurance is required if the insurance purchase requirement has become applicable since the date of the mortgage.

(d) Since mobile homes are treated in the same manner as real estate under the Act, any financing of mobile homes on foundations requires the purchase of flood insurance. Accordingly, those situations involving dealers' inventories or mobile home purchases by consumers where the mobile home is purchased and driven off a dealer's lot bound for its unknown, ultimate destination, would not involve the mandatory purchase of flood insurance in connection with that first financing or loan made to the buyer of the mobile home. Generally, it is on a resale, when the mobile home is on its foundation, that the mandatory purchase requirements of the Act come into play, assuming financing from a Federally regulated lending institution is arranged for the purchaser. The Act does not prohibit the lending institution from requiring flood insurance as of the date the mobile home is placed on foundation.

(e) Flood insurance is required on personal property, such as inventory machinery and equipment, only when the loan from a private lender involves not only a security interest in the personal property, but also a security interest in real estate or else a related real estate loan that is made, extended, or refinanced at the same time as the personal property loan. Private loans for personal property that do not involve direct or indirect Federal assistance (such as guarantees) or mortgages on real estate, are not subject to the Federal insurance purchase requirement, regardless of where the property is to be located. However, there is no objection to the lender requiring such insurance in appropriate cases on its own initiative.

(f) The burden of determining the location of the real property to be financed is on the lender and cannot be discharged merely by obtaining a self-certification from the borrower that the property is not located in an area having special flood hazards. If an appraisal of the property is required, its location in relation to an identified special flood hazard area should be part of the appraisal. If no appraisal is obtained, then the lending institution should verify the location.

(g) Prior to July 1, 1975, no insurance purchase requirement exists under the Act unless two requirements are met: (1) the property is located in a formally identified special flood hazard area (i.e., one in which a Flood Hazard Boundary Map has been formally issued) and (2) the community is participating in the program and flood insurance is being sold on properties in that area at the time of closing or commitment. Thus, if a community's eligibility has not yet become effective or has been suspended, and insurance is not currently available, then flood insurance is not required by the Act on any closing during the period of suspension. Where a map has not yet been published for a community otherwise eligible to participate in the program, insurance is not required. The insurance purchase requirement is further modified by the provisions of subsection (i) of this part.

(h) Similarly, the insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of FIA's official flood maps. If the Federal Insurance Administration withdraws a Flood Hazard Boundary Map (for any reason), the insurance purchase requirement is completely suspended during the period of withdrawal. However, if the community is in the Regular Program and only the Flood Insurance Rate Map (which controls actuarial rates) is withdrawn but a Flood Hazard Boundary Map remains in effect, then flood insurance is still required, but the maximum amount of insurance available is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn.

(i) Because of possible changes in a community's eligibility and area identification status during the implementation of the Act, it is the view of the Federal Insurance Administration that the loan commitments of private lenders should be protected wherever possible. Thus, the Federal Insurance Administration believes that the insurance purchase requirements of the Act should be applied on the basis of the circumstances existing as of the date of closing.

To make the imposition of the flood insurance purchase requirement on the date of closing a practicable and equitable procedure, the Federal Insurance Administration urges Federal agencies and instrumentalities to provide for notice to the borrower in the loan approval or commitment that if the flood insurance purchase requirement is applicable on the date of closing, it will be implemented.

However, in view of the difficulties faced by Federal agencies and lending institutions in accommodating themselves to the many changes in the status of flood insurance availability and designation of flood hazard areas during the next several months, the Federal Insurance Administration recognizes that certain agencies and instrumentalities may choose to require flood insurance at some other date consistent with the requirements of the Act. For example, the date on which flood insurance is required by a Federal agency may be the date of the formal loan approval or commitment. However, if flood insurance cannot be required at the time of approval or commitment, but the status of the structure or community changes so that at the time of closing flood insurance should be required, the purchase of insurance should be imposed at the time of closing. If the status changes so that the insurance purchase requirement does not become applicable until more than 30 days after the loan approval or commitment and the Federal agency or instrumentality believes it cannot practically impose such requirement on the basis of the status at the time of closing, it may choose not to do so.

The insurance purchase requirement may also be affected by the withdrawal of a map or the suspension of a community from the program. In this case, there may result a lessening or elimination of the insurance purchase requirement.

As in all other matters treated in these guidelines, however, Federal supervisory instrumentalities and private lenders may impose more stringent requirements for their own protection and the protection of their borrowers if they choose to do so.

3. *Amount of flood insurance required.* (a) For communities in the Emergency Program, the maximum amount of flood insurance required is the maximum amount available under the Emergency

Program. For communities in the Regular Program, the maximum amount required is the maximum amount available under the Regular Program. However, these requirements are subject to the qualifications set forth below.

(b) It is the intent of the insurance purchase requirement of the Act to conform as closely as practicable to normal commercial lending practices. Thus, while flood insurance is required in the amount of the loan or the maximum amount available under the program, whichever is less, there is no objection to reducing the amount of the insurance required by the amount of the land value involved, in cases where the proposed loan clearly exceeds the value of the insurable improvements. However, such a reduction is not required by the Act. Private lenders that do not normally appraise land values separately, and that generally require fire insurance for the full amount of their loan, are free to follow the same practice, to the extent otherwise permitted by law, with respect to flood insurance.

(c) If a loan is made while a community is in the Emergency Program and the amount of flood insurance available is insufficient to cover the amount of the loan, the lender has no obligation to increase the amount of flood insurance required when the community enters the Regular Program. However, the lender is not precluded from doing so by the Act; the matter has been left entirely to the judgment of the lender.

4. *Proof of purchase and maintenance of flood insurance.* (a) It is expected that lenders will treat the flood insurance purchase requirement in essentially the same way as the fire insurance requirement they already customarily impose. That is, most lenders will require a copy of the Standard Flood Insurance Policy, endorsed to show them as a beneficiary; and some Federal supervisory instrumentalities will undoubtedly impose such an endorsement requirement.

(b) At the time of the loan closing, however, unless the lender or the supervisory instrumentality rules otherwise, a copy of the flood insurance policy application, indicating that the full premium has been paid is sufficient evidence of the purchase of flood insurance, since there is normally a 15-day waiting period before the policy is actually issued and the coverage becomes effective. However, once the policy has been issued, a copy of the policy should be obtained and maintained by the lender.

(c) Since the flood insurance policy is an annual policy, lenders will be expected to see that flood insurance is renewed and maintained for the entire duration of the loan. Thus, if the borrower does not renew his policy on time, the lender will have the usual option of renewing it for him or calling the loan. The National Flood Insurers Association is already equipped to assure that mortgagees receive copies of flood insurance policies and renewal notices. Such notices are normally sent out 45 days, but no less than 30 days, before the expiration date of the policy. In the event the flood insurance coverage is obtained from a source other than the NFIA, lenders should require similar notices to permit the lender to renew the policy or call the loan (see section D on page 22 below).

(d) In the case of construction loans where the loan closing and lien recordation take place before any disbursement of funds, proof of flood insurance is not required at the time of the closing but only at the time the first funds are disbursed. Flood insurance is available for buildings during the course of construction, as well as for building materials stored in a fully enclosed structure adjacent to the building site, but the amount of flood insurance required by the lender at any given time need not exceed the amount of the lender's total disbursement to date.

(e) Flood insurance is not available for multiple buildings under a single flood insurance policy at the present time, although it is likely that a schedule policy will eventually be developed as the demand for such coverage increases. Thus, at present, if a lender makes a commitment for a multiple housing development under a single loan, it will be necessary to obtain an individual flood insurance policy on each of the separate buildings covered by the mortgage.

5. *Special questions pertaining to private lenders.* (a) It has been asked whether a special disbursement by a private lender after March 2, 1974, to protect its security interest in a real estate loan made before March 2, 1974, such as a disbursement to pay real estate taxes or a fire insurance premium for a delinquent borrower, constitutes a new loan or loan modification requiring the purchase of flood insurance. It is the view of the Federal Insurance Administration that if such disbursement is made solely for the purpose of protecting the lender's security interest, and none of the funds go to the borrower then the flood insurance requirement of the Act does not thereby become applicable.

(b) A second question that has been asked is whether a loan that is made after March 2, 1974, and is subject to the insurance purchase requirement of the Act must be called if the community in which the property is located loses its eligibility for the sale of flood insurance after July 1, 1975, and flood insurance is no longer available at the time of policy renewal. It is the view of the Federal Insurance Administration that such an existing loan does not have to be called in those circumstances, although it cannot be increased, extended, or otherwise modified for the benefit of the borrower after the flood insurance policy lapses.

C. Additional Guidelines for Federal Agencies

1. *When the purchase of flood insurance is required.* (a) The guidelines applicable to private lenders are also generally applicable to Federal agencies. However, the Act imposes more stringent requirements on Federal agencies with respect to new financial assistance to projects that they have previously assisted.

(b) With respect to Federal agencies, the insurance purchase requirement applies to all assisted personal property, except in research and development projects (see C.2(e)), regardless of whether the agency has provided or is providing any financial assistance with respect to real estate. If at the time of providing the financial assistance for personal property, the agency takes back a mortgage on real estate, flood insurance must be required on the real estate as well.

(c) Similarly, if a Federal agency provides financial assistance for personal property to a borrower that the agency has previously assisted with respect to real estate at the same facility in the same location, then it must require flood insurance on the previously-assisted building as well as on the personal property. The amount of flood insurance required on the building should be based upon its current value, however, and not on the amount of assistance previously provided.

(d) Federal agencies must require flood insurance on all assisted personal property even in cases, such as working capital guarantees, where no funds are disbursed and no security interest is obtained.

2. *Amount of flood insurance required.* (a) The Act imposes two requirements on Federal agencies that are different from those imposed upon private lenders. The first is that flood insurance must be obtained in the amount of project cost (except where a loan is involved), and the second is that land value must be subtracted out in determining project cost. The requirement to subtract out land cost does not apply to agencies that do not lend Federal funds but operate entirely through private lenders.

(b) The term project cost is not defined but is expected to be construed as the agency involved would normally construe it. However, since certain public facilities, such as bridges, dams, water and sewer lines, and underground structures are not insurable under the program, the uninsurable portions of project cost, as well as land cost (or the value allocated to land, where no land acquisition is involved), would normally be subtracted from project cost in determining the amount of flood insurance required. Thus, flood insurance need not be required in excess of the value of the buildings to be insured.

(c) For example, if 90 percent of the cost of a $5 million sewer system consisted of underground lines and underground pumping stations, and the balance of the cost represented above-ground buildings, then flood insurance would be required only on the $500,000 portion of the project that was eligible

for insurance. If that portion consisted of only two equally valued buildings, within a community in the Regular Program, then only $200,000 on each building would be required. If the two buildings were valued at $100,000 and $400,000, then $100,000 and $200,000 of insurance, respectively, would be required.

(d) Similarly, if the Defense Civil Preparedness Agency (DCPA), for example, provided 50 percent of the cost of establishing an Emergency Operating Center (EOC) in the basement of a new courthouse that was not built with Federal funds, then flood insurance (to the extent available) would be required in an amount equal to 100 percent of the cost of the Center, regardless of the fact that a local government had provided the remainder of the cost. The amount of flood insurance required would be based not on the total cost of the courthouse, but only on the cost of the portion of the building that constituted DCPA's project. However, agencies can adopt more stringent requirements if they believe the interests of the Government require them to do so.

(e) A number of Federal agencies make grants or contracts for many kinds of projects including research and development. Although flood insurance is clearly required where the construction or improvement of a building is a principal purpose of such contract or grant, the Federal Insurance Administration recognizes that funding for equipment purchases in connection with research and grant projects and for the maintenance and operation of buildings, including routine alterations and repairs may be an element in these arrangements. Where such funds are for research and development equipment or are the only "construction" funds involved, flood insurance need not be required unless the amount set aside for the equipment or for incidental alterations or repairs is in excess of $10,000.

(f) Other agencies, such as the Federal Highway Administration or the Environmental Protection Agency, make substantial loans or grants primarily for the construction of facilities other than buildings, such as bridges or water and sewer lines. Where what is essentially an uninsurable facility only incidentally involves insurable construction, such as a small drawbridge station or the above-ground portion of an underground pumping station, it is the view of the Federal Insurance Administration that flood insurance need not be required if the value of the insurable improvements is less than $10,000.

3. *Evidence of insurance where a security interest is not retained.* (a) Because Federal agencies are legally responsible for seeing that flood insurance is maintained by recipients of financial assistance for the entire anticipated economic or useful life of the project, it is recommended that they obtain a copy of the flood insurance policy and receive copies of renewal notices in the same manner as a mortgagee, so that they will know whether the requirement they have imposed is actually being carried out by the recipient beyond the first expiration date of the policy. The simplest way to accomplish this purpose is to have the recipient list the Federal agency as a "mortgagee" on his flood insurance application. Notifications on the status of the policy will then be automatic.

(b) However, where circumstances warrant, as in the case of research contracts and grants to public recipients that only incidentally involve construction, the agency may accept a certificate from the recipient formally stating that flood insurance is or is not available at the time the award is made and that, if available, the recipient has purchased and will maintain adequate flood insurance for the entire duration of its work under the contract or grant. Individual agency policies may vary in this matter.

D. Acceptance of Private Flood Insurance To Meet Statutory Requirement

It was a primary legislative purpose of the Act not only to make property owners throughout the nation aware of the significance and severity of the flood peril and to assure their purchase of flood insurance where needed, but also to guarantee their adequate protection through a Federally-sponsored and subsidized program, and thereby to reduce the increasing costs of Federal disaster relief expenditures to the nation's taxpayers. Had adequate and assured flood insurance protection been available through the private insurance market, the National Flood Insurance Program would not have been necessary.

On March 1, 1974, the Federal Insurance Administration issued guidelines concerning the acceptability of flood insurance policies, other than the Standard Flood Insurance policy issued under the National Flood Insurance Program (hereafter referred to as the Standard Flood Insurance Policy), in complying with the flood insurance purchase requirements of section 102 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234). The March 1 guidelines were issued on an interim basis and are superseded by these guidelines issued on May 14, the contents of which are included here.

These guidelines represent the position of the Federal Insurance Administration with respect to what insurance policies, other than the Standard Flood Insurance Policy, are acceptable in meeting the statutory requirement for insurance established under section 102 of the Flood Disaster Protection Act of 1973. A guideline of this nature is required because that Act mandates the purchase of flood insurance as a precondition for certain assistance for construction and acquisition purposes from Federal agencies, and for most private mortgage loans, in identified special flood hazard areas.

Most persons will be purchasing flood insurance for the first time, and the majority would not have purchased it except for the statutory requirement. It is, therefore, essential that the insurance which the public is required to purchase be reasonable as to price and quality.

Such reasonableness is, of course, built into the Standard Flood Insurance Policy, issued in accordance with the National Flood Insurance Program, originally enacted in 1968. Although other flood insurance coverages, many of which are incorporated in package policies covering other perils, are subject to State regulations of insurance, and although in many States the policy forms and rates are approved by the State Insurance Commissioner, these other policies may not necessarily meet the requirements of the National Flood Insurance Program.

Consequently, it is the view of the Federal Insurance Administration that the following criteria should be met with respect to any flood insurance policy submitted to a lending institution or a Federal agency in purported satisfaction of the insurance purchase requirements of section 102 of the Flood Disaster Protection Act of 1973:

(a) The insurer is licensed to do business in the jurisdiction where the property is located.

(b) The flood insurance policy issued by the insurer includes an endorsement which:

(1) Requires that the insurer give 30 days written notice of cancellation or non-renewal to the insured with respect to the flood insurance coverage. To be effective, such notice must be mailed to both the insured and the lender or Federal agency and must include information as to the availability of flood insurance coverage under the National Flood Insurance Program, and

(2) Guarantees that the flood insurance coverage offered by the insurer is at least as broad as the coverage offered by the Standard Flood Insurance Policy.

In order to assure that the purposes of the flood insurance legislation are met, we urge that all lending institutions and Federal agencies acting in accordance with section 102 of the Flood Disaster Protection Act of 1973 take the following additional actions when flood insurance, other than the Standard Flood Insurance Policy, is offered in satisfaction of the statutory requirement:

(1) Advise borrowers of the availability of flood insurance coverage under the National Flood Insurance Program so that the borrower can, if he wishes, make an appropriate comparison of the respective premium costs.

(2) Where applicable, satisfy themselves that a mortgagee interest clause similar to that contained in the Standard Flood Insurance Policy is contained in the other insurance policy.

It is the opinion of the Federal Insurance Administration that an insurance policy which meets all of the above criteria meets the insurance purchase requirements of section 102 of the Flood Disaster Protection Act of 1973.

E. Exemption of State-Owned Properties Under Self-Insurance Plan

It is our current view that the Act contemplates coverage under a State policy of self-insurance for State-owned properties as a substitute for flood insurance only where the State self-insurance fund

is actually in existence and meets Federal Insurance Administration criteria.

Criteria for FIA approval of a self insured plan as respects flood loss to State-owned property as called for in the Flood Disaster Protection Act of 1973, section 102(c) are:

(1) The State maintains and periodically updates an inventory of all State-owned structures and contents therein in order to:

(a) Identify locations in and out of the known or probable flood-prone areas within the State.

(b) Estimate the replacement cost of the structures as well as their economic value to the State.

(c) Estimate the probable impact of a flood loss to such property.

(d) Evaluate flood prevention measures to determine protection to State property.

(2) The State maintains a relatively complete record of all flood losses to State-owned structures and contents; preferably, such record should reflect experience over a period of 25–50 years. Flood losses are recorded by date, location and amount of damage incurred.

(3) The State Legislature annually appropriates adequate financing to pay for probable annual flood losses to structures and contents, as revealed by past for probable annual flood losses to strucflood loss records as well as current estimates for the fiscal year.

(4) The State Legislature makes provision for catastrophes in special Flood Hazard areas, by:

(a) Purchasing comparable excess flood insurance from a licensed insurer to cover all State-owned structures and contents; policy may contain occurrence deductible which includes an aggregate deductible, or

(b) Establishing a special State insurance fund with adequate reserves based on exposures located in special Flood Hazard areas.

(5) Governor certifies that only claims for flood damage to structures or contents will be made under any form of Federal Disaster Relief that are in excess of

(a) coverage available under the National Flood Insurance Program, at the time of the loss or

(b) recovery under any private insured or State self-insurance plan or,

(c) the deductible(s) under such plans.

F. List of Servicing Companies of the National Flood Insurers Association

Alabama: The Hartford Insurance Group, Hartford Building, 100 Edgewood Avenue, Atlanta, Georgia 30301. Phone: (404) 521–2059.

Alaska: Industrial Indemnity Co. of Alaska, P.O. Box 307, Anchorage, Alaska 99510. Phone: (907) 279–9441.

Arizona: Aetna Technical Services, Inc., Suite 901, 3003 North Central Avenue, Phoenix, Arizona 85012. Phone: (602) 264–2621.

Arkansas: The Travelers Indemnity Company, 700 South University, Little Rock, Arkansas 72203, P.O. Box 51. Phone: (501) 664–5085.

California-Northern: Fireman's Fund American Insurance Companies, P.O. Box 3136, San Francisco, California 94119. Phone: (415) 421–1676.

California-Southern: Fireman's Fund American Insurance Companies, P.O. Box 2323, Los Angeles, California 90051. Phone: (213) 381–3141.

Colorado: CNA Insurance, 1660 Lincoln, Suite 1800, Denver, Colorado 80203. Phone: (303) 266–0561.

Connecticut: Aetna Insurance Company, P.O. Box 1779, Hartford, Connecticut 06101. Phone: (203) 523–4861.

Delaware: General Accident F & L Assurance Corp., Ltd., 414 Walnut Street, Philadelphia, Pennsylvania 19106. Phone: (215) 238–5000.

Florida: The Travelers Indemnity Company, 1516 East Colonial Drive, Orlando, Florida 32803. Phone: (305) 896–2001.

Georgia: The Hartford Insurance Group, Hartford Building, 100 Edgewood Avenue, Atlanta, Georgia 30301. Phone: (404) 521–2059.

Hawaii: First Insurance Co. of Hawaii, Ltd., P.O. Box 2866, Honolulu, Hawaii 96803. Phone: (808) 548–511.

Idaho: Aid Insurance Company, Snake River Division, 1845 Federal Way, Boise, Idaho 83701. Phone: (208) 343–4931.

Illinois: State Farm Fire & Casualty Co., Illinois Regional Office, 2309 E. Oakland Avenue, Bloomington, Illinois 61701. Phone: (309) 557–7211.

Indiana: United Farm Bureau Mutual Insurance Co., 130 East Washington Street, Indianapolis, Indiana 46204. Phone: (317) 263–7200.

Iowa: Employers Mutual Casualty Company, P.O. Box 884, Des Moines, Iowa 50304. Phone: (515) 280–2511.

Kansas: Royal-Globe Insurance Companies, 1125 Grand Avenue, Kansas City, Missouri 64141. Phone: (816) 842–6116.

Kentucky: CNA Insurance, 111 East 4th Street, Cincinnati, Ohio 45202. Phone: (513) 621–7107.

Louisiana: Aetna Technical Services, Inc., P.O. Box 61003, New Orleans, Louisiana 70160. Phone: (504) 821–1511.

Maine: Commercial Union Insurance Company, c/o Campbell, Payson & Noyes, 7 Pearl St., Box 527 Pearl St. Station, Portland, Maine 04116. Phone: (207) 774–1431.

Maryland: U.S. Fidelity & Guaranty Company, Calvert & Redwood Streets, Baltimore, Maryland 21203. Phone: (301) 539–0380.

Massachusetts-Eastern: Commercial Union Insurance Company, 1 Beacon Street, Boston, Massachusetts 02108. Phone: (617) 725–6358.

Massachusetts-Western: Aetna Insurance Company, P.O. Box 1779, Hartford, Connecticut 06101.

Michigan: Insurance Company of North America, Room 300, Buhl Building, Griswold & Congress Streets, Detroit, Michigan 48226. Phone: (313) 963–4114.

Minnesota-Eastern, The St. Paul Fire & Marine Insurance Company, P.O. Box 3470, St. Paul, Minnesota 55165. Phone: (612) 222–7751.

Minnesota-Western, The St. Paul Fire & Marine Insurance Company, 7900 Xerxes Avenue South, Minneapolis, Minnesota 55431. Phone: (612) 835–2600.

Mississippi: The Travelers Indemnity Company, 5360 Interstate 55 North, P.O. Box 2361, Jackson, Mississippi 39205. Phone: (601) 956–5600.

Missouri-Eastern: MFA Insurance Companies, 1817 West Broadway, Columbia, Missouri 65201. Phone: (314) 445–8441.

Missouri-Western: Royal-Globe Insurance Companies, 1125 Grand Avenue, Kansas City, Missouri 64141. Phone: (816) 842–6116.

Montana: The Home Insurance Company, 8 Third Street N., P.O. Box 1031, Great Falls, Montana 59401. Phone: (406) 761–8110.

Nebraska: Royal-Globe Insurance Companies, 1125 Grand Avenue, Kansas City, Missouri 64141. Phone: (816) 842–6116.

Nevada: The Hartford Insurance Group, P.O. Box 500, Reno, Nevada 89504. Phone: (702) 329–1061.

New Hampshire: Commercial Union Insurance Company, 1 Beacon Street, Boston, Massachusetts 02108. Phone: (617) 725–6358.

New Jersey: Great American Insurance Co., 5 Dakota Drive, Lake Success, New York 11040. (201) 635–1070.

New Mexico: CNA Insurance, 1660 Lincoln St., Suite 18, Denver, Colorado 80203. Phone: (303) 266–0561.

New York: Great American Insurance Company, 5 Dakota Drive, Lake Success, New York 11040. Phone: (516) 775–6900.

North Carolina: Kemper Insurance, 1229 Greenwood Cliff, Charlotte, North Carolina 28204. Phone: (704) 372–7150.

North Dakota: The St. Paul Fire & Marine Insurance Company, 254 Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102. Phone: (612) 227–9581.

Ohio-Northern: Commercial Union Insurance Company, 1300 East 9th St., Cleveland, Ohio 44114. Phone: (216) 522–1060.

Ohio-Southern: CNA Insurance, 111 East 4th Street, Cincinnati, Ohio 45202. Phone: (513) 621–7107.

Oklahoma: Republic-Vanguard Insurance Group, P.O. Box 3000, Dallas, Texas 75221. Phone: (214) 528–0301.

Oregon: State Farm Fire & Casualty Company, 4600 25th Avenue, NE., Salem, Oregon 97303. Phone: (503) 393–0101.

Pennsylvania-Eastern: General Accident F & L Assurance Corp., Ltd., 414 Walnut Street, Philadelphia, Pennsylvania 19106. Phone: (215) 238–5512.

Pennsylvania-Western: Zurich-American Group, 1665 Washington Road, Pittsburgh, Pennsylvania 15228. Phone: (412) 833–8000.

Puerto Rico: Puerto Rico Inspection and Rating Bureau, Penthouse 7th Ochoa Bldg., 7th floor, P.O. Box 1333, San Juan, Puerto Rico 00902. Phone: (809) 723–0000.

Rhode Island: American Universal Insurance Co., 144 Wayland Avenue, Providence, Rhode Island 02904. Phone: (401) 351–4600.

South Carolina: Maryland Casualty Company, P.O. Box 11615, Charlotte, North Carolina 28209. Phone: (704) 525–8330.

South Dakota: The St. Paul Fire & Marine Insurance Co., Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102. Phone: (612) 227–9581.

Tennessee: CNA Insurance, 110 21st Avenue South, Nashville, Tennessee 37203. Phone: (615) 327–0061.

Texas: The Home Insurance Company, 2100 Travis Street, Houston, Texas 77002. Phone: (713) 225–0931.

Utah: CNA Insurance, 1660 Lincoln St., Suite 1800, Denver, Colorado 80203. Phone: (303) 266–0561.

Vermont: Commercial Union Insurance Company, 1 Beacon Street, Boston, Massachusetts 02108. Phone: (617) 725–6358.

Virginia: Insurance Company of North America, 5225 Wisconsin Avenue, N.W., Washington, D.C. 20015. Phone: (202) 244–2000.

Washington: Fireman's Fund American Insurance Companies, 1000 Plaza 600 Building, 6th & Stewart, Seattle, Washington 98101. Phone: (206) 587–3200.

West Virginia: U.S. Fidelity & Guaranty Company, 3324 McCorckle Avenue, S.E., Charleston, West Virginia 25304. Phone: (304) 344–1692.

Wisconsin: Aetna Insurance Company, 5735 East River Road, Chicago, Illinois 60631. Phone: (312) 693–2500.

Wyoming: CNA Insurance, 1660 Lincoln St., Suite 1800, Denver, Colorado 80203. Phone: (303) 266–0561.

G. Glossary of Terms

"Actuarial rates" are those rates established by the Federal Insurance Administration pursuant to individual community flood level studies and investigations which are undertaken to provide flood insurance in accordance with accepted actuarial principles, including provisions for operating costs and allowances. Subject to various other limitations, actuarial rates are applicable only after publication and effectiveness of the Flood Insurance Rate Map.

"Base flood level" or elevation is that elevation within the community at which there is a one percent chance of flood loss each year. Base flood level is often characterized as the 100-year flood level.

"Community" means any State or political subdivision thereof, such as a county or incorporated municipality, with authority to adopt and enforce the land use and control measures required under the National Flood Insurance Program for the areas within its jurisdiction.

"Contents coverage" is the insurance on personal property within an enclosed structure including the cost of debris removal. Personal property may be household goods usual and incidental to residential occupancy or merchandise, furniture, fixtures, machinery, equipment and supplies usual to other than residential occupancies.

"Eligible community," also known as a participating community, is a community in which the Federal Insurance Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

"Emergency Program" means the Emergency Flood Insurance Program as authorized by the Act, and is intended primarily as an interim program to provide a first layer amount of insurance at Federally-subsidized rates on all existing and new construction begun prior to publication of a Flood Insurance Rate Map (FIRM).

"Existing structures" for the purposes of determining rates, means those structures in existence or on which construction or substantial improvement was started on or before December 31, 1974, or the effective date of the Flood Insurance Rate Map, whichever is later. For the purposes of land use and control measure requirements, Existing Structures means those structures in existence or on which construction or substantial improvement was started prior to the effective date of the FIRM. Existing structure may also be characterized as Existing Construction.

"Federal Insurance Administration" (FIA) is the Office in the U.S. Department of Housing and Urban Development which has been delegated the responsibility of administering the National Flood Insurance Program.

"First-layer coverage" is the maximum amount of insurance available under the Emergency Program or one-half the maximum amount of insurance available under the Regular Program.

"Flood" or "Flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters.

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1a above.

3. Such refinements of the foregoing which may be adopted by the FIA from time to time.

"Flood Hazard Boundary Map" is the map of the community which is issued by the FIA for use in determining whether individual properties are within or without the flood plain area having Special Flood Hazards or mudslide area having Special Mudslide Hazards. It usually precedes issuance of the Flood Insurance Rate Map.

"Flood Insurance Rate Map" means the map of a community which is issued by the FIA, which not only delineates the flood plain area having special flood hazards or the mudslide area having special mudslide hazards but which also delineates the area is which flood insurance may be sold under the Regular Program as well as the actuarial rate zones applicable to such area.

"Flood plain" or flood-prone area means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded.

"Insurance purchase requirement" is a condition within the Flood Disaster Protection Act of 1973 that, in an eligible community, flood insurance must be purchased on buildings or personal property located in identified special flood hazard areas in order to be eligible for Federal or federally-related financial assistance.

"Land use and control measures" means zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power, enacted by a community to provide standards and effective enforcement provisions for the prudent use and occupancy of flood-prone and mudslide areas as required by the Act and regulations of the FIA.

"Limits of coverage" are the maximum amount of flood insurance available under either the Emergency or Regular Program.

"Maps" are the Flood Hazard Boundary Map or the Flood Insurance Rate Map published by the Federal Insurance Administration.

"National Flood Insurers Association" (NFIA is an association of over 100 private insurance companies which cooperates with the Federal Government to provide flood insurance under the National Flood Insurance Program.

"New structure," for purposes of determining rates, means those structures, the construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the Flood Insurance Rate Map, whichever is later. For the purpose of land use and control measure requirements, New Structure means those structures, the construction or substantial improvement of which is begun after the effective date of the FIRM. New structure may also be characterized as New Construction.

"Substantial improvement" means any repair or reconstruction, or improvement of the structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement, as defined, is deemed to begin when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

"Participating community," also known as an eligible community, is a community in which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

"Regular Program" means the Regular Flood Insurance Program as authorized by the Act and under which actuarial rates have been determined for use on first layer limits of insurance for all existing structures, if such rates are lower than the subsidized rates, and for all insurance on new construction or for the second layer limits of insurance which also becomes available with the effective date of the FIRM.

"Second layer coverage" is the increased coverage, over the first layer, available only under the Regular Program at actuarial rates.

"Servicing company" means the insurance company which represents the National Flood Insurers Association and handles the issuance and servicing of all policies under the National Flood Insurance Program for the particular community. Any licensed property and casualty agent in the State may obtain policy forms from a servicing company. Flood Hazard Boundary Maps are also available to lenders and others from the servicing companies.

"Special flood hazard area" is the land within a community, in the flood plain,

which is most likely to be subject to severe flooding. Under the Emergency Program, it is usually designated as Zone A on the Flood Hazard Boundary Map. After the detailed evaluation of the special flood hazard area, in preparation for publication of the Flood Insurance Rate Map, Zone A may be segmented by refinement into Zones A, AO, A1–A30, and V (V1–V30). Under the Regular Program no new structure can be insured in the special flood hazard area at other than actuarial rates for both layers of flood insurance available.

"Standard Flood Insurance Policy" is the flood insurance policy promulgated by the Federal Insurance Administration and issued by the National Flood Insurers Association.

"Structure coverage" is insurance on a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on foundation. The words "structure" and "building" have identical meanings for the purposes of the National Flood Insurance Program.

"Subsidized rates" are the rates established by the FIA which involve a high degree of financing by the Federal Government to encourage the purchase of first layer limits of flood insurance on existing structures at an affordable cost.

"Uninsurable structures" means those types of risk on which flood insurance under the National Flood Insurance Program cannot be written. Structures such as bridges, dams, and roads are uninsurable.

Issued this 6th day of July, 1974, at Washington, D.C.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–16333 Filed 7–16–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74–174]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

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 May 31, 1974 (List No. 12–74). 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 serviceable condition.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

The Scott Aviation Corporation, Lancaster, New York 14086, no longer manufactures certain self-contained breathing apparatus and Approval No. 160.011/27/2 was therefore terminated effective May 31, 1974.

LIFEBOATS

The Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, no longer manufactures certain lifeboats and Approval Nos. 160.035/462/0 and 160.035/463/0 were therefore terminated effective May 3, 1974.

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

The Marion Health and Safety, Inc., 1515 Elmwood Road, Rockford, Illinois 61101, no longer manufacture certain first-aid kits and Approval No. 160.054/1/0 was therefore terminated effective May 2, 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 has expired and was terminated effective December 29, 1972.

Dated: July 12, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–16345 Filed 7–16–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–433]

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on April 30, 1974 (39 FR 15062), the Atomic Energy Commission ("the Commission") has issued Construction Permit No. CPRR–120 to the University of California, Santa Barbara, for construction of an L–77 training reactor on the University's campus at Santa Barbara, California.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is and the latest date for completion is October 1, 1974. The permit shall expire on the latest date for completion of the facility.

A copy of the construction permit is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A copy of the construction permit may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of July, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74–16280 Filed 7–16–74;8:45 am]

[Docket No. 50–186]

UNIVERSITY OF MISSOURI

Issuance of Amendment to Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on June 4, 1974 (39 FR 19801), the Atomic Energy Commission ("the Commission") has issued Amendment No. 2 to Facility License No. R–103 to the Curators of the University of Missouri. The amendment authorizes the University to: (1) operate the MURR at steady state power level up to 10 MWt, (2) to receive, possess and use a 100 curie source of antimony-beryllium, and (3) incorporates revised Technical Specifications, Change No. 10, to the license. The amendment restates the license in its entirety to delete the reporting requirements and recordkeeping because they have been incorporated in the revised Technical Specifications.

The Commission has found that the application for amendment, as supplemented, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment and has concluded that the issuance of the amendment will not be inimical to the common

defense and security or to the health and safety of the public.

A copy of the amendment is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., or a copy may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this July 9, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-16279 Filed 7-16-74;8:45 am]

[Docket No. STN-50-495]

STONE & WEBSTER ENGINEERING CORP.

Receipt of Standard Safety Analysis Report

Stone & Webster Engineering Corporation, in response to Option No. 1 of the policy statement of the Atomic Energy Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission a six-volume document entitled "SWESSAR-P1, PWR Reference Nuclear Power Plant Safety Analysis Report", which was docketed June 28, 1974. The tendered application for SWESSAR-P1 was received on April 25, 1974. Following a preliminary review for completeness, it was accepted on June 3, 1974, for docketing. Docket No. STN-50-495 has been assigned to SWESSAR-P1 and should be referenced in any correspondence relating thereto.

SWESSAR-P1 has been submitted in accordance with the "reference system" option wherein an entire facility design or major portions of it can be identified as a standard design to be used in multiple applications. SWESSAR-P1 describes and analyzes the balance-of-plant (BOP) of a pressurized water reactor standard nuclear power plant utilizing the standard designs of nuclear steam supply system (NSSS) vendors that are presently being reviewed by the Commission. The standard plant is designed for an initial core power level of 3800 megawatts thermal.

When its review of SWESSAR-P1 is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, SWESSAR-P1 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

In accordance with the Commission's policy statement on standardization, the SWESSAR-P1 design can be referenced as a standardized design in applications for specific facilities. However, such applications for specific facilities must include the information required by § 50.34 of 10 CFR Part 50, which should be supplemented by the guidance described in the Commisssion's "Standard Format and Content of Safety Analysis Report for Nuclear Power Plants."

A copy of SWESSAR-P1 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545. When available, the Safety Evaluation Report and the ACRS report will also be made available for inspection by the public at the AEC Public Document Room.

Dated at Bethesda, Maryland, this 11th day of July 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-16340 File 7-16-74;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 7 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee-Rowe Atomic Power Plant, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

The amendment permits changes to the Technical Specifications to upgrade the reactor protection system bypass circuitry.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, 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 Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated September 21, 1973, and supplements dated November 26, 1973, and February 20, 1974, (2) Amendment No. 7 to License No. DPR-3, with attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Dierctorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 10th day of July, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-16339 Filed 7-16-74;8:45 am]

[Construction Permit Nos. CPPR-77 and 78]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order on Motion for Reschedule of Prehearing Conference

MAY 28, 1974.

Applicant's "Motion For Reschedule of Prehearing Conference" now scheduled for July 19, 1974, is hereby granted.

Accordingly, the Prehearing Conference scheduled in the above-captioned proceeding will be held on July 23, 1974, commencing at 9:30 a.m. local time at the U.S. Tax Court, Room 2132, 1111 Constitution Avenue NW., Washington, D.C.

It is so ordered.

Issued at Bethesda, Maryland, this 15th day of July 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-16502 Filed 7-16-74;11:01 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25709; Order 74-7-51]

PHILIPPINE AIR LINES, INC.

Notification and Order Disapproving Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of April, 1974.

Philippine Air Lines, Inc. (PAL) holds a foreign air carrier permit issued pursuant to Order E-17953, effective January 22, 1962 authorizing the foreign air transportation of persons, property and mail between the Philippines and San Francisco, California via Honolulu, Hawaii. There currently exists no Air Transport Services Agreement between the Government of the United States and the Government of the Philippines, inasmuch as notice of termination of the Agreement by the Government of the Philippines was given in March 1959. Thus the current service operated by the respective carriers is based on comity and reciprocity.

The Government of the Philippines has issued various licenses to Northwest Airlines, Inc., Pan American World Airways, Inc., and The Flying Tiger Line Inc., authorizing scheduled air services between points in the United States and Manila via specific intermediate points. These authorizations specify the number of frequencies which may be operated. Repeated applications by United States carriers to increase their services

have not been acted upon. The absence of approval amounts to effective denial of these requests by the Government of the Philippines.

The Board, by Order 73–7–138, directed that PAL file with the Civil Aeronautics Board existing schedules and proposed schedules of service between the Philippines and the United States at least 30 days prior to the inauguration of such schedules. On April 4, 1974 PAL filed new schedules which contemplate the substitution of three weekly flights with DC–10 wide-bodied aircraft for one DC–8 and two DC–8–63 frequencies between San Francisco, Honolulu and Manila. The proposed increased capacity is to be effective on or about July 15, 1974.

Nothing has transpired since our earlier order which would indicate that the circumstances have changed vis-a-vis United States carrier operations to and from the Philippines. The proposed U.S. carriers' schedules are still pending with the result that the carrier's operations continue to be restricted.

In view of the foregoing the Board finds that inauguration of PAL's proposed increase in the capacity of its services at a time when the Government of the Philippines continues to withhold approval of proposed schedules filed by United States carriers may adversely affect the public interest.

Should the two Governments reach an understanding subsequent to the issuance of this order, reconsideration of this action would, of course, be appropriate.

Accordingly, it is ordered that:

1. The schedules filed by PAL on April 4, 1974 be, and they hereby are, disapproved, and shall not be inaugurated, insofar as they provide for additional capacity by substitution of DC–10 aircraft in operations to the United States for aircraft presently being utilized.

2. This Order shall be submitted to the President [1] and shall become effective on July 12, 1974.

3. This Order shall remain in effect until further order of the Board.

4. This Order shall be served on Philippine Air Lines, Inc. and the Ambassador of the Philippines in Washington, D.C.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–16343 Filed 7–16–74;8:45 am]

[1] This Order was submitted to the President on April 23, 1974.

[Docket No. 21866–9; Order 74–7–46]

AIRLINE TARIFF PUBLISHERS, INC.

Order Approving Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July, 1974.

Airline Tariff Publishers, Inc. (ATP), as tariff publishing agent on behalf of the U.S. domestic trunkline and local service carriers, has filed an application on behalf of itself and concurring carriers, requesting that the Board authorize carrier discussions on the mileages to be used in implementing the Board's order (74–3–82) in Phase 9 of the Domestic Passenger-Fare Investigation.

In support of its request, ATP states (1) that tariff revisions implementing Phase 9 must be sent to the printer on August 2, 1974 in order to meet the September 9, 1974 effective date specified by the Board; (2) that in the less than one month remaining for preparation of the tariff revisions, the carriers are faced with the massive mechanical problem of determining mileages between more than 28,000 city-pairs, which mileages must be either the shortest authorized mileages or one of the several alternatives permitted by the Board; (3) that the Board's staff was unable to provide the carriers with the basic list of shortest authorized mileages until June 26, 1974; (4) that if the computation and selection of the mileages to be used are done by the carriers individually, there is a very substantial risk that the initial tariffs will contain numerous errors and noncompetitive fares; and (5) that if such errors and noncompetitive fares occur, they will inevitably result in a succession of revisions that could place the fare situation in a temporary state of turmoil, resulting in undue confusion and expense on the part of the carriers and the traveling public. ATP further states that the one hope of avoiding such an obviously undesirable situation, if the presently established time limits are to be met, is a discussion of the type requested.

The Board concludes that it should grant the requested discussion authority, subject to the conditions specified herein, in order to permit an orderly implementation of the fares required by Phase 9 of the Domestic Passenger-Fare Investigation. In its Phase 9 Order, the Board required that the fares of each of the trunkline and local service carriers be based on the shortest authorized mileage of the carrier involved from the airport of origin to the airport of destination. There are, however, both permissive and required exceptions to a strict application of the shortest authorized mileage formula, and, in view of the complexities of the massive amount of mileage information involved, we believe that the discussions, within the confines of the Board's decisions, are warranted in the public interest.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof,

It is ordered That:

1. Airwest, Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., may engage in meetings at which the Board's representatives may be present, for a 30-day period extending from the date of service of this order to discuss the mileages to be used in implementing Phase 9 of the Domestic Passenger-Fare Investigation;

2. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of meetings;

3. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than two weeks after the close of the discussions;

4. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 not later than the date the initial tariffs implementing Phase 9 are filed; and

5. This order shall be served upon Airwest, Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airline, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and Airline Tariff Publishers, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–16336 Filed 7–16–74;8:45 am]

[1] The Board regards the permission granted herein strictly as a facilitation of the mechanical process of carriers filing tariffs in compliance with the Phase 9 opinions. For example, the authorization does not cover the substantive aspects of common faring and does not permit, for example, negotiations concerning which cities may be common fared. Rather, it would only permit discussions about the mileages to apply to presently common fared points. Our action, of course, does not prejudge issues in Phases 4 and 9 now pending reconsideration and all parties will have an oportunity to challenge fares or any carrier agreement when filed with the Board.

CONSUMER PRODUCT SAFETY COMMISSION

MELDAHL AND MASTERSON

Manual Disengagement of Power Mower Blade; Denial of Petition

Section 10 of the Consumer Product Safety Act (Public Law 92–573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On October 29, 1973, Mr. Robert D. Meldahl and Mr. James Masterson petitioned the Commission to commence a

proceeding for the development of a consumer product safety rule for a device, mechanism, or means for manually disengaging the rotary blade of a gasoline engine lawn mower when the lawn mower is not in a lawn cutting operation.

The Commission is aware of the potential for injury that results from operator contact with rotating power mower blades. In this connection, the Commission granted a petition from the Outdoor Power Equipment Institute to commence a proceeding for the development of a safety standard for power mowers in accordance with section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). The Commission has determined that it can best deal with the hazards posed by operator contact with the rotating mower blade in the context of a general lawn mower standard. Accordingly, the Notice of Proceeding to Develop a Standard for Power Mowers which will be published in the FEDERAL REGISTER at a future date, will identify operator contact with the rotating blade as one of the unreasonable risks of injury associated with power mowers.

The Commission's decision to deal with the hazard posed by operator contact with the rotating blade as part of a general standard necessitates the denial of the petition to commence a proceeding for the issuance of a consumer product safety rule for a device, mechanism, or means for manually disengaging the rotary blade of a gasoline engine lawn mower when the law mower is not in a lawn cutting operation. Therefore, pursuant to section 10(d) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given of the Commission's denial of the above-described petition.

A copy of the petition may be seen during working hours, 8:30 a.m. to 5 p.m. Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 10th Floor, 1750 K Street, NW., Washington, D.C.

Dated: July 10, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-16353 Filed 7-16-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/83; FRL 237-2]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before September 16, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 16, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3051-TL. Agricultural Products Co., Inc., P.O. Box 698, Artesia NM 88048. DIAZINON 4E INSECTICIDE. Active Ingredients: *O,O*-diethyl *O*-(2 isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 47.5%; Aromatic petroleum derivative solvent 30.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3051-TA. Agricultural Products Co., Inc., P.O. Box 698, Mesquite NM 88048. THIODAN 3 EC INSECTICIDE. Active Ingredients: Endosulfan (Hexachloro - hexahydromethano-2,4,3-benzodioxathiepin oxide) 33.70%; Xylene base aromatic petroleum solvent 60.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3051-TU. Agricultural Products Co., Inc., P.O. Box 698, Mesquite NM 88048. AGCO DIAZINON AG500. Active Ingredients: *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.0%; Xylene 38.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11556-26. Chemagro, Division of Baychem Corp., Box 4913, Kansas City MO 64120. CHEMAGRO CO-RAL (COUMAPHOS) LIVESTOCK INSECTICIDE SPRAY. Active Ingredients: *O,O*-Diethyl *O*-(3-chloro-4-methyl-2-oxo-(2*H*) - 1-benzopyran-7-yl) phosphorothioate 5.9%; Aromatic Petroleum Distillate 69.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6853-I. Bes-Tex Insecticides Co., Inc., Box 664, San Angelo TX 76901. BES-TEX ROTENONE FOR CATTLE GRUBS. Active Ingredients: Rotenone 5%; Other Cube Resins 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6853-RE. Bes-Tex Insecticides Co., Inc. BES-TEX 5% SEVIN MULTI-PURPOSE DUST. Active Ingredients: 1 Naphthyl N-methylcarbamate 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6853-RL. Bes-Tex Insecticides Co., Inc. BES-TEX CRESO-DIP. Active Ingredients: Coal Tar Hydrocarbons 53%; Soaps 20%; Phenols 18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7052-RL. Big D Chemical Co., Box 60126, Oklahoma City OK 73106. BIG D WASP & HORNET KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2, 2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2553-ET. Buhl Chemical Co., P.O. Box 526, Weirsdale FL 32695. TURN-M-UP LIQUID HOUSEHOLD INSECT SPRAY CONTAINS DIAZINON. Active Ingredients: *O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; pyrethrins 0.052%; technical piperonyl butoxide 0.261%; petroleum distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34286-R. Buzz-Off, P.O. Box 406, Madison WI 53701. BUZZ OFF CORN EARWORM REPELLANT. Active Ingredients: Mineral Oil 85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 211-37. Central Chemical Co., Inc., 3130 Brinkerhoff Rd., Kansas City KS 6615. FLIGONE SPRAY INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl, 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%; Petroleum distillate 19.124%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32695-G. Dale-Alley Co., Box 444, St. Joseph MO 64502. ALLEY CO-RAL BRAND OF COUMAPHOS ANIMAL INSECTICIDE 1% BULK DUST. Active Ingredients: O,O-Diethyl O-(3-chloro-4 - methyl-2-oxo-(2H)-1-benzopyran-7-yl), phosphorothioate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34076-R. Days-Ease Home Products Corp., 12160 Victory Blvd., N. Hollywood CA 91606. DAYS-EASE DOUBLE ACTION PLUMBER SAVER LIQUID DRAIN OPENER. Active Ingredients: Copper sulfate 0.16%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10163-UT. The Dune Co., Agricultural Chemicals, P.O. Box 406, 340 E. Main St., Calipatria CA 92233. PROKIL TOXAPHENE 8 EC. Active Ingredients: Toxaphene 72.30%; Aromatic petroleum derivatives 23.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-2924. FMC Agricultural Chemical Division. THIODAN 3 EC (For Use on Almonds, Barley, Oats, Rye and Wheat). Active Ingredients: Endosulfan

33.7%; Xylene Base Aromatic Solvent 60.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–378. FMC Agricultural Chemical Div. RO–KIL SPRAY INSECTICIDE. Active Ingredients: Rotenone 5.00%; Other Cube Resins or Extractives 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–385. FMC Niagara Chemical Div. NIAGARA POLYSULPHIDE COMPOUND (IN DRY FORM). Active Ingredients: Sodium Polysulphide 84.00%; Sodium Thiosulphate 8.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–1512. FMC Corp. SEVIN 50 WETTABLE POWDER. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 50.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–1364. FMC Corp. PHOSDRIN 2 DUST. Active Ingredients: Alpha isomer of 2-carbomethoxy-1-methylvinyl dimethyl phosphate 1.20%; Related Compounds 0.80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8845–EU. Kenco Chemical & Mfg. Co., Inc., PO Box 6246, Jacksonville FL 32205. RID-A-BUG DO-IT-YOURSELF TERMITE CONTROL CONCENTRATE. Active Ingredients: Technical Chlordane 72.0%; Petroleum Distillate 21.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2342–374. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125. FASCO BHC LIQUID–1. Active Ingredients: Gamma isomer of benzene hexachloride 11.7%; Other isomers of benzene hexachloride 16.0%; Petroleum distillate 62.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11540–I. Micro-Gen Equipment Corp., 8127 Vidor Dr., San Antonio, TX 78216. MICRO-VAP 5% VAPONA INSECTICIDE FOR USE IN MICRON-GENERATION EQUIPMENT. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 4.65%; Related Compounds 0.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4974–A. Mylen Co. Quality Housewares, Inc., 230 E. 25th St., New York NY 10010. NON-SYNTHETIC HARGATE II NATURAL INSECTICIDE INGREDIENTS. Active Ingredients: Pyrethins 0.40%; Sesame Oil 8.00%; Petroleum Distillate 1.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3624–30. Nova Products, Inc., P.O. Box 5086, Kansas City KS 66119. NOVA MALATHION 57–WE. Active Ingredients: Malathion 57.0%; Xylene 34.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4850–G. Osco Chemical Co., Inc., 2714 Apple Valley Rd., NE, Atlanta GA 30319. FUNGASARC. Active Ingredients: Isobornyl thiocyanoacetate 4.1%; Other related terpenes 0.9%; Alkyl (C8H37) dimethyl dichlorobenzyl ammonium chloride 0.6%; Mineral Oil 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–352. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York, NY 1007. PRENTOX ISC INTERMEDIATE CONCENTRATE AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: O,O-diethyl O(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 10.00%; Piperonyl Butoxide, Technical 9.50%; Pyrethrins 1.90%; Petroleum Distillates 78.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–360. Prentiss Drug & Chemical Co. PRENTOX P-M PET INSECTICIDE. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.0%; Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; 2,2'-Methylenebis (4-chlorophenol) 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–UON. Prentiss Drug & Chemical Co. PRENTOX PYRONYL 10–15–25 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 10.0%; Piperonyl Butoxide, Technical 15.0%; N-octyl bicycloheptene dicarboximide 25.0%; Petroleum Distillates 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–295. Prentiss Drug & Chemical Co. PRENTOX REPELLENT FORMULA #1 AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 5.00%; Butoxypolypropylene glycol 25.00%; N-octyl bicycloheptene dicarboximide 16.70%; Piperonyl Butoxide, Technical 10.00%; Petroleum Distillates 43.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–313. Prentiss Drug & Chemical Co., Inc. PRENTOX SPECIAL AEROMATIC CONCENTRATE #5 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 4.5%; Butoxypolypropylene glycol 22.5%; Piperonyl Butoxide, Technical 45.0%; Petroleum Distillates 28.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–317. Prentiss Drug & Chemical Co., Inc. PRENTOX DDVP AEROSOL CONCENTRATE #G–1553 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 33.33%; Related compounds 2.54%; 1,1,1-Trichloroethane 64.13%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–321. Prentiss Drug & Chemical Co., Inc. PRENTOX INSECTICIDE SYNERGIST 264. Active Ingredients: N-octyl bicycloheptene dicarboximide 98.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–329. Prentiss Drug & Chemical Co., Inc. PRENTOX INTERMEDIATE CONCENTRATE MPS–1 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 2.0%; N-octyl bicycloheptene dicarboximide 3.2%; Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate 40.0%; Heavy aromatic naphtha 53.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–334. Prentiss Drug & Chemical Co., Inc. PRENTOX G V CONCENTRATE #1 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 2.00%; n-Octyl sulfoxide of isosafrole 8.80%; Related compounds 1.20%; Petroleum Distillates 88.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655–335. Prentiss Drug & Chemical Co., Inc. PRENTOX G V CONCENTRATE #2 AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: Pyrethrins 2.00%; Piperonyl Butoxide, Technical 6.00%; N-octyl bicycloheptene dicarboximide 6.70%; Petroleum Distillates 85.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–LNA. Prentiss Drug & Chemical Co., Inc. PRENCHLOR 8 LB. EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Chlordane 72.0%; Petroleum Distillate 21.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–UOG. Prentiss Drug & Chemical Co., Inc. PRENTOX PYRETHRUM COIL POWDER. Active Ingredients: Pyrethrins 0.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 416–AL. Quinn Drug & Chemical Co., P.O. Box 847, Greenwood MS 38930. QUINN'S GARBECIDE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.20%; Technical Piperonyl Butoxide 0.48%; Petroleum Distillates 99.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 572–EIT. Rockland Chemical Co., Inc., P.O. Box 204, Caldwell NJ 07006. ROCKLAND PYRENONE GENERAL PURPOSE AQUEOUS INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 201–278. Shell Chemical Co., 1700 K St., NW, Washington DC 20006. AZODRIN 3.2 WATER MISCIBLE INSECTICIDE. Active Ingredients: Dimethyl phosphate of 3-hydroxyl-N-methylcis-crontonamide 39.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34358–R. Simonsen Chemical Co., P.O. Drawer C—Cabool MO 65445. PENTA WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 4.35%; Other Chlorophenols & Related Compounds 0.65%; Petroleum Solvents 95.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8536–12. Soil Chemicals Corp., P.O. Box 531, Morgan Hill CA 08536. METHYL BROMIDE 99.5%. Active Ingredients: Methyl Bromide 99.5%; Chloropicrin 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15575–RG. Southland Agricultural Chemicals, P.O. Box 6207, Montgomery AL 36106. TOXAPHENE EM–6 EMULSIFIABLE LIQUID. Active Ingredients: Toxaphene 58.50%; Xylene-Range Aromatic Hydrocarbon Solvent 38.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15575–RU. Southland Agricultural Chemicals. SUPER KILL 8–2. Active Ingredients: Toxaphene 66.51%; O,O-dimethyl O-P-nitrophenyl thiophosphate 16.64%; Xylene 11.13%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15575–RT. Southland Agricultural Chemicals. CYTHION INSECTICIDE THE PREMIUM GRADE MALATHION 57% EMULSIFIABLE LIQUID. Active Ingredients: Malatioon 57.0%; Zylene 35.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15575–RI. Southland Agricultural Chemicals. M–M 4–4 INSECTICIDE. Active Ingredients: O,O-dimethyl phosphorodithioate of diethyl mercapto succinate 39.80%; O,O-dimethyl O-p-nitrophenyl phosphorothioate 39.80%; Xylene 11.44%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15575–RA. Southland Agricultural Chemicals. COTTON-TOX 62. Active Ingredients: Toxaphene 54.67%; O,O-dimethyl O-p-nitrophenyl thiorphosphate 18.22%; Xylene 22.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15575–RL. Southland Agricultural Chemicals. 6–2–1 COTTON SPRAY. Active Ingredients: Toxaphene 52.90%;

O,O-dimethyl O-p-nitrophenyl thiophosphate 17.63%; Parathion (O,O-diethyl O-p-nitrophenyl Phosphorothioate) 8.82%; Xylene 15.21%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34222-R. Tannerize Auto Body Co., 6618 Lakeshore Dr., Dallas TX 75214. TOP-KAT ROACH POWDER. Active Ingredients: Boric Acid Powders 60%; Tru-Sodium Phosphate 30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3696-71. Texize Chemical Co., Div. of Morton-Norwich Products, Inc., P.O. Box 368, Greenville SC 29602. TEXIZE PINE POWER PINE TYPE DISINFECTANT CLEANER. Active Ingredients: Pine oil 19.9%; Isopropyl alcohol 11.0%; Ethyl alcohol 1.8%; Tetrasodium ethylenediamine tetraacetate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-1145. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. T-H DIAZINON W-50 INSECTICIDE. Active Ingredients: O,O-diethyl O-(2-isoproply-6-methyl-4-pyrimidinyl) phosphorothioate 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9380-T. Valley Chlorine Solutions, 8700 Bellanca Ave., Los Angeles CA 90045. SPARKLEEN DRY CONCENTRATE POOL CHLORINE. Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34463-E. Veneziani Zonca Vernici S.P.A., Via Malaspina, 8, 34147 Trieste, Italy. ANCIENT MARINER ANTI-FOULING PAINT RED. Active Ingredients: Bis (tri-n-butyltin) oxide 3.00%; bio Met-triphenyltinfluoride 11.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 769-271. Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley GA 31030. 50% SEVIN WETTABLE. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: July 11, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc. 74-16384 Filed 7-16-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PROJECT INDEPENDENCE

Notice of Public Hearings

The Federal Energy Administration announces that public hearings will be held on Project Independence, covering the Project and focusing on local, regional, and national energy concerns. Project Independence is a program to evaluate the United States' growing dependence on foreign sources of energy and to develop positive programs to reduce our vulnerability to future oil cutoffs and price increases. Ten regional hearings will be held:

August 6–9, Denver, Colorado
August 19–22, New York City, N.Y.
August 26–29, Boston, Massachusetts
September 5–7, Seattle, Washington
September 9–12, Chicago, Illinois
September 10–13, Kansas City, Missouri
September 16–20, Houston, Texas
September 23–27, Atlanta, Georgia
September 30–October 4, Philadelphia, Pennsylvania
October 7–10, San Francisco, California

Background. The sources and uses of energy in the United States have changed dramatically in the last several decades. As a result, in just one generation we have shifted from a position of domestic energy abundance to a substantial and continually growing reliance on foreign energy sources.

Project Independence is a wide ranging program to evaluate this growing dependence on foreign sources of energy, and to develop positive programs to reduce our vulnerability to future oil cutoffs and price increases.

Why Is Project Independence Needed? Our appetite for energy continues to spiral.

For the past 20 years, U.S. demand for energy has grown at a rate of 4 to 5 percent per year.

Today, U.S. per capita use of energy is six times the average for the rest of the world.

At the same time, domestic energy production for many fuels has leveled off or declined.

Crude oil production leveled off in 1970.

Coal production has not increased appreciably since 1943.

Since 1968 we have been consuming natural gas faster than we discover it.

To satisfy our demand for energy we have had to increase imports rapidly—from 15 percent of our oil supply in 1960, to 30 percent in 1972. At the rate we are going, about 50 percent of our oil supply in 1985 could come from foreign sources.

The Middle East oil embargo alerted the Nation to the risks of extensive foreign energy dependence. Within three months after imposition of the embargo, U.S. oil imports were down 2.7 million barrels per day, which represented 14 percent of anticipated demand. Prices also jumped to record levels.

Fortunately, the impact upon industry, labor, and consumers was minimized by a national effort to share available supplies and reduce demand. Most industry was spared from severe economic effects, although some businesses did experience some stress. Massive unemployment, cold homes and factories, large-scale brownouts, and complete driving bans were avoided.

But we were lucky. The oil embargo was imposed at a point when we were able to handle the shortage. At some future time, however, a supply disruption could mean much larger and more serious economic and social repercussions.

A Multi-Faceted Approach to Project Independence. If we are to remove the threat of future oil interruptions or excessive oil prices, we must implement a combination of the following four measures:

Increase our domestic supply.

Reduce growth in energy demand.

Develop contingency plans for energy storage, standby domestic production capability and effective emergency action programs.

Foster international activities to reduce the likelihood of future oil cut-offs.

Blueprint for the Program. The Federal Energy Administration is coordinating a large governmental effort to develop a *Blueprint* for Project Independence. The *Blueprint* will be prepared and delivered to the President by November 1, 1974, and will contain:

An historical perspective of our current energy situation (how did the problem arise?).

A definition of energy independence.

An analysis of future energy supply and demand alternatives under a variety of assumptions; an evaluation of their costs, environmental effects and the ability to reduce our vulnerability.

An analysis of the manpower, financial, material, transportation, and other constraints we face in achieving Project Independence.

Recommend administrative, economic, budgetary, and legislative policy actions to achieve our objectives.

Other Federal Energy Administration Activities. FEA must minimize spot energy shortages that may occur, as well as equitably distribute available petroleum supplies. These are the focus of FEA's allocation, pricing and conservation activities.

In addition to *Blueprint*, FEA has developed an Early Action Program as a first step in the attainment of energy independence. Early Action will:

Expedite planned energy facilities and resource development by working with relevant Federal agencies.

Provide a list of key energy conservation or development projects on which to focus Federal or public attention.

Assist in removing bottlenecks to completion of future energy projects.

Early Action and other current FEA programs are only a start, pending completion of the Project Independence *Blueprint*. This is a job the Federal Government cannot accomplish by itself; it requires the cooperation of state and local governments, the business community, and the commitment of the American people.

Public Hearings. The Federal Energy Administration wishes to solicit public views, information, and perspectives on Project Independence. The opportunity to testify will be available to everyone—representatives of the energy industries, environmental groups, consumers and public officials.

The first day of each regional hearing will be devoted to a specific topic:

Denver: Western regional resource development, including coal, oil shale, and synthetic fuels.

New York City: Capital requirements for Project Independence; and international implications of Project Independence.

Boston: Definition of U.S. energy independence; emergency measures to deal with import cut-offs; and future energy options for New England.

Seattle: Research and needs for Project Independence; and Alaskan development.

Chicago: Role of nuclear power and advanced energy systems in U.S. energy development.

Kansas City: Labor, material, construction, and transportation needs in achieving Project Independence.

Houston: Federal leasing and regulatory policies and the energy industry.

Atlanta: Development of the Outer Continental Shelf, superports, and refinery siting.

Philadelphia: The environment and Project Independence; and development of eastern coal.

San Francisco: Strategies for energy conservation—reducing U.S. demand for energy.

Succeeding days of each hearing will be devoted primarily to issues of local and regional concern. A detailed agenda will be prepared and available prior to each hearing.

During the hearings, testimony will be heard from public officials, representatives of recognized regional and local groups, and from individuals who wish to be heard. To permit full public participation evening sessions will be devoted primarily to testimony from private citizens who may wish to be heard without submitting written statements. Those who are unable to testify in person are invited to submit written statements for the record. Written statements should be submitted no later than ten days following the hearing in which they are to be included, and should be sent to the address in the paragraph immediately below.

Individuals or groups wishing to testify at one of the hearings should notify the FEA in writing. Information desired by FEA should include name, address, telephone number, subject area to be addressed, and regional hearing at which testimony is to be presented. Requests to testify should be addressed to Federal Energy Administration, 12th Street & Pennsylvania Ave., N.W., Washington, D.C. 20461, Attn: Project Independence Public Hearings. All requests to testify must be received at least 10 days in advance of the hearing.

Procedures for Regional Hearings. A large number of witnesses is expected and individual witnesses will generally be asked to limit oral presentations to ten minutes, reserving ten minutes for questions by each hearing panel. If additional time is required for oral presentation, witnesses are asked to indicate how much extra time they will require; every effort will be made to accommodate such requests within available time and other requests to testify. Organizations with several members who wish to testify at a given hearing may obtain permission to offer more than one spokesman at the hearing. The FEA encourages interest groups to consolidate testimony for oral presentation in order to avoid lengthy, repetitive statements, and to ensure adequate opportunities for all interest groups to testify.

Written testimony of any length may be submitted for the record. Each witness is requested to provide an abstract of the testimony, and to submit the testimony several days in advance of the hearing. All hearings will be open to the public, to the press and other media, and a complete record of the proceedings will be compiled and made available to the public. Fifty copies of testimony to be presented are requested, for distribution to the press and other media.

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

ROBERT E. MONTGOMERY, Jr.,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.74-16253 Filed 7-12-74;8:45 am]

FEDERAL MARITIME COMMISSION

STATE OF HAWAII AND MATSON TERMINALS, 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, within 20 days after publication of this notice in the FEDERAL REGISTER. 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:

Mr. E. Alvey Wright, Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Agreement No. T-2171-4, between the State of Hawaii (Hawaii) and Matson Terminals, Inc. (Matson) modifies the basic agreement between the parties which provides for the lease of marine terminal space by Hawaii to Matson for use, primarily, as a container facility. The purpose of this modification is to further develop Hawaii's goal of obtaining uniformity among such leases so that all those operating similar terminal facilities do so under leases providing for reopening, appraisal, and renegotiation of the rental for such facilities at approximately the same time. Accordingly, this modification revises the applicable rent charges as well as the circumstances under which they may be reopened to negotiation.

By order of the Federal Maritime Commission.

Dated: July 11, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-16348 Filed 7-16-74;8:45 am]

[Circular Letter No. FF 1-74]

OCEANGOING COMMON CARRIERS AND LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS

Compensation At Outports

It has come to our attention that some licensed freight forwarders and steamship lines may be violating §§ 510.22(a) and 510.24(d) of the Commission's General Order 4, copy attached.[1]

Section 510.22(a) provides that no licensed freight forwarder may collect compensation (brokerage) if he requests a carrier or its agent to perform *any* of the usual forwarding services (defined under § 510.2(c) of General Order 4) at another port unless there is no forwarder at such port willing and able to perform the services or unless the Commission has granted a portwide exemption from this rule.

Section 510.24(d) prohibits oceangoing common carriers from paying compensation (brokerage) to a licensed independent ocean freight forwarder when such carrier has reason to believe that receipt of such compensation by such licensee violates the rules of General Order 4 or the Shipping Act, 1916.

Our information reveals that some forwarders may be by-passing the local forwarders in other ports, using steamship agents to supply forwarding services and collecting compensation on those shipments. Our information further reveals that some steamship lines may be paying compensation to licensed freight forwarders under these circumstances. These practices would be contrary to the aforementioned rules and may result in penalties provided by law for such violations.

It should be noted that the only ports where exemptions from § 510.22(a) have been granted by the Commission are: Moorehead City and Wilmington, North Carolina; Tampa, Pensacola and Port Everglades, Florida; and Searsport and Portland, Maine.

Such practices occurring at ports other than those mentioned above are in violation of the aforementioned rules and could lead to formal Commission regulatory action.

If you have any questions with respect to this matter please contact the Di-

[1] Filed as part of the original document. See also 46 CFR Part 510.

rector, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

AARON W. REESE,
Managing Director.

[FR Doc.74-16349 Filed 7-16-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8700]

BOSTON EDISON CO.

Notice of Extension of Time

JULY 10, 1974.

On July 1, 1974, the Town of Norwood filed a motion for an extension of time within which to respond to Boston Edison Company's Petition for a Declaratory Order. The time was extended to July 1, 1974, by notice issued June 6, 1974. The motion states that Counsel for Boston Edison has no objection to this request.

Upon consideration, notice is hereby given that the time is extended to and including July 15, 1974, within which responses may be filed to the Petition for a Declaratory Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16268 Filed 7-16-74;8:45 am]

[Docket No. E-8881]

CAROLINA POWER & LIGHT CO.

Request for Investigation, Granting of Relief, and Hearing

JULY 10, 1974.

Notice of request for investigation of the reasonableness of wholesale rates under section 206 of the Federal Power Act, the granting of immediate relief thereunder and convening of a hearing or hearing conference.

Take notice that Carolina Power & Light Company (CP&L) on July 1, 1974, filed with the Commission a request for the initiation of an investigation under section 206(a) of the Federal Power Act as to the reasonableness of CP&L's existing wholesale electric rates to its municipal, rural electric cooperative and private utility customers. CP&L requests the granting of the following immediate relief: (1) making effective as of September 1, 1974, a new proposed fossil fuel adjustment clause, applicable to its wholesale electric service; and (2) preliminary thereto, the convening of a hearing or hearing conference as soon as possible, and in any event within thirty (30) days of the filing of this request. In addition, CP&L requests that the Commission shorten the time for the filing of answers to the request, under § 1.9 (a) of the Commission's rules of practice and procedure so that a hearing or hearing conference can be held within this time frame.

CP&L states that the implementation of its proposed fuel adjustment clause on September 1, 1974, would increase revenues from jurisdictional sales by $8,700,000 between that date and December 31, 1974. The Company states that the relief requested is necessary since, among other things, it is presently unable to sell any additional preferred stock and will be unable to sell any further mortgage bonds unless the fuel adjustment clause is made effective as of September 1, 1974, thereby increasing its coverage of fixed charges by year's end to just over the minimum 2.0 times coverage required.

A copy of the Company's filing has been served by mail upon CP&L's jurisdictional resale customers and the State Commissions of North Carolina and South Carolina.

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 19, 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 proceedings. 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.74-16269 Filed 7-16-74;8:45 am]

[Docket No. E-8884]

CAROLINA POWER & LIGHT CO.

Notice of Tariff Form of Filing and Changes In Rates and Charges

JULY 10, 1974.

Take notice that Carolina Power & Light Company (CP&L) on July 1, 1974, tendered for filing a tariff form of contract and changes in the rates and charges applicable to 24 municipalities, two private distribution utilities, and 18 electric membership corporations. The tariff form of filing will supersede the rate schedule form of filing for those customers whose contracts for electric service have expired and will replace existing service agreements with other resale customers as their present contracts expire. The proposed changes in the rates and charges consist of a new schedule (RS-10) applicable to resale service and a fossil fuel adjustment clause. The proposed changes in the rates and charges, which CP&L proposes to put into effect as of January 1, 1975, would increase revenues from jurisdictional sales by $35,994,067 based on the 12-month period ending December 31, 1974.

CP&L states that it expects a negative rate of return in the amount of —0.199 percent from sales to resale customers during the calendar year 1974. The proposed rates and charges are designed to enable CP&L to improve the rate of return earned from resale services which return is estimated to be 9.477 percent if the proposed rates and charges had been in effect for the 12-month period ending December 31, 1974.

All of Company's present FPC filings for resale service consists of the rate schedule form of filing with each contract containing specific terms and conditions. Due to conditions existing at the time the service agreements were executed, the terms and conditions are not consistent among the various resale customers. Under the proposed tariff form of filing, the terms and conditions for service, the contractual agreement and other pertinent parts will be uniform for all resale service.

A copy of the appropriate portions of the filing has been served upon CP&L's jurisdictional resale customers and the State Commissions of North Carolina and South Carolina.

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 19, 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 proceedings. 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.74-16272 Filed 7-16-74;8:45 am]

[Docket No. E-8723]

COMMONWEALTH EDISON COMPANY OF INDIANA, INC.

Notice of Filing

JULY 9, 1974.

Take notice that on April 9, 1974 the Commonwealth Edison Company of Indiana, Inc. (CEI) filed with the Federal Power Commission a Memorandum modifying the Supplemental Electric Service Agreement (hereinafter "Agreement") between CEI and Northern Indiana Public Service Company (NI) dated January 1, 1960, (designated Commonwealth Edison Company of Indiana FPC No. 9).

CEI is a wholly owned subsidiary of Commonwealth Edison Company (CI). It owns and operates the generating station, State Line Station, and has two customers which take all of its output, NI and CI. Under the Agreement NI is entitled to a proportion of the capacity available at any given time from State Line Station plus any surplus capacity available when CI is not using its full entitlement to the balance of State Line capacity. Energy from allotted and surplus capacity is furnished to NI at a charge equal to average State Line fuel costs, and energy from supplementary

capacity is furnished at 130 percent of State Line fuel costs.

The Memorandum (April 9, 1974) modifies the Agreement, by providing that whenever CI uses oil or gas fired generation, or purchases energy from other interconnected companies at a price higher than 130 percent of estimated State Line fuel costs, CEI's charge to NI for the sale of emergency energy shall be 104 percent of CEI out-of-pocket costs.

The Memorandum further provides that whenever CI would have to utilize oil or gas fired generation or purchase energy from other interconnected companies at a price higher than 130 percent of estimated State Line fuel costs in order to release overhaul energy for sale by CEI to NI, CEI's charge to NI for such energy shall be 104 percent of the out-of-pocket cost to CI of the substitute energy necessary to effect the release. Under the Memorandum Northern Indiana is entitled to a maximum of six weeks of overhaul energy each year, at prices equal to 130 percent of State Line fuel costs. This overhaul energy will be available in delivered amounts equal to the total allotted and supplementary capacity to which NI is entitled at the time of delivery.

The Memorandum additionally provides that whenever NI's proportionate part of available State Line capacity plus any surplus capacity available to NI is less than 90 Megawatts and another form of energy is available, NI will pay 130 percent of State Line fuel costs for such energy to the extent capacity equals the amount by which 90 Megawatts exceeds the sum of NI's proportionate part of State Line available capacity and any available surplus capacity.

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, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16263 Filed 7-16-74;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT AND POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

JULY 11, 1974.

On July 5, 1974, The Connecticut municipal interveners filed a motion for an extension of the procedural dates fixed by notice issued June 26, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Services of testimony and exhibits by Cities, July 19, 1974.
Service of rebuttal testimony and exhibits by Connecticut, August 13, 1974.
Hearing, August 27, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16274 Filed 7-16-74;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Further Extension of Time

JULY 9, 1974.

On July 2, 1974, Consolidated Edison Company of New York filed a motion for a further extension of time to answer Scenic Hudson's petition for a stay of construction. On July 8, 1974, Scenic Hudson filed a Supplement to its petition for immediate stay and also opposed the request for additional time.

Upon consideration, notice is hereby given that the time is extended to and including July 25, 1974, within which Consolidated Edison may answer the petition filed by Scenic Hudson Preservation Conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16273 Filed 7-16-74;8:45 am]

[Docket No. CP74-47]

EL PASO NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing

JULY 10, 1974.

On July 2, 1974, El Paso Natural Gas Company filed a motion for modification of the procedural dates fixed by order issued June 21, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor the interveners have any objection to this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of the direct case of El Paso and the evidence of all interveners in support thereof, August 6, 1974.
Hearing, September 4, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16265 Filed 7-16-74;8:45 am]

[Docket No. RP74-70]

MICHIGAN GAS STORAGE CO.

Notice of Extension of Time and Postponement of Hearing

JULY 10, 1974.

On June 28, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued April 29, 1974, in the above-designated matter. The motion states that all parties concur in the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Evidence by Staff, July 22, 1974.
Service of Evidence by Interveners, August 12, 1974.
Service of Rebuttal Evidence by Michigan Gas Storage Co., August 26, 1974.
Hearing, September 4, 1974 (10 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16266 Filed 7-16-74;8:45 am]

[Docket No. CP74-46]

NORTHWEST PIPELINE CORP.

Notice of Extension of Time

JULY 10, 1974.

On July 3, 1974, Northwest Pipeline Corporation requested an extension of time within which to comply with paragraph (G) of the order issued March 19, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including July 18, 1974, within which Northwest Pipeline Corporation shall comply with paragraph (G) of the above order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16267 Filed 7-16-74;8:45 am]

[Docket No. E-8883]

PENNSYLVANIA ELECTRIC CO. ET AL.

Notice of Filing of Supplement to Power Pooling Agreement

JULY 10, 1974.

In the matter of Pennsylvania Electric Company, Metropolitan Edison Company, and Jersey Central Power & Light Company.

Take notice that on June 28, 1974, the GPU Service Corporation tendered for filing on behalf of the above listed utilities a supplement to the existing agreement among them dated July 21, 1969. The proposed changes made by this supplement would redistribute certain payments for capacity, transmission services, and other expenses and benefits of interchange, resulting in a maximum estimated net increase in revenues (or decrease in expenses) of Jersey Central Power & Light Company, based on the 12-month period ending July 31, 1974 of approximately $537,000, with resulting increases in expenses (or decreases in revenues) distributed approximately equally between Pennsylvania Electric Company and Metropolitan Edison Company.

The proposed changes made by the supplement are designed to: (1) recognize the merger of a previous party into Jersey Central Power & Light Company and the organization and operation of the GPU Service Corporation, (2) make changes in the allocation of certain expenses and savings, (3) make changes in rates for capacity deficiency and for

transmission, and (4) provide compensation for new transmission services. The changes in allocation of expenses and savings will base these allocations on annually determined factors, rather than on monthly factors. A new rate has been proposed to compensate Metropolitan Edison Company for transmission service related to its delivery of half the output of the Three Mile Island plant to Pennsylvania Electric Company and Jersey Central Power & Light Company. It has been requested that the proposed supplement become effective on August 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16271 Filed 7-16-74;8:45 am]

[Docket No. CI73-694]

RODMAN CORP.

Notice of Further Extension of Time and Postponement of Hearing

JULY 8, 1974.

On June 28, 1974, Staff Counsel filed a motion for a further extension of time and postponement of the hearing fixed by notice issued May 30, 1974, in the above-designated matter. The motion states that no party to the proceeding objects to the suggested dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Submission of evidence by Staff, July 22, 1974.
Submission of rebuttal testimony, August 2, 1974.
Hearing, August 21, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16264 Filed 7-16-74;8:45 am]

[Docket No. CP67-286]

UNITED GAS PIPE LINE COMPANY AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

JULY 10, 1974.

Take notice that on June 20, 1974, United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 7702, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, (Petitioners), filed in Docket No. CP67-286 a petition to amend the order issued in the subject docket on July 24, 1967 (38 FPC 163), as amended June 16, 1969 (41 FPC 806), April 6, 1971 (45 FPC 533), and July 15, 1973 (50 FPC ——), pursuant to section 7(c) of the Natural Gas Act authorizing the exchange of gas between Petitioners, by authorizing additional points at which delivery of exchange gas can be accomplished, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners are currently authorized in the subject docket to deliver a maximum volume of 150,000 Mcf per day of natural gas, on an exchange basis, in accordance with United's Rate Schedule X-23 and Transco's Rate Schedule X-46. Petitioners seek authorization to exchange gas at additional delivery points described as follows:

(1) Producing fields, natural gas processing plants and other common points where Petitioners take delivery of natural gas from others pursuant to specific Commission authorization; and

(2) Producing fields, natural gas processing plants and other common points where Petitioners and/or one or more other natural gas pipeline companies take delivery of natural gas, so that gas can be exchanged by Petitioners in whole or in part via the facilities of such other gas pipeline or companies.

The petition indicates that authorization of exchange at such common delivery points would allow gas normally delivered to one of the Petitioners to be delivered to or for the account of the other Petitioner when such diversion of gas would be advantageous. Petitioners state that the instant proposal will provide Petitioners and their producers with additional flexibility to respond quickly to operating needs. Petitioners state that no additional facilities are required for the exchange of natural gas at these additional points.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16270 Filed 7-16-74;8:45 am]

[Docket No. E-8877]

UNION LIGHT, HEAT AND POWER COMPANY (KENTUCKY)

Notice of Application

JULY 9, 1974.

Take notice that on June 24, 1974, The Union Light, Heat and Power Company (Applicant) of Covington, Kentucky, filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks, and to a commercial paper dealer in amounts not exceeding in the aggregate $10,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1975, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect at the time of issuance or renewal.

The Promissory Notes issued to a commercial paper dealer will be issued on various days during the period ending December 31, 1975, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed 25 percent of Applicant's gross revenues during the then proceeding 12 full months of operation.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1974-1975 construction program. Applicant estimates that construction expenditures for the years 1974 and 1975 will total about $23,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-16261 Filed 7-16-74;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 July 12, 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 the 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

NATIONAL SCIENCE FOUNDATION

Quick Response Survey of Graduate Science and Engineering Enrollment, Form ----, Annual, Planchon/Weiner, Graduate Science Department Chairmen.

VETERANS ADMINISTRATION

Application for Veterans Group Life Insurance (Veterans Separated Before August 1, 1974), Form 29-8715, Occasional, Caywood, Veterans.

REVISIONS

None.

EXTENSIONS

None.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-16441 Filed 7-16-74;8:45 am]

POSTAL SERVICE

POSTAL CONTRACTING MANUAL

Publication of Changes

Notice is hereby given that the Postal Contracting Manual, Publication 41 (see 39 CFR Part 601), has been amended by the issuance of Transmittal Letter 16,[1] dated June 14, 1974.

This notice is given pursuant to § 601.105 of Title 39, Code of Federal Regulations, which provides that notice of changes made in the Postal Contracting Manual will be periodically published in the FEDERAL REGISTER; that the text of such changes will be filed with the Director, Office of the Federal Register; and that subscribers to the basic Manual will receive amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

[1] Filed as part of the original document.

Amendments of the Postal Contracting Manual accompanying Transmittal Letter 16 were filed with the Director, Office of the Federal Register, simultaneously with the filing of this document.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008).

LOUIS A. COX,
General Counsel.

[FR Doc.74-16259 Filed 7-16-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COMMONWEALTH NATIONAL REALTY TRUST

Suspension of Trading

JULY 5, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock 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)(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 1:00 p.m. (c.d.t.) July 5, 1974 through July 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-16326 Filed 7-16-74;8:45 am]

[Rel. No. 8420]

COMPOSITE FUND, INC., ET AL.

Notice of Filing of Application for Exemption from Provisions

JULY 11, 1974.

Notice is hereby given that Composite Fund, Inc., 402 Spokane & Eastern Building, Spokane, Washington 99204 ("Composite"), Composite Bond & Stock Fund, Inc. ("Composite Bond & Stock") (collectively the "Funds"), registered under the Investment Company Act of 1940 ("Act") as open-end management investment companies, and Composite Research and Management Co. ("Research") (collectively the "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from the provisions of section 15(a) of the Act in connection with the continuation of the management agreements between the Funds and Research for the period March 11, 1974, to the date of the special meetings of shareholders of the respective Funds, to be held no later than September 30, 1974 (or any adjournment thereof), at which meetings the shareholders will be asked to ratify or reject the continuance of said agreements. 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.

Research has provided investment advisory services to Composite since August 25, 1949, and to Composite Bond & Stock since March 31, 1944. On March 11, 1974, Mr. George Yancey passed away in Spokane. Mr. Yancey was the honorary Chairman of the Board of Directors of both Funds and was the owner of approximately 31 percent of the outstanding capital stock of Research, said shares being held as community property under the laws of the State of Washington. On March 12, 1974, the directors of both Funds passed a resolution stating that the existing management agreements would be continued in full force and effect. On March 18, 1974, an opinion was received from counsel to Applicants that no assignment had taken place, as that term is defined in section 2(a)(4) of the Act and that, therefore, there was no automatic termination of the management agreements.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by a vote of the majority of the outstanding voting securities of such registered investment company.

On May 8, 1974, the directors of both Funds readopted the existing management agreements, by letter agreement subject to the submission of the management agreements to the shareholders of the Funds at special meetings to be held as soon as reasonable and appropriate. Such meetings are to be held no later than September 30, 1974. The application states that the directors' action was taken in order to eliminate any doubt as to the legal effect of the death of Mr. Yancey and as to the propriety of Research continuing as adviser for the Funds under the existing agreements.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the requested exemption is necessary and 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, in that it will assure that necessary portfolio management and administrative services are provided to the Funds during the period from March 11, 1974, to the date of the special meetings.

Notice is further given that any interested person may, not later than August 5, 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address 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.74-16331 Filed 7-16-74;8:45 am]

[Rel. No. 18489]

CONSOLIDATED NATURAL GAS CO.

Proposed Amendments to Certificate of Incorporation To Authorize Preferred Stock; Solicitation of Proxies

JULY 9, 1974.

Notice is hereby given that Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020 ("Consolidated"), a registered holding company, has filed a declaration and an amendment thereto pursuant to sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated's Certificate of Incorporation ("Certificate") presently authorizes 22,000,000 shares of capital (common) stock, par value $8 per share, of which 18,919,362 shares are issued and outstanding. Consolidated now proposes to amend its Certificate to additionally authorize 2,500,000 shares of preferred stock, par value $100 per share.

All external financing for the Consolidated System is effected at the parent company level through the issue and sale of securities of Consolidated; and the latter, in turn, supplies the capital requirements of its subsidiary companies. Such financing has traditionally been in the form of unsecured debt (debentures and bank loans) and common stock. It is stated that the System's capital requirements, including the financing of its programs for new gas supplies, will expand substantially over the forseeable future, and that capital expenditures for the period 1974 through 1976 are estimated at $650 million as compared with actual expenditures of $350 million in the prior 3-year period. To facilitate its expanding financing requirements, Consolidated now considers that the use of preferred stock is desirable as an additional financing medium, and states that the use of that medium will (1) augment its equity capital, thereby facilitating additional long-term debt financing; (2) alleviate the pressure of prerequisite interest coverage governing the incurrence of long term debt, thereby maintaining the investment quality of its debt securities; and (3) afford the System greater financing flexibility under shifting conditions of the securities markets.

Except for a small amount of long term debt directly incurred in the past by certain of the subsidiaries in connection with various acquisitions or purchases of natural gas properties, the consolidated capitalization of the System consists solely of Consolidated's securities, as shown below as of March 31, 1974.

	Thousands	Percent
Long term debt [1]		
Parent company:		
Debentures	$595,283	46.2
Term bank loan (construction)	18,000	1.4
Subsidiary companies	3,284	0.3
	616,567	47.9
Common stock equity	671,370	52.1
Total capital and surplus	1,287,937	100.0

[1] Includes current maturities

Consolidated's debentures are outstanding in series maturing variously between 1976 and 1999. Among other things, the indentures underlying the outstanding debentures (1) limit the incurrence of long-term debt (maturing in over one year) to 50 percent of net tangible assets until March 1, 1987, and to 60 percent thereafter; (2) impose substantial cash sinking funds for retirement of debentures; and (3) require as a prerequisite to the issuance of additional debentures that interest on all long-term debt (including the additional debentures) be covered at least 2.5 times. The term bank loan is the balance of a $60 million 7-year construction loan authorized by the Commission on June 12, 1968 (Holding Company Act Release No. 16090). It is stated that said loan, the final installment of which is payable on June 5, 1975, had been effected in lieu of debenture financing.

The proposed Certificate amendment to authorize the issuance of preferred stock is designed to permit adequate scope for future financing through that medium. Any actual issuance and sale of preferred stock would be subject to Commission approval under the applicable provisions of the Act.

Consolidated further proposes to amend its Certificate so as to afford protective provisions for the newly-authorized preferred stock in substantial conformity with the standards prescribed by the Commission's Statement of Policy for Preferred Stock promulgated under the Act (Holding Company Act Release No. 13106, February 16, 1956). Except for one necessary deviation, the proposed Certificate amendments will conform with the standards set forth in said Statement of Policy. The deviation, which concerns limitations on the incurrence of unsecured debt, is considered necessary in light of the fact, heretofore noted, that the Consolidated System's debt financing is composed entirely of unsecured debt. Accordingly, the proposed provision limiting unsecured indebtedness will contain the standard restriction, namely, that without the consent of the holders of a majority of outstanding preferred stock, Consolidated will not incur unsecured indebtedness if immediately thereafter (i) Consolidated unsecured debt would exceed 20 percent of the sum of existing Consolidated secured debt, capital stock, premiums thereon, and surplus, or (ii) unsecured debt with a maturity of less than 10 years would exceed 10 percent of such sum; *provided,* however, That the term "unsecured debt" shall not be deemed to include (a) all debentures presently outstanding or hereafter issued, (b) all self-liquidating loans maturing in not more than 12 months for inventory gas specifically approved from time to time under the Act, and (c) loans not exceeding $100,000,000 having maturities of not less than seven years; and *further provided,* That the term "secured debt" shall be deemed to include the debentures and loans referred to in (a) and (c) above, and any other debt which is by its terms, secured debt.

With respect to the category (up to $100 million) provided for in (c) above, it is stated that this provision is designed to afford borrowing flexibility in lieu of financing through the sale of Consolidated's usual 25-year debentures; and that the proposed $100 million, which is stated to be analogous to the abovementioned $60 million term bank loan authorized by the Commission in 1968, bears approximately the same ratio (about 17 percent) to the principal amount of Consolidated's presently outstanding debentures as that earlier term bank loan bore to the debentures outstanding at the end of 1967. Any actual incurrence of debt under that provision will duly be the subject of future filings with the Commission under the applicable provisions of the Act.

The proposed amendment's to Consolidated's Certificate will require the approval of the holders of a majority of Consolidated's outstanding common stock, and Consolidated proposes to seek

such approval through the solicitation of proxies to be voted at a special meeting of stockholders to be held on or about September 18, 1974. Copies of the solicitation material will be filed by amendment and will be reviewed by the Commission.

Fees, expenses and commissions incurred or to be incurred in connection with the proposed transactions are estimated at $79,000. It is stated that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 2, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (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 its 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.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-16330 Filed 7-16-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

JULY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America 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 July 11, 1974 through July 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-16327 Filed 7-16-74;8:45 am]

[Rel. No. 8419]

FEDERAL STREET FUND, INC.

Notice of Application for an Order Exempting a Proposed Transaction

JULY 10, 1974.

Notice is hereby given that Federal Street Fund, Inc., 225 Franklin Street, Boston, Massachusetts 02110 ("Applicant") a diversified, open-end management investment company registered under the Investment Company Act of 1940, as amended (the "Act"), has filed an application pursuant to section 17(b) of the Act for an order of exemption from section 17(a) of the Act to permit the Estate of Howard Cullman ("Estate") and a trust under the will of Joseph F. Cullman, Jr. ("Trust") to tender shares of Applicant for redemption in kind. 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 was incorporated under the laws of Massachusetts and was created as a so-called "exchange-type" fund. Except for shares offered to the stockholders of The Second Federal Street Fund, Inc. ("Second Federal") in connection with the merger of Second Federal into Applicant which took place in 1972, Applicant has not offered its shares of common stock to the general public since the completion of the initial public offering of its shares in exchange for outstanding stock or other securities of various business corporations. Further, Applicant has not issued any additional shares since completion of said initial public offering except with respect to shares issued in connection with the aforesaid merger, a 3 for 1 stock split effected as part of the aforesaid merger transaction, a 20 for 1 stock split in 1962, acquisitions of the assets of private investment companies in 1968 and 1972, and shares issued in payment of various optional stock dividends to Applicant's shareholders.

Applicant, in the ordinary course of its business, redeems shares tendered for redemption by its shareholders and has continuously followed the policy of paying substantially all such redemptions in kind with securities from its portfolio. Applicant states that it intends to continue this policy for the foreseeable future.

Certain members of the Cullman family, who are closely related, beneficially own shares of the common stock of Applicant, as of June 10, 1974, as follows:

Cullman Stockholder	Shares of federal held	Percentage of federal's outstanding stock
Trust U/W of Joseph F. Cullman, Jr. (Joseph F. Cullman 3d, Edgar M. Cullman, and W. Arthur Cullman, trustees)	311,682	3.85
Estate of Howard S. Cullman (Marguerite W. Cullman, Joseph F. Cullman 3d, Hugh Cullman, and Bankers Trust Co., N.Y., Executors)	89,300	1.11
Joseph F. Cullman 3d	183,469	2.27
Edgar M. Cullman	187,859	2.32
Hugh Cullman	18,440	0.23
W. Arthur Cullman	21,607	0.27
Nan O. Cullman as custodian for Alexandra M. Cullman, u/New York Uniform Gifts to Minors Act	5,000	0.06
W. Arthur Cullman, Jr. and immediate family	2,012	0.02
Frederick M. Danziger, Lucy C. Danziger, and Edgar M. Cullman as Trustees u/Agreement dated December 26, 1972, for benefit of Lucy C. Danziger, David M. Danziger, and others	10,028	0.12
Frederick M. Danziger, Lucy C. Danziger, and Edgar M. Cullman as Trustees, u/Agreement dated December 26, 1972, for benefit of Lucy C. Danziger, Rebecca B. Danziger, and others	10,028	0.12
Dorothy C. Treisman family trust u/trust agreement dated March 18, 1974, (Howard A. Seitz, George V. Comfort, and Paul C. Guth, trustees)	13,390	0.17
Total	852,815	10.54

As of June 10, 1974, Applicant had 8,088,046 shares of its common stock outstanding.

Applicant states that the Estate and the Trust, each of which may be deemed to be an affiliated person of Applicant if its holdings are combined with each other and with the holdings of other members of the Cullman family, desire to redeem a portion of the shares of Applicant each presently holds. Although neither account has as yet determined the precise number of Applicant's shares to be redeemed by it, the aggregate number of such shares will not exceed 175,000 shares.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security, or other property. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicant, in accordance with its continuous redemption policy described above, wishes to pay the redemption price

of the shares to be tendered for redemption by the Estate and the Trust with one or more marketable securities from Applicant's portfolio.

The portfolio securities of Applicant to be used to meet each redemption will be selected solely by Applicant in its investment discretion at the time of the redemption, and there is no arrangement or understanding with either the executors of the Estate or the trustees of the Trust as to which securities will be used. Such portfolio securities will be valued in accordance with the valuation practices of Applicant (as set forth in its governing instruments) for determining its net asset value per share as of the same time the net asset value of the Applicant's shares tendered for redemption is determined. Applicant represents that it will treat both the Estate and the Trust on a fair and equitable basis and as it would treat any other shareholder of Applicant who tendered equivalent shares for redemption at the same time. By paying the redemption price of its shares tendered by the Estate and the Trust for redemption with portfolio securities, Applicant will be adhering to its policy, in effect since its inception, of paying all redemptions of its shares, except for those involving an insubstantial amount, by delivery of portfolio securities. Applicant submits that if it were required to sell portfolio securities in order to raise cash to meet redemptions, it would, in consequence, be forced to realize substantial capital gains and thereby incur substantial capital gains tax liability and the expense of brokerage commissions, all of which would be to the detriment of its shareholders. No realization of capital gains or incurring of brokerage commission expense by Applicant will occur upon a redemption in which portfolio securities are delivered in satisfaction of the redemption price.

Notice is further given that any interested person may, not later than August 5, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promlugated 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.74–16332 Filed 7–16–74;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

JULY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, 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 July 11, 1974 through July 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–16328 Filed 7–16–74;8:45 am]

[File No. 500–1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

JULY 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from July 11, 1974 through July 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–16329 Filed 7–16–74;8:45 am]

TARIFF COMMISSION

[337–L–72]

CERTAIN WHEEL BALANCING WEIGHTS

Notice of Hearing

Notice is hereby given that the United States Tariff Commission will hold a public hearing in connection with preliminary inquiry No. 337–L–72, Certain Wheel Balancing Weights, on July 31, 1974, at 10:00 a.m., e.d.t., in the Hearing Room of the U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., for the purpose of allowing complainant opportunity to show cause why the complaint should not be dismissed and the preliminary inquiry terminated.

At issue is whether there is good and sufficient reason for the institution of a full investigation within the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and the applicable rules.

Requests from interested parties for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Thursday, July 25, 1974.

Notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on April 11, 1974 (39 FR 13209).

Issued: July 12, 1974.

By Order of the Commission.

[SEAL] G. PATRICK HENRY,
Acting Secretary.

[FR Doc.74–16358 Filed 7–16–74;8:45 am]

[332–70]

TARIFF SCHEDULES

Hearings on Conversion to Brussels Tariff Nomenclature Format

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes.
Chapter 29: Organic chemicals
Chapter 30: Pharmaceutical products
Chapter 31: Fertilizers
Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks.
Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations
Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modeling pastes and "dental waxes".
Chapter 35: Albuminoidal substances; blues
Chapter 38: Miscellaneous chemical products
Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers; articles thereof
Chapter 40: Rubber, synthetic rubber, factice, and articles thereof

are being released today and that public hearings thereon will begin at 10:00 a.m. e.d.t., on August 12, 1974, in Court Room Number 2, Fourth Floor, Room 461, U.S.

Customs Courthouse, 1 Federal Plaza, New York, New York 10007. The purpose of these hearings is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than August 5, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after August 5, 1974. Any person who fails to receive such notification by August 8, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York, New York; at all field offices of the Department of Commerce; and at the offices of regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

Issued: July 12, 1974.

By order of the Commission.

G. PATRICK HENRY,
Acting Secretary.

[FR Doc.74-16357 Filed 7-16-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-38]

GENERAL MOTORS CORPORATION

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan 48202 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 1910.215(a)(4) concerning work rests for offhand grinding machines.

The address of the place of employment that will be affected by the application is as follows:

Frigidaire Division
General Motors Corporation
300 Taylor Street
Dayton, Ohio 45442

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 1910.215(a)(4) which requires that work rests be used to support the work when operating offhand grinding machines.

The applicant states that the grinding machine is used in areas of re-operation on compressor shells. The applicant alleges that, due to the configuration of the steel housing, there is no danger of the part jamming into the peripheral guarding and pinching the operator's fingers against the wheel. The applicant further alleges that a ⅛" thick rubber sleeve which has been installed in place of a fixed sheet metal duct eliminates any possible wedging of the work against the wheel and the throat of the dust collection system.

The applicant states that each operator of the grinding machine is properly instructed to position the shell in a manner to prevent the hands or other parts of the body from being drawn into the grinding wheel. Following the operator's initial instruction, the operator is reinstructed periodically. The applicant states that only authorized employees are permitted to operate the grinding machine. This restriction is allegedly enforced by means of a Key-lock start and stop control. Each operator is allegedly instructed to use the grinder for only the specific operation of re-operating compressor shells and to always turn off the grinder and remove the key whenever the grinder is not in use and at the end of each work shift. In addition, the applicant alleges that a warning sign is posted in the immediate area.

The applicant contends that the procedure described above is equally, if not more, safe and healthful as that procedure which is required by 29 CFR 1910.215(a)(4) from which it is seeking a variance.

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
300 South Wacker Drive—Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Bldg.—Room 626
220 Bagley Avenue
Detroit, Michigan 48226

U.S. Department of Labor
Occupational Safety and Health Administration
Room 5522—Federal Office Bldg.
550 Main Street
Cincinnati, Ohio 45202

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 16, 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 16, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written coments 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 use of its present system under certain conditions. 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 General Motors Corporation be, and it is hereby, authorized to use the one offhand grinder which is located in Plant One North of the Frigidaire Division, and which is described and pictured in its application for a variance, without the use of a work rest provided that only authorized employees who have been instructed in the manner described in the application for variance and in Exhibit A of said application shall operate the offhand grinder. It is further stipulated that the grinder will be used only in the manner and for the functions described in the application for a variance and its accompanying exhibits, that the key-lock start and stop control function to prohibit unauthorized use of the grinder, and that a sign be posted near the grinder to warn against unauthorized use.

General Motors Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of July 17, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 12th day of July, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-16344 Filed 7-16-74;8:45 am]

Occupational Safety and Health Administration

[V-73-21]

BURD & FLETCHER CO.

Grant of Variance

Correction

In FR Doc. 74-15904, appearing at page 25522 in the issue for Thursday, July 11, 1974, the headings should read as set forth above.

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway

JULY 11, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(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 29, 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–113459 (Sub-No. E2), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in Alaska, Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. RESTRICTION: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ohio.

No. MC 113459 (Sub-No. E3), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds, or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, the transportation of which, by reason of size or weight, require the use of special equipment, between points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 33 to junction U.S. Highway 70, thence along U.S. 70 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Missouri-Oklahoma State line. RESTRICTION: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC–113459 (Sub-No. E4), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds, or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Ohio, on the one hand, and, on the other, points in that part of Kansas on and north of a line beginning at the Kansas-Missouri State line, thence along Kansas Highway 68 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 31, thence along Kansas Highway 31 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line (service is not authorized between Cincinnati, Ohio and its commercial zone and Kansas City, Kans., and its commercial zone). RESTRICTION: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC–113459 (Sub-No. E10), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds, or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, between points in Michigan, on the one hand, and, on the other, points in Missouri on and south of U.S. Highway 36. RESTRICTION: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors.

No. MC–113843 (Sub-No. E248), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates*, from Cambridge, Md., to points in Colorado, Kansas, Minnesota, Oklahoma, Texas, and points in that part of Arkansas on and west of a line beginning at the Texas-Arkansas State line and extending along Interstate Highway 30 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E254), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, frozen fruit and berry concentrates*, from Cambridge, Md., to St. Joseph, Mo., and to points in that part of Texas on and west of U.S. Highway 277. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E255), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cambridge, Md., to points in Colorado, Kansas, Crawford and Sebastian Counties, Ark., points in that part of Minnesota on and north of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 212 to Minneapolis, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, and points in that part of Oklahoma on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E256), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crisfield, Md., to points in Sebastian, Franklin, Crawford, Washington, Madison, Benton, and Carroll Counties, Ark., points in that part of Minnesota on and north of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 212 to Minneapolis, thence along Interstate Highway 94 to the Minnesota-Wisconsin State line, points

in that part of Oklahoma on and west of Interstate Highway 35, and points in Colorado and Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E303), filed May 9, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and frozen commodities), from Boston, Mass., to points in Michigan and points in that part of Kentucky on and west of Interstate Highway 75. The purpose of the filing is to eliminate the gateway of Williamson, N.Y.

No. MC–113843 (Sub-No. E310), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, cooked, preserved, salted, and smoked meats*, from Piqua, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E311), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, cooked, preserved, salted, and smoked meats*, from Piqua, Ohio, to points in Connecticut. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E312), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, cooked, preserved, salted, and smoked meats*, from Cincinnati, Cleveland, Piqua, Sandusky, Columbus, Fostoria, and Martins Ferry, Ohio, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E313), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables and frozen vegetable products*, from Caribou, Maine, to points in Illinois, Indiana, Iowa, Michigan, Nebraska, West Virginia, and Wisconsin, and points in that part of Ohio on and south of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line.

No. MC–113843 (Sub-No. E314), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen friuts, frozen vebetables, and frozen vegetable products*, from Caribou, Maine, to points in Kentucky, West Virginia, Ohio, Indiana, Illinois, Missouri, Michigan, New Jersey, Virginia, the District of Columbia, and Maryland (except points in that part of Maryland east of the Susquehanna River and Chesapeake Bay and on and south of U.S. Highway 40). The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E315), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen vegetable products*, from Houlton, Maine, to points in Kentucky, West Virginia, Ohio, Indiana, Illinois, Missouri, Michigan, Maryland, and Virginia (except points in those portions of Maryland and Virginia east of the Susquehanna River and Chesapeake Bay and on and south of U.S. Highway 40), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E317), filed May 12, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables, and frozen vegetable products*, from Corinna, Maine, to points in Maryland on and west of U.S. Highway 15, Kentucky, West Virginia, Ohio, Indiana, Illinois, Missouri, Michigan, and points in that part of Virginia on, south, and west of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line.

No. MC–113843 (Sub-No. E322), filed May 8, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and seafood*, from Boston, Gloucester, and Provincetown, Mass., to points in Chautauqua, Cattaraugus, and Erie Counties, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E331), filed May 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in that part of Oklahoma on and west of U.S. Highway 283. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E332), filed May 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Allentown, Pa., to points in Iowa. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E333), filed May 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E334), filed May 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Philadelphia, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E337), filed May 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Philadelphia, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E338), filed May 23, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in that part of Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 15 to St. Cloud, thence along Minnesota Highway 23 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E349), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 11 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to Meck's Corner, thence along Pennsylvania Highway 274 to Duncannon, thence along U.S. Highway 11/15 to Shamokin Dam, thence along U.S. Highway 11 to Northumberland, thence along U.S. Highway 147 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E350), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Columbus, Martins Ferry, and Sandusky, Ohio, to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along Interstate Highway 94 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E353), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Fostoria, Ohio, to Kansas City and St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC–113843 (Sub-No. E356), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E357), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E358), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Allentown, Pa., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–113843 (Sub-No. E364), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applican't representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hampton, Va., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E365), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applican't representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen seafood, and frozen fruits and vegetables*, from points in Delaware and Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal (except Pocomoke City, Cambridge, and Crisfield, Md.) to points in Colorado, Kansas, Minnesota, points in that part of Oklahoma on and north of Interstate Highway 40, and points in Benton, Carroll, Washington, Madison, Crawford, Franklin, and Sebastian Counties, Ark. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub- No. E366), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shiels (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Baltimore, Md., Hampton, Va., and the District of Columbia to points in Colorado. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC–114019 (Sub-No. E46), filed May 2, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, packinghouses products and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Illionis and Indiana, to points in Connecticut, Delaware, Maryland (except Balitmore), Massachusetts, New Jersey, New Hampshire, and Rhode Island, restricted to the transportation of retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC–114211 (Sub-No. E1), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements, and parts* thereof, the transportation of which, because of size or weight, requires the use of special equipment, from points in Missouri to points in North Dakota. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa.

No. MC–116273 (Sub-No. E2), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except cryogenic liquids, liquefied petroleum gas, and liquid fertilizer), in bulk, in tank vehicles, from the plant site of Apple River Chemical Company at or near East Dubuque, Ill., to points in Pennsylvania, New Jersey, Texas, New York, Massachusetts, Connecticut, and Florida. The purpose of this filing is to eliminate the gateway of Janesville, Wis.

No. MC–116273 (Sub-No. E3), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*

and coal tar products (except chemicals derived from coal tar), in bulk, in tank vehicles, from Chicago, Ill., to points in Minnesota, Missouri, and that part of Wisconsin on, west, and north of a line beginning at Prairie Du Chien, thence along U.S. Highway 18 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, restricted to the transportation of traffic having a prior movement by rail. The purpose of the filing is to eliminate the gateway of the Flexi-Flo Terminals of Penn Central Transportation Company at Hammond, Ind.

No. MC–116273 (Sub-No. E4), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, to the extent they are petroleum products, in bulk, in tank vehicles, from the plant site of International Minerals and Chemical Corporation at Chicago Heights, Ill., to points in Colorado, Wyoming, that part of Nebraska on and west of U.S. Highway 83 and that part of South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of points in that part of Indiana located in the Chicago, Ill., commercial zone.

No. MC–116273 (Sub-No. E5), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in tank vehicles, from the plant site of International Minerals and Chemicals Corporation at Chicago Heights, Ill., to points in Missouri, restricted to the transportation of traffic having a prior movement by rail. The purpose of this filing is to eliminate the gateway of the Flexi-Flo Terminals of Penn Central Transportation Company at Hammond, Ind.

No. MC–116273 (Sub-No. E6), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plant site of International Minerals and Chemicals Corporation at Chicago Heights, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC–116273 (Sub-No. E7), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Joliet, Ill., to points in Colorado, Wyoming, that part of Nebraska on and west of U.S. Highway 83 and that part of South Dakota on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of points in that part of Indiana located in the Chicago, Ill., commercial zone.

No. MC–116273 (Sub-No. E8), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products* (except coal tar chemicals), in bulk, in tank or hopper-type vehicles, from Joliet, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the Flexi Flo Terminals of Penn Central Transportation Company at Hammond, Ind.

No. MC–116273 (Sub-No. E24), filed May 22, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, petroleum aromatic compounds, and such liquid petrochemicals* as are not embraced by the commodity description "liquid chemicals" as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, from Chicago and Lemont, Ill., and Whiting, Ind., to points in Nebraska, Minnesota, Texas (except points in Bowie, Titus, Morris, Red River, Camp, Cass, Marion, Upshur, Harrison, and Gregg Counties from Lemont, Ill.), that part of Florida on and south of Florida Highway 40, that part of Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, and that part of the Upper Peninsula of Michigan on, west, and north of a line beginning at Menominee, along Michigan Highway 35 to junction U.S. Highway 41 at Escanaba, thence along U.S. Highway 41 to Marquette. The purpose of this filing is to eliminate the gateway of Janesville, Wis.

No. MC–116273 (Sub-No. E50), filed May 24, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene and polypropylene pellets and powders*, in bulk, from Lake Zurich, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC–116273 (Sub-No. E74), filed May 24, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Whiting and East Chicago, Ind., to points in Colorado, Wyoming, that part of Nebraska on and west of U.S. Highway 83, and that part of South Dakota on and west of U.S. Highway 83, restricted against the transportation of liquid chemicals derived from petroleum or petroleum products (except liquefied petroleum gases, including anhydrous ammonia and petroleum aromatic compounds), as defined in *The Maxwell Co., Extension–Addyston*, 63 M.C.C. 677. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–117686 (Sub-No. E1), filed May 4, 1974. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Raymond C. Hirschbach (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Grand Island, Nebr., to points in Louisiana and Mississippi. The purpose of this filing is to eliminate the gateway of Fayetteville, Ark.

No. MC–117883 (Sub-No. E26), filed May 6, 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: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles (except hides, and commodities in bulk), in tank vehicles, from the plant site of Mid-America Protein Company near Sterling, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 421, to its junction with Inter-

state Highway 71, thence along Interstate Highway 71 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to its junction with Kentucky Highway 90, thence along Kentucky Highway 90 to its junction with U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, restricted to the transportation of traffic originating at the plant site of Mid-America Protein Company, at or near Sterling, Ill. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–117883 (Sub-No. E27), filed May 6, 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: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles, from Chicago, Ill., to points in Connecticut, Delaware, points in Kentucky on and east of Interstate Highway 75, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, points in Ohio south of U.S. Highway 22, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–117883 (Sub-No. E28), filed May 6, 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: *Frozen foods* (except oleomargarine and meats, meat products, and meat by-products and articles distributed by meat packinghouses, as described by the Commission), from Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, the District of Columbia, and that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along Kentucky 11 to its junction with Kentucky Highway 15, thence along Kentucky Highway 15 to its junction with Kentucky Highway 80, thence along Kentucky Highway 80 to its junction with U.S. Highway 421, thence along U.S. Highway 421, to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC–117883 (Sub-No. E29), filed May 6, 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: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) in, mechanically refrigerated vehicles, from the plant sites of Momence Pork Packers Company, Momence, Ill., to point in Connecticut, Delaware, points in Kentucky on and east of U.S. Highway 127, Maine, Maryland, Massachusetts, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Ohio, south of U.S. Highway 22 and the District of Columbia. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–117883 (Sub-No. E30), filed May 6, 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: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) in, mechanically refrigerated vehicles, from the plant site of Wilson & Co., Inc., at or near Monmouth, Ill., to points in Connecticut, Delaware, points in Kentucky on and east of U.S. State Highway 127, Maine, Maryland, Massachusetts, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–117883 (Sub-No. E31), filed May 6, 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: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles (except liquid commodities in bulk, in tank vehicles), from the plant site of Swift & Company at Rochelle, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, points in Ohio south of U.S. Highway 22, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 421 to its junction with Interstate Highway 71, thence along Interstate Highway 71 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to its junction with Kentucky Highway 90, thence along Kentucky Highway 90 to its junction with U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Union City, Ohio.

No. MC–117883 (Sub-No. E32), filed May 6, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except oleomargarine, and except meats, meat products, and meat by-products, as described by the Commission), from the plant site and storage facilities of Kitchens of Sara Lee in Deerfield and Chicago, Ill., to points in Connecticut, Delaware, Maine, those points in Kentucky in and east of Lewis, Rowan, Morgan, Magoffin, Breathitt, Perry, Leslie, and Harlan Counties, Ky., Maryland, Massachusetts, New Hampshire New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia, and the transportation of traffic originating at the plant site and storage facilities of Kitchens of Sara Lee in Deerfield and Chicago, Ill. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC–117883 (Sub-No. E33), filed May 6, 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: *Meats, meat products, and meat by-products* (other than liquids), as defined in Section A, Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in trailers equipped with mechanical refrigeration (except hides, and commodities in bulk, in tank vehicles), from the plant site of Mid-America Protein, Inc., near Sterling, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plant site of Mid-America Protein, Inc. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC–119443 (Sub-No. E4), filed May 17, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Newark, N.J., to points in (1) Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Wisconsin and Buffalo,

N.Y., and the District of Columbia; (2) points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line on U.S. Highway 50, thence west over U.S. Highway 50 to the junction of West Virginia Highway 50 and the West Virginia-Maryland State line, thence south and north along the West Virginia-Maryland State line to the junction of the West Virginia-Maryland State line and U.S. Highway 50, thence west over U.S. Highway 50 to the junction of U.S. Highway 50 and West Virginia Highway 18, thence north over West Virginia Highway 18 to the West Virginia-Ohio State line; (3) points in that part of Ohio on and west of a line beginning at the Ohio-West Virginia State line and Ohio Highway 260 at New Matamoras, thence west over Ohio Highway 260 to the junction of Ohio Highway 260 and Ohio Highway 724, thence west over Ohio Highway 724 to the junction of Ohio Highway 724 and Ohio Highway 78, thence west over Ohio Highway 78 to the junction of Ohio Highway 78 and Ohio Highway 147, thence north over Ohio Highway 147 to junction Ohio Highway 147 and Ohio Highway 146, thence north over Ohio Highway 146 to the junction of Ohio Highway 146 and Ohio Highway 821, thence north over Ohio Highway 821 to the junction of Ohio Highway 821 and Ohio Highway 313 thence west over Ohio Highway 313 to junction Ohio Highway 313 and Ohio Highway 83, thence north over Ohio Highway 83 to junction Ohio Highway 83 and Ohio Highway 93, thence east over Ohio Highway 93 to junction Ohio Highway 93 and Ohio Highway 541, thence east over Ohio Highway 541 to junction Ohio Highway 541 and Interstate Highway 77, thence north over Interstate Highway 77 to junction Interstate Highway 77 and U.S. Highway 250.

Thence north over U.S. Highway 250 to junction U.S. Highway 250 and Ohio Highway 94, thence north over Ohio Highway 94 to junction Ohio Highway 94 and unnumbered Ohio Highway 2 miles north of Burton City, thence west over unnumbered Ohio Highway to junction unnumbered Ohio Highway and Ohio Highway 57, thence south over Ohio Highway 57 to Orrville and junction Ohio Highway 57 and unnumbered Ohio Highway, thence west over unnumbered Ohio Highway through Smithville to junction unnumbered Ohio Highway and Ohio Highway 3, thence south over Ohio Highway 3 to Madisonburg and junction Ohio Highway 3 and unnumbered Ohio Highway, thence west over unnumbered Ohio Highway through Overton to junction unnumbered Ohio Highway and Ohio Highway 302, 2 miles south of Lottasburg, thence north over Ohio Highway 302 to junction Ohio Highway 302 and U.S. Highway 250, thence north over U.S. Highway 250 to junction U.S. Highway 250 and Ohio Highway 162, thence west over Ohio Highway 162 to junction Ohio Highway 162 and Ohio Highway 19, thence north over Ohio Highway 19 to Green Springs and junction Ohio Highway 19 and unnumbered Ohio Highway, thence east over unnumbered Ohio Highway to junction unnumbered Ohio Highway and Ohio Highway 101, thence north over Ohio Highway 101 to junction Ohio Highway 101 and Ohio Highway 269, thence north over Ohio Highway 269 to Castalia and junction Ohio Highway 269 and unnumbered Ohio Highway, thence east over unnumbered Ohio Highway to junction unnumbered Ohio Highway and Ohio Highway 99, thence north over Ohio Highway 99 to Lake Erie. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Dover, Del., and Hershey, Elizabethtown, and Lititz, Pa.

No. MC–119443 (Sub-No. E6), filed May 13, 1974. Applicant: P. E. KRAMME, INC., Monroeville, N.J. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Mount Joy, Pa., to: (1) points in Alabama, Florida, Louisiana, and Mississippi, (2) points in that part of South Carolina on and south of a line beginning at the North Carolina-South Carolina State line and U.S. Highway 17, thence south on U.S. Highway 17 to junction South Carolina Highway 90, thence west on South Carolina Highway 90 to junction U.S. Highway 501, thence over U.S. Highway 501 to Conway, and junction U.S. Highway 378, thence west over U.S. Highway 378 to junction U.S. Highway 76 and 378, thence west over U.S. Highway 76–378 to Columbia, thence over U.S. Highway 378 to the junction of U.S. Highway 378 and South Carolina Highway 28, thence north over South Carolina Highway 28 to the junction of South Carolina Highway 28 and South Carolina Highway 81, thence north over South Carolina Highway 81 to the junction of South Carolina Highway 81 and South Carolina Highway 72, thence west over South Carolina Highway 72 to the Georgia-South Carolina State line, (3) points in that part of Georgia on and south of a line beginning at the junction of the Georgia-South Carolina State line and Georgia Highway 72, thence west of Georgia Highway 72 to the junction of Georgia Highway 72 and Georgia Highway 17, thence north on Georgia Highway 17 to the junction of Georgia Highway 17 and Interstate Highway 85, thence south over Interstate Highway 85 to the junction Interstate Highway 85 and Georgia Highway 51, thence west over Georgia Highway 51 to the junction of Georgia Highway 51 and U.S. Highway 23, thence over U.S. Highway 23 to the junction of U.S. Highway 23 and Georgia Highway 52, thence over Georgia Highway 52 to the junction of U.S. Highway 52 and Georgia Highway 9, thence south over Georgia Highway 9 to the junction of Georgia Highway 9 and Georgia Highway 20, thence over Georgia Highway 20 to junction Georgia Highway 20 and U.S. Highway 41, thence north over U.S. Highway 41 to junction U.S. Highway 41 and Georgia Highway 143, thence north over Georgia Highway 143 to junction Georgia Highway 143 and Georgia Highway 301, thence north and west over Georgia Highway 301 to the Georgia-Alabama State line, (4) points in that part of Tennessee on and west of a line beginning at the junction of U.S. Highway 72 and the Tennessee State line near Richard City, thence north over U.S. Highway 72 to the junction of U.S. Highway 72 and U.S. Highway 41–64, thence north and west over U.S. Highway 41–64 to the junction of U.S. Highway 41–64 and Tennessee Highway 56.

Thence north over Tennessee Highway 56 to junction Tennessee Highway 56 and U.S. Highway 70, thence west over U.S. Highway 70 to junction U.S. Highway 70 and Tennessee Highway 45, thence west over Tennessee Highway 45 to junction Tennessee Highway 45 and U.S. Highway Alternate 41, northwest of Nashville, thence south over U.S. Highway Alternate 41 to Nashville, and junction U.S. Highway Alternate 41 and U.S. Highway 70N–70, thence over U.S. Highway 70N–70 to junction U.S. Highway 70 and Tennessee Highway 69, thence north over Tennessee Highway 69 to Paris and junction Tennessee Highway 69 and U.S. Highway 641, thence north over U.S. Highway 641 to the Tennessee-Kentucky State line, (5) points in that part of Missouri on, south, and west of a line beginning on U.S. Highway 62 near the junction of the Mississippi River, and the Tennessee, Kentucky, and Missouri State lines, thence west over U.S. Highway 62 to junction U.S. Highway 62 and Missouri Highway 53, thence north over Missouri Highway 53 to Poplar Bluff and the junction of Missouri Highway 53 and U.S. Highway 160, thence west over U.S. Highway 160 to junction U.S. Highway 160 and U.S. Highway 65, thence north over U.S. Highway 65 to Springfield and junction Missouri Highway 13, thence north over Missouri Highway 13, to junction U.S. Highway 69, thence north over U.S. Highway 69 to the Missouri-Iowa State line, (6) points in that part of Iowa on and west of a line beginning at the junction of the Missouri-Iowa State line and U.S. Highway 69, thence north over U.S. Highway 69 to Osceola and junction U.S. Highway 69 and U.S. Highway 34, thence west over U.S. Highway 34 to junction U.S. Highway 34 and Iowa Highway 25, thence north over Iowa Highway 25 to junction Iowa Highway 25 and U.S. Highway 30, thence east over U.S. Highway 30 to junction U.S. Highway 30 and U.S. Highway 169, thence north over U.S. Highway 169 to junction of U.S. Highway 169 and Iowa Highway 175, thence east over Iowa Highway 175 to junction Iowa Highway 175 and Iowa Highway 17, thence north over Iowa Highway 17 to junction Iowa Highway 17 and U.S. Highway 20.

Thence east over U.S. Highway 20 to junction U.S. Highway 20 and U.S. Highway 69, thence north over U.S. Highway 69 to junction U.S. Highway 69 and U.S. Highway 18, thence east over U.S. Highway 18 to Mason City and junction U.S. Highway 18 and U.S. Highway 65, thence north over U.S. Highway 65 to the Iowa-Minnesota State line, (7) points in Min-

nesota on, north, and west of a line beginning at the junction of the Iowa-Minnesota State line and U.S. Highway 218, thence north over U.S. Highway 218 to Austin and junction U.S. Highway 218 and Interstate Highway 90, thence east over Interstate Highway 90 to junction Interstate Highway 90 and U.S. Highway 63, thence north over U.S. Highway 63 to the Minnesota State line, (8) points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and U.S. Highway 63, thence north over U.S. Highway 63 to junction U.S. Highway 63 and Wisconsin Highway 64, thence east over Wisconsin Highway 64 to junction Wisconsin Highway 64 and Wisconsin Highway 25, thence north over Wisconsin Highway 25 to junction Wisconsin Highway 25 and U.S. Highway 8, thence east over U.S. Highway 8 to junction U.S. Highway 8 and Wisconsin Highway 13, thence north over Wisconsin Highway 13 to junction Wisconsin Highway 13 and Wisconsin Highway 77 at Mellen, thence over Wisconsin Highway 77 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateways of Camden, N.J., Dover, Del., and Elizabethtown, Pa.

No. MC–119531 (Sub-No. E1), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes* (fiberboard or pulpboard, knocked down), from the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill., (1) to Mt. Vernon, Circleville, and Cincinnati, Ohio; (2) to points in Maryland; (3) to points in West Virginia; and (4) to points in Tennessee on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of (a) Anderson, Ind., for (1) above; (b) Anderson, Ind., and Mt. Vernon, Ohio, for (2) above; (c) Anderson, Ind., and Circleville, Ohio, for (3) above; and (d) Anderson, Ind., and Cincinnati, Ohio, for (4) above.

No. MC–119531 (Sub-No. E2), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Washington, Pa., to points in Indiana and points in Michigan (except points south of a line extending from the shore of Lake Huron near Bay City, thence west along U.S. Highway 10 to Reed City, thence along U.S. Highway 131 to Grand Rapids, thence along Michigan Highway 21 to the shore of Lake Michigan near Holland). The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E3), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre cylindrical containers*, from Piqua, Ohio, to points in Wisconsin and Iowa (except south of a line beginning at the Iowa-Illinois State line near Muscatine, Iowa, and extending west along Iowa Highway 92 to Indianola, thence along U.S. Highway 65 to the Iowa-Missouri State line). The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC–119531 (Sub-No. E15), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard and pulpboard products*, from Jefferson, Ohio, to points in Indiana and Illinois; (2) *fibreboard containers, sheets, and displays* from Jefferson, Ohio, to points in Minnesota; (3) *paper cartons*, from Jefferson, Ohio, to points in Wisconsin; (4) *paper and paper products*, from Jefferson, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; (b) Cleveland, Ohio, and Anderson, Ind., for (2) above; (c) Cleveland, Ohio, and Rockdale, Ill., for (3) above; and (d) Cleveland, Ohio, and the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (4) above.

No. MC–119531 (Sub-No. E16), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, from the plant site and storage facilities of Crown Cork & Seal Company, Inc., at Philadelphia, Pa., to points in Tennessee on and west of U.S. Highway 127. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E25), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Lancaster, Ohio, to points in Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC–119531 (Sub-No. E26), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, from the plant site and storage facilities of Crown Cork & Seal Company, Inc., at Philadelphia, Pa., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E27), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes* (pulpboard), knocked down, from Anderson, Ind., to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line at or near the intersection of U.S. Highway 42 with U.S. Highway 127, extending south along U.S. Highway 127 to its intersection with U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E29), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, (1) from Louisville, Ky., to Mt. Vernon, Ohio, and (2) from Louisville, Ky., to points in Maryland. The purpose of this filing is to eliminate the gateways of (a) Columbus, Ind., for (1) above, and (b) Columbus, Ind., and Mt. Vernon, Ohio, for (2) above.

No. MC–119531 (Sub-No. E30), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, (1) from Bradford, Pa., to Columbus, Ind., and (2) from Bradford, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above, and (b) Cleveland, Ohio, and the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (2) above.

No. MC–119531 (Sub-No. E31), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Cleveland, Ohio, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Medina, Ohio.

No. MC–119531 (Sub-No. E32), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, from Bradford, Pa., to points in Tennessee. The purpose of filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E33), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste paper*, (1) from points in New York, New Jersey, and Pennsylvania to Columbus, Ind.; (2) from points in New York, New Jersey, and Pennsylvania to points in Missouri; and (3) from points in New York and Pennsylvania, to points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; (b) Cleveland, Ohio, and the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (2) above; and Cleveland, Ohio, and Cincinnati, Ohio, for (3) above.

No. MC–119531 (Sub-No. E34), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from the plant site and storage facility of Crown Cork & Seal Company, Inc., at Philadelphia, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E35), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Bartlett, Ill., to points in New York. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC–119531 (Sub-No. E36), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from points in Michigan east of U.S. Highway 27 and north of Interstate Highway 96, to points in Tennessee. The purpose of this filing is to eliminate the gateways of Lawrenceburg, Ind., and Cincinnati, Ohio.

No. MC–119531 (Sub-No. E37), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the plant site and storage facility of Crown Cork & Seal Company, Inc., at Philadelphia, Pa., to points in Tennessee on and west of U.S. Highway 127, and points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Heekin Can Company at Cincinnati, Ohio.

No. MC–119531 (Sub-No. E38), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Maryland, restricted to transportation of traffic originating at the above named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E39), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from the plant and warehouse site of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Maryland, restricted to the transportation of traffic originating at the above named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E40), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E41), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons* (except in bulk), from Coshocton, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E42), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers* (except in bulk), from Coshocton, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E43), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant and warehouse sites of the Litho Carton and Container Corp., Inc., at North Vernon, Ind., to points in Wisconsin, restricted to the transportation of traffic originating at the above-named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E44), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Circleville, Ohio, to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E45), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Maryland, restricted to the transportation of traffic originating at the above-named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E46), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Avis and Lock Haven, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E47), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Lousiville, Ky., and Jeffersonville, Ind.,

to points in New Jersey, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville and Jeffersonville. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E48), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Lousiville, Ky., and Jeffersonville, Ind., to points in New York and Pennsylvania, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville and Jeffersonville. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio.

No. MC–119531 (Sub-No. E49), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from the plant sites of the Liquid Box Corporation and Continental Can Company at Worthington, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Minn.

No. MC–119531 (Sub-No. E50), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from the plant site of the Liquid Box Corporation, Worthington, Ohio, and the plant site of Continental Can Company, Worthington, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E51), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, knocked down, from the plant and warehouse sites of Union Camp Corporation at Affton, Mo., to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, Mich., thence along U.S. Highway 23 to Bay City, Mich., thence along the shore of the Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron, Mich. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E52), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E53), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in New Jersey, restricted to the transportation of traffic originating at the above-named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E54), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E55), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in New York and Pennsylvania, restricted to the transportation of traffic originating at the above-named plant and warehouse site. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio.

No. MC–119531 (Sub-No. E56), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from the plant and warehouse sites of Fremont Container Company at Fremont, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhauser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E57), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E58), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Rockdale, Ill., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E59), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery used in the manufacture of pulpboard*, from points in West Virginia, to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Fremont Container Company at Fremont, Ohio.

No. MC–119531 (Sub-No. E60), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E62), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber cylindrical containers*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Wisconsin and Iowa, restricted to the transportation of traffic originating at the above-named plant and warehouse

sites. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC–119531 (Sub-No. E63), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant and warehouse sites of the Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Wisconsin, restricted to the transportation of traffic originating at the above-named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E64), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and machinery and supplies, used in the manufacture of pulpboard*, from Chattanooga and Knoxville, Tenn., to Rock Island, Ill. The purpose of this filing is to eliminate the gateway of Noblesville, Ind.

No. MC–119531 (Sub-No. E65), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Rockdale, Ill., to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E66), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Louisville, Ky., and Jeffersonville, Ind., to points in Wisconsin, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville and Jeffersonville. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E67), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Louisville, Ky., and Jeffersonville, Ind., to points in Minnesota, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville and Jeffersonville. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E68), filed May 20, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from Louisville, Ky., and Jeffersonville, Ind., to points in Maryland, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville and Jeffersonville. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E86), filed June 4, 1974. Applicant: SUN EXPRESS INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and supplies used in the manufacture of pulpboard*, from points in Michigan on and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 north to its intersection with Interstate Highway 75, thence along Interstate Highway 75, to Mackinaw City and points in the Upper Peninsula of Michigan, to Noblesville, Ind. The purpose of this filing is to elminate the gateway of Fremont, Ohio.

No. MC–119531 (Sub-No. E873), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies used in the manufacture of pulpboard products*, except in bulk, from points in Kentucky (except points west of a line begining at the Indiana-Kentucky State line at Hawesville, Ky., and extending south along Kentucky Highway 69 to its intersection with U.S. Highway 231, thence along U.S. Highway 231 to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to its intersection with U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line, to Rock Island, Ill. The purpose of this filing is to eliminate the gateway of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E88), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, (1) from Covington, Ky., to Washington, Greene, Fayette, Allegheny, Beaver, Butler, and Erie Counties, Pa., and (2) from Covington, Ky., to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E93), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from the plant sites of Astro Container Company at Evendale, Ohio, and Continental Can Company, Inc., at Sharonville, Ohio, to points in Minnesota, North Dakota, South Dakota, Colorado, Nebraska, Wisconsin, and points in Iowa (except points south and east of a line beginning at the Iowa-Illinois State line at Muscatine, Iowa, and extending west along Iowa Highway 92 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to the Iowa-Missouri State line, restricted to transportation of shipments originating at the above-named plant sites. The purpose of this filing is to eliminate the gateway of Rockford, Ill.

No. MC–119531 (Sub-No. E99), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from the plant and warehouse sites of Litho Carton and Container Corporation, Inc., at North Vernon, Ind., to points in Washington, Fayette, Allegheny, Beaver, Butler, and Erie Counties, Pa., restricted to the transportation of traffic originating at the above-named plant and warehouse sites. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E100), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul R. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, (1) from Bradford, Pa., to points in Indiana; and (2) from Bradford, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above, and (b) Cleveland, Ohio, and Anderson, Ind., for (2) above.

No. MC–119531 (Sub-No. E101), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from Three Rivers, Mich., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E102), filed May 23, 1974. Applicant: SUN EXPRESS,

INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cartons*, from Vienna, W. Va., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E103), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture of pulpboard* (except in bulk), from points in that part of New York on and west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, and points in that part of Pennsylvania on and west of U.S. Highway 220, to Noblesville, Ind. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC–119531 (Sub-No. E104), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Gurnee, Ill., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the plant site of the Liquid Box Corporation, Worthington, Ohio, or the plant site of Continental Can Company, Worthington, Ohio.

No. MC–119531 (Sub-No. E105), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, (1) from Louisville, Ky., to Ravenna, Ohio; and (2) from Louisville, Ky., to points in New York. The purpose of this filing is to eliminate the gateways of (a) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (1) above, and (b) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., and the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, for (2) above.

No. MC–119531 (Sub-No. E106), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Lapel, Ind., to points in New York. The purpose of this filing is to eliminate the gateway of the plant site of the Liquid Box Corporation, Worthington, Ohio, or the plant site of Continental Can Company, Worthington, Ohio.

No. MC–119531 (Sub-No. E107), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Lapel, Ind., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC–119531 (Sub-No. E108), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, (1) from Louisville, Ky., to Worthington, Ohio; and (2) from Louisville, Ky., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (a) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (1) above, and (b) the plant site and warehouse sites of Weyerhaeuser Company at Columbus, Ind., and the plant site of the Liquid Box Corporation, Worthington, Ohio, or the plant site of Continental Can Company, Worthington, Ohio, for (2) above.

No. MC–119531 (Sub-No. E109), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cartons*, from Washington, Pa., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E110), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant site of Midland Glass Company, Inc., at or near Terre Haute, Ind., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E111), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, from the plant site and storage facility of Crown Cork & Seal Company, Inc., at Philadelphia, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E112), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from Van West, Ohio, (a) to points in Minnesota, and (b) points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Anderson, Ind., for (a) above, and (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (b) above.

No. MC–119531 (Sub-No. E113), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, (1) from Louisville, Ky., to Cleveland, Ohio; and (2) from Louisville, Ky., to points in New Jersey. The purpose of this filing is to eliminate the gateways of (a) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (1) above; and (b) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., and Cleveland, Ohio, for (2) above.

No. MC–119531 (Sub-No. E114), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 45226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Washington, Pa., to points in Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of Lapel, Wis.

No. MC–119531 (Sub-No. E116), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Lancaster, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of from the plant and warehouse sites of Midland Glass Company, Inc., at or near Terre Haute, Ind.

No. MC–119531 (Sub-No. E117), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Washington, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Midland

Glass Company, Inc., at or near Terre Haute, Ind.

No. MC–119531 (Sub-No. E118), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from the facilities of Metro Glass, a division of Kraftco Corp., at Jersey City and Carteret, N.J., to points in Minnesota and Iowa. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC–119531 (Sub-No. E119), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from the plant site of the Liquid Box Corporation, and the plant site of Continental Can Company at Worthington, Ohio, to points in Iowa and Minnesota. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC–119531 (Sub-No. E121), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers*, from Chicago, Ill., to points in New York. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC–119531 (Sub-No. E122), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers and metal cylindrical containers*, from the plant and warehouse facilities of Container Corporation of America, at Addison, Ill., to points in New York. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC–119531 (Sub-No. E123), filed May 23, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rockdale, Ill., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of the plantsite of the Liquid Box Corporation, Worthington, Ohio, or the plantsite of Continental Can Company, Worthington, Ohio.

No. MC–119864 (Sub-No. E12), filed May 22, 1974. Applicant: CRAIG TRANSPORATION CO., 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in that part of Michigan on and west of a line beginning at the Michigan-Indiana State line and extending along Michigan Highway 103 to Mottville, thence along U.S. Highway 12 to its junction with Michigan Highway 40, thence along Michigan Highway 40 to Lake Michigan, to Fremont, Ohio, and restricted to shipments moving from, to, or between plants, warehouses, or other facilities of food manufacturing and dairy establishments. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

No. MC–124154 (Sub-No. E1), filed June 4, 1974. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in containers, from St. Louis, Mo., to points in Florida, east and south of Florida Highway 77. The purpose of this filing is to eliminate the gateway of Ocilla, Ga.

By the Commission.

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

[FR Doc.74–16376 Filed 7–16–74;8:45 am]

[Notice No. 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 12, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 16, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–3647 (Deviation No. 4), TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040, filed June 10, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: From Burlington, N.J., over the Burlington-Bristol bridge, thence over Pennsylvania Highway 413 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 1, thence over U.S. Highway 1 to Trenton, N.J., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: From Burlington, N.J., over U.S. Highway 130 to Stevens, N.J., thence over unnumbered highways through Florence and Roebling, N.J., to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway, thence over unnumbered highway through Fieldsboro, N.J., to Bordentown, N.J., thence over U.S. Highway 206 to Hamilton Township, N.J., thence over U.S. Highway 206 and city streets through Hamilton Township, N.J., to Trenton, N.J., and return over the same routes.

No. MC–1515 (Deviation No. 676), GREYHOUND LINES, INC., Box 6903, 1400 West Third Street, Cleveland, Ohio, 44101, filed July 2, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Syracuse, N.Y., over Interstate Highway 690 to junction Interstate Highway 481, thence over Interstate Highway 481 to junction New York State Thruway (Interstate Highway 90) at Exit 34A, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: From Syracuse, N.Y., over U.S. Highway 11 to junction Interstate Highway 90, thence over Interstate Highway 90 to Exit 34A, and return over the same routes.

By the Commission.

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

[FR Doc.74–16373 Filed 7–16–74;8:45 am]

[Notice No. 57]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 12, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March

27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 111545 (Sub-No. 64) (Notice of Filing of Petitions to Remove Restriction), filed June 13, 1974. Petitioner: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., P.O. Box 6426, Station A, Marietta, Ga. 30060. Petitioner's representative: Robert E. Born (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 111545 (Sub-No. 64), issued September 23, 1966, authorizing transportation, over irregular routes, of *tractors* (except truck tractors) *and parts, implements, attachments accessories, and supplies* therefor, when moving incidentally thereto as a part of the same shipment (except commodities which because of their size or weight require the use of special equipment or handling), between points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, and Mississippi, restricted to the transportation of traffic originating at and destined to points within the States described above. By the instant petition, petitioner seeks to eliminate the restriction stated above which reads: "(except commodities which because of their size or weight require the use of special equipment or handling)". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 16, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-12232 (Supplemental) (CORDIN MOTOR FREIGHT, INC.—Control and Merger—R. T. SKEWES FREIGHT LINES, INC.), published in the June 13, 1974, issue of the FEDERAL REGISTER at page 20741. By the subject application Cordin Motor Freight, Inc., seeks authority for control and merger of the operating rights of R. T. Skewes Freight Lines, Inc., and for acquisition by the estate of Nicholas S. Cordin, Ruth Cordin, Executrix, of control of such rights and property through the transaction. Operating rights sought to be controlled and merger: Livestock, as a common carrier over irregular routes, from Atlanta, Ill., and points within 25 miles of Atlanta, to Kansas City, and St. Louis, Mo., and points in Illinois, from Kentland, Ind., and Kansas City, Mo., to Atlanta, Ill., and points within 25 miles of Atlanta; feed, from St. Louis, Mo., and Hammond, Ind., to Atlanta, Ill., and points within 25 miles of Atlanta; farm machinery and farm implements, from Gary, Ind., to Atlanta, Ill., and points within 25 miles of Atlanta; steel, and steel products, from Gary, and East Chicago, Ind., to points in Illinois; brick, from Brazil, Ind., to Atlanta, Ill., and points within 25 miles of Atlanta; household goods, between Atlanta, Ill., and points within 25 miles of Atlanta, on the one hand, and, on the other, points in Illinois, Indiana, and Missouri; iron and steel articles, except those which, because of size or weight, require the use of special equipment, from the site of the Bethlehem Steel Corporation plant in Burns Harbor, Porter County, Ind., to points in Illinois, with restriction. CORDIN MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

The prior publication should be amended to show that Cordin Motor Freight, Inc., proposes to eliminate a gateway in relation to its authority to transport steel and steel products from Gary and East Chicago, Ind., to points in Illinois, for the performance of through service under the combined rights.

The following notice of proposal to eliminate gateway for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel has been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), 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 the gateway herein described may be filed with the Interstate Commerce Commission.

No. MC-F-12259. Authority sought for purchase by MITCHELL TRANSPORT, INC., P.O. Box 30248, Cleveland, OH 44130, of a portion of the operating rights and property of MARTIN TRUCKING, INC., P.O. Box 67, Bessemer, PA 16112, and for acquisition by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Blvd., Cleveland, OH 44122, of control of such rights and property through the purchase. Applicants' attorneys: John Andrew Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, Roland Rice, 618 Perpetual Bldg., Washington, DC 20004, and Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Operating rights sought to be transferred: *Cement,* in packages, as a *common carrier* over irregular routes, from Bessemer, Pa., to points in Stark, Carroll, Jefferson, and Geauga Counties, Ohio, and points in that part of West Virginia on and north of U.S. Highway 50; *cement,* in bulk and packages, from Bessemer, Pa., to points in Summit County, Ohio, Allegany, and Garrett Counties, Md., and Chautauqua and Cattaraugus Counties, N.Y., from Bessemer, Pa., to points in Portage County, Ohio, and that part of West Virginia on and north of U.S. Highway 33, from Bessemer, Pa., to points in New York (except to points in Kings, Queens, Nassau, and Suffolk Counties, N.Y.); *dry cement,* between points in Maryland, between points in Ohio, between points in Pennsylvania, between points in West Virginia, between points in New York (except points in Kings, Queens, Suffolk, and Nassau Counties), with restriction. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12260. Authority sought for control by HEARTLAND EXPRESS, INC., Northwest Road, Shenandoah, IA 51601, of DENVER SOUTHWEST EXPRESS, INC., 2201 Cumings, Omaha, NE 68102, and for acquisition by RUSSELL GERDIN, also of Shenandoah, IA 51601, of control of DENVER SOUTHWEST EXPRESS, INC., through the acquisition by HEARTLAND EXPRESS, INC. Applicants' attorneys: Duane L. Stromer and Earl H. Scudder, Jr., 605 South 14th St., Lincoln, NE 68501. Operating rights sought to be controlled: *Bananas,* as a *contract carrier* over irregular routes, from New Orleans, La., and Gulfport, Miss., to points in Nebraska; *frozen foods,* from the facilities of Kitchens of Sara Lee Corporation of New Hampton, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; *foodstuffs* (except in bulk), from the facilities of American Home Foods Division of American Home Products Corporation at La Porte, Ind., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee. HEARTLAND EXPRESS, INC., is authorized to operate as a *common carrier* in Iowa, Nebraska, Missouri, Illinois, Kansas, Colorado, North Dakota, Minnesota, Wisconsin, Kentucky, Indiana, and Michigan. Application has not been filed

for temporary authority under section 210a(b).

No. MC–F–12261. Authority sought for purchase by KITCHELL EXPRESS, INC., 145 Parsippany Rd., Whippany, NJ 07981, of the operating rights of PERILLO'S EXPRESS, INC., 33 Marion Ave., New Providence, NJ 07974, and for acquisition by RICHARD R. KITCHELL, DONALD C. KITCHELL, AND CLAIR B. KITCHELL, all of Whippany, NJ 07981, of control of such rights through the purchase. Applicants' attorney: Char' s E. Creager, P.O. Box 1417, Hagerstown, MD 21740. Operating rights sought to be transferred: *General commodities,* with the usual exceptions, as a *common carrier* over irregular routes, between Newark, N.J., and points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, points in New York, N.Y.; *cut flowers and plants,* between New Providence, N.J., and points in New Jersey within 25 miles of New Providence, on the one hand, and, on the other, New York, N.Y.; *apples and dairy products,* from Madison, Chatham, and Florham Park, N.J., to New York, N.Y.; *supplies and equipment* used in the production and sale of flowers and plants, from New York, N.Y., to New Providence, N.J., and points in New Jersey within 25 miles of New Providence, between New York, N.Y., and points in Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in Morris County, N.J.; *plastic granules,* in containers, between New Castle, Del., and Berkeley Heights, N.J.; *ingredients,* used in the manufacture and coloring of plastic grandules, in containers, and *supplies,* used in the manufacture and coloring of plastic grandules, except commodities in bulk, between New Castle, Del., on the one hand, and, on the other, Berkeley Heights, N.J. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

NOTICE

Norfolk and Western Railway Company hereby gives notice that on the 29th day of June 1974, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for authority to acquire trackage rights over the tracks of Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, extending between Station 26, 572–60 and Station 26, 549–70, a distance of approximately 2,290 feet, in the City of Hammond, Lake County, Indiana. This application has been assigned Finance Docket No. 27684. The name and address of Applicant's representative to whom inquiries may be made are John S. Shannon, Vice President—Law, Norfolk and Western Railway Company, Roanoke, Virginia 24042. In the opinion of the applicant, granting the authority sought in this application would not constitute a major Federal action having a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act of 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74–16372 Filed 7–16–74;8:45 am]

[Notice No. 99]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 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 5470 (Sub-No. 95 TA), filed July 1, 1974. Applicant: TAJON, INC., R.D. No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Scrap metals,* in dump vehicles, from Buffalo, N.Y., to points in Maine, Connecticut, Massachusetts, New Hampshire, and Rhode Island, for 180 days. SUPPORTING SHIPPER: Hickman, Williams & Company, 18 Warsaw Street, Buffalo, N.Y. 14206. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 31600 (Sub-No. 668 TA), filed July 1, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic granules,* in bulk, in tank or hopper type vehicles, from The Penn-Central Flexi-Flo Terminal at or near Hartford, Conn., to Gilman, Conn., restricted to shipments having an immediate prior movement by rail, for 180 days. SUPPORTING SHIPPER: United States Steel Corporation, 600 Grant St., Pittsburgh, Pa. 15230. SEND PROTESTS TO: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 41116 (Sub-No. 48 TA), filed June 25, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 W. Mill Street, Crowley, La. 70526. Applicant's representative: Byron Fogleman (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products and products* produced or distributed by manufacturers and converters of paper and paper products and (2) *materials and supplies* used in the manufacture and distribution of commodities described in (1), between plant site of Western Kraft Division, Willamette Industries, Inc., near Campti, La. located on Highway 480 on the one hand, and, on the other, points in Kansas, Arkansas, Alabama, Florida, Georgia, Kentucky, Mississippi, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Illinois, Indiana, Iowa, Minnesota, Nebraska, Wisconsin, District of Columbia, Arizona, Colorado, Connecticut, Delaware, Maryland, Massachusetts, New Mexico, Michigan, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Western Kraft Division, Willamette Industries, Inc., 3700 First National Bank Tower, Portland, Oreg. 97201, Mr. R. M. Sheffer, Director of Traffic. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 51146 (Sub-No. 378 TA) (Correction), filed June 12, 1974, published in the FEDERAL REGISTER issue of June 28, 1974, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay,

Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as above).

NOTE.—The purpose of this republication is to correct the destination point to Lakeville, Minn., in lieu of Lakeville, Mich., which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 52704 (Sub-No. 117 TA), filed July 2, 1974. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Baton Rouge, La., to Laurens, S.C. and Henderson, N.C., for 180 days. SUPPORTING SHIPPER: Laurens Glass Company, P.O. Box 9, Laurens, S.C. 29360. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 89861 (Sub-No. 13 TA), filed July 1, 1974. Applicant: GOUVERNEUR TRUCKING, INC., Box 114, Gouverneur, N.Y. 13642. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Balmat, N.Y., to points in New York, Massachusetts, Ohio, New Jersey, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: R. T. Vanderbilt Co. Inc., Norwalk, Conn. 06855, Howard K. McKay, Traffic Manager. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Blvd. West, Syrcause, N.Y. 13202.

No. MC 106688 (Sub-No. 21 TA), filed July 2, 1974. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, W. Va. 25419. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocarbonitrate*, from Sullivan, W. Va., to Verona, Va.; Suscon, Pa.; Morgantown, Pa.; and South Windham, Maine, for 180 days. SUPPORTING SHIPPER: E. I. Dupont de Nemours and Company, Wilmington, Del. 19898. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Ave., NW., Washington, D.C. 20423.

No. MC 111661 (Sub-No. 5 TA), filed July 1, 1974. Applicant: GERDIN TRANSFER, INC., Princeton, Minn. 55371. 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: *Grain elevator equipment and parts* of grain elevator equipment, from Princeton, Minn., to Rolfe, Harcourt, Emmetsburg, and Lake View, Iowa; Watertown, S. Dak.; St. Thomas and Rothsay, N. Dak.; Great Falls and Cut Bank, Mont., for 180 days. SUPPORTING SHIPPER: Verti-Flo Corp., Princeton, Minn. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 321 TA), filed July 2, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock and vinegar stock concentrate*, in bulk, from Montgomery, Ala., to Bowling Green and Fremont, Ohio, for 180 days. SUPPORTING SHIPPER: Standard Brands, Inc., P.O. Box 884, Montgomery, Ala. 36102. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114969 (Sub-No. 48 TA), filed June 27, 1974. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James M. Roudebush (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer ingredients*, from Brookston and Boone Grove, Ind., to points in Michigan and Ohio, for 180 days. SUPPORTING SHIPPER: Chester, Inc., Box 508, Valparaiso, Ind. 46383. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 116073 (Sub-No. 299 TA), filed July 1, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Liberty Homes, Inc., at or near Dorchester, Wis., to points in Iowa, Minnesota, Montana, South Dakota, North Dakota, and the Upper Peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Liberty Homes, Inc., P.O. Box 338, Dorchester, Wis. 54425. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116645 (Sub-No. 17 TA), filed June 27, 1974. Applicant: DAVIS TRANSPORT CO., a Corporation, P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Marion F. Jones, 1660 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening*, consisting of a blend of animal and vegetable oils, in bulk, from Denver, Colo., to Salt Lake City, Utah, for 180 days. SUPPORTING SHIPPER: Rust Sales Company, East 61st Avenue and Franklin Street, Denver, Colo. 80216. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117416 (Sub-No. 46 TA), filed June 27, 1974. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, NW., Knoxville, Tenn. 37421. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooking oil*, in mixed loads with laundry bleach, sodium hydroxide, animal litter, or cleaning compounds (except in bulk), from the plantsites and storage and warehouse facilities of The Clorox Company located at or near Atlanta, Ga., to points in Kentucky and Tennessee, for 180 days. SUPPORTING SHIPPER: The Clorox Company, Box 24305, Oakland, Calif. 94623. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 120906 (Sub-No. 8TA), filed July 2, 1974. Applicant: SPECIAL SERVICE DELIVERY, INC., 828 Prouty Avenue, Toledo, Ohio 43609. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laundry, cosmetics, toilet and home care preparations, stainless steel cookware, cutlery, and food supplements* (except commodities in bulk), (1) from the terminal facility of Special Service Delivery, Inc., at Toledo, Ohio, to points in Allen, Crawford, Defiance, Erie, Fulton, Hancock, Harden, Henry, Huron, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot Counties, Ohio, and (2) returned, rejected, or refused shipments of commodities specified in (1) above, from the above-named destinations to the terminal facility of Special Service Delivery of Toledo, Ohio, for 180 days. SUPPORTING SHIPPER: Amway Corporation, 7575 East Fulton, Ada, Mich. 49301. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 128030 (Sub-No. 71TA), filed July 1, 1974. Applicant: STOURT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representtive: Robert C. Stout (same address as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from St. Louis, Mo., to Batavia, Chicago, Ingleside, and South Holland, Ill.; and (2) from Fort Wayne, Ind., to Batavia and Ingleside, Ill., for 180 days. SUPPORTING SHIPPERS: Rezich & Rezich, 2938 E. 95th, Chicago, Ill. 60617; Gus Beres, 916 Black Hawk Ave., Ingleside, Ill. 60041; Shipley Dist. Inc., 336 Webster, Batavia, Ill. 60510; and Ed Mite Distributing Co., 2652 N. Major Ave., Chicago, Ill. 60639. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn, Chicago, Ill. 60604.

No. MC 134477 (Sub. No. 68 TA) (Correction), filed June 12, 1974, published in the FEDERAL REGISTER issue of June 28, 1974, and republished as corrected this issue. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant).

NOTE.—The purpose of this republication is to show the correct origin point as *Blaine, Minn.*, in lieu of Elaine, Wash., which was published by the FEDERAL REGISTER in error. The rest of the application will remain as previously published.

No. MC 134806 (Sub-No. 25 TA), filed July 1, 1974. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Skis and skiing equipment and accessories*, from Middletown, Conn., to Denver, Colo., and Salt Lake City, Utah, for 180 days. SUPPORTING SHIPPER: Olin Ski Company, Inc., 475 Smith Street, Middletown, Conn. 06457. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 135070 (Sub-No. 3 TA), filed June 26, 1974. Applicant JAY LINES, INC., 720 North Grand, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite of and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex. (Moore County), to points in Virginia, Maryland, the District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Illinois, Indiana, Ohio, Kentucky, West Virginia, and Michigan, restricted to traffic originating at, and destined to, the named points, for 180 days. SUPPORTING SHIPPER: Ralph L. McGee, General Traffic Manager, American Beef Packers, Inc., 7000 W. Center Road, Omaha, Nebr. 68106. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135231 (Sub-No. 2 TA), filed June 28, 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, St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses, from St. Cloud, Minn., to Jacksonville, Fla.; Atlanta, Ga.; Wichita, Kans.; Springfield, Mass.; Detroit, Mich.; St. Louis, Mo.; Omaha, Nebr.; Syracuse, N.Y.; Greensboro, N.C.; Cincinnati, Ohio; Cleveland, Ohio; Philadelphia, Pa.; Pittsburgh, Pa.; Memphis, Tenn.; and port of entry at the United States-Canadian International Border at or near Rooseveltown, N.Y., for 180 days. RESTRICTION: Restricted to transportation of shipments originating at the plant site and storage facilities of Fingerhut Manufacturing Co. at or near St. Cloud, Minn., and destined to U.S. Post Offices for immediate subsequent movement by U.S. mail. SUPPORTING SHIPPER: Fingerhut Corp., 11 McLeland Road, St. Cloud, Minn. 56395. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139424 (Sub-No. 3 TA), filed July 1, 1974. Applicant: FISHER TRUCKING COMPANY, INC., 640 Pleasant Mills Road, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste plastic resins*, in bulk, in dump vehicles, from Calvert City, Ky., and Ashtabula, Ohio, to South Plainfield, N.J.; Brooklyn, N.Y., and Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Kentile Floors, Inc., 58 2nd Avenue, Brooklyn, N.Y. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 139934 (Sub-No. TA), filed July 3, 1974. Applicant: WALKER CONTRACT CARRIER, INC., 4214 Beach Park Drive, Tampa, Fla. 33609. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, empty or loaded, with or without bogies (chassis), *general commodities*, between Tampa and Port Manatee, Fla., on the one hand, and, on the other, points in Florida, east and southeast of the Suwanee River, for 180 days. SUPPORTING SHIPPERS: A. J. Arango, Inc., 709 Franklin St., Tampa, Fla.; Hillebaum-Tampa, Inc., 501 Jackson St., Tampa, Fla., 33602; Eller & Company, 13th and York Street, Tampa, Fla.; and Fillette, Green & Co. of Tampa, P.O. Box 2948, Tampa, Fla. 33601. 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 139943 (Sub-No. 1 TA), filed June 26, 1974. Applicant: GEORGE H. GOLDING AND RONALD H. GOLDING, 5879 Marion Drive, Lockport, N.Y. 14094. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (A) *Salad dressing and tartar sauce* (except in bulk), for the account of Pfeiffer's Food, Inc., from Wilson, N.Y., to points in Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Rhode Island, and the District of Columbia, and returned, rejected, and refused shipment in the reverse directions, and (B) *materials, supplies, and equipment* used in the manufacture or distribution of salad dressing and tartar sauce (except in bulk) for the account of Pfeiffer's Food, Inc., from points in the destination states named above, to Wilson, N.Y., restricted against the transportation of glass products from Brockway, Pa., to Wilson, N.Y., for 180 days. SUPPORTING SHIPPER: Pfeiffer's Foods, Inc., 683 Lake Street, Wilson, N.Y. 14172. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139944 TA, filed June 27, 1974. Applicant: LYNN GENTRY, doing business as LYNN GENTRY TRUCKING, Box 242, Dell City, Tex. 79837. Applicant's representative: Phillip Robinson, 904 Lavaca, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa pellets*, and (2) *agricultural commodities* otherwise exempt from regulation under Section 203 (b) (6) of the Act, when moving in mixed loads with alfalfa pellets, from points in Otero County, N. Mex., to points in New Mexico and Texas, for 180 days. SUPPORTING SHIPPER: W. B. McCombs, Vice President, Diamond A. Cattle Co., P.O. Box 1000, Roswell, N. Mex. 88201. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

MOTOR CARRIERS OF PASSENGERS

No. MC 139863 (Sub-No. 1 TA), filed June 19, 1974. Applicant: ROBERT LEE THOMPSON doing business as, 1111 54th Place NE., Chappel Oaks, Md. 20027. Applicant's representative: Daniel B. Johnson, 1123 Munsey Boulevard, 1329 E Street NW., Washington, D.C. 20004. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage* when baggage is moving with passengers, between Falls Church, Va., and the facilities of the National Security Agency at Fort Meade, Md., and Baltimore-Washington International Airport, Anne Arundel County, Md., serving all intermediate points on U.S. 29 between Falls Church and Rosslyn, Va., as origin and destination, for 180 days. SUPPORTING SHIPPERS: There are approximately 30 passengers with 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: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

WATER CARRIERS OF PROPERTY

No. W-1277 (Sub-No. 1 TA), filed June 24, 1974. Applicant: U.S. ATLANTIC MARINE CORPORATION, Key West Towers, South Roosevelt Boulevard, Key West, Fla. 33040. Applicant's representative: Alan Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, to engage in operations, in interstate or foreign commerce, by water, transporting: (1) *General commodities* in trailers and/or containers, and (2) *trailers* by self-propelled water vessels, from Miami and Tampa, Fla., on the one hand, and, on the other, Key West and Marathon, Fla., for 180 days. SUPPORTING SHIPPERS: There are approximately 22 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: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 Northwest 87th Avenue, Miami, Fla. 33166.

By the Commission.

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

[FR Doc.74-16367 Filed 7-16-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 12, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 1, 1974.

FSA No. 42846—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 12), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, India, Japan, Korea, Malaysia, The Philippines, Singapore, Taiwan, Thailand and Vietnam, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.74-16371 Filed 7-16-74;8:45 am]

[Notice No. 121]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 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-75148. By application filed July 8, 1974, FLOYD SCHLICKMAN, JR., doing business as CITY CARTAGE, Chana, IL, seeks temporary authority to lease the operating rights of FRANKLIN L. ANDERSON, RICHARD J. ANDERSON, and PHILLIP F. ANDERSON, doing business as CITY CARTAGE, 1341 Marinoff Dr., Beloit, WI, under section 210a(b). The transfer to FLOYD SCHLICKMAN, JR., doing business as CITY CARTAGE, of the operating rights of FRANKLIN L. ANDERSON, RICHARD J. ANDERSON, and PHILLIP F. ANDERSON, doing business as CITY CARTAGE, is presently pending.

By the Commission.

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

[FR Doc.74-16368 Filed 7-16-74;8:45 am]

[Notice No. 122]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 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-75252. By application filed June 26, 1974, under section 212(b) of the Interstate Commerce Act, for the transfer to D.C. TRANSPORT, INC., 1120 N. Beach St., Fort Worth, TX 76111, of the operationg rights of DON C. COORS, also of Fort Worth, TX 76111. The transfer to D.C. TRANSPORT, INC., of the operating rights of DON C. COORS, is presently pending.

DON C. COORS, seeks temporary authority under section 210a(b), to lease the operating rights of DON COORS (formerly owned by TODDMAN TRANSPORT CO.).

By the Commission.

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

[FR Doc.74-16374 Filed 7-16-74;8:45 am]

[No. AB-1 (Sub-No. 4)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Swanzy and New Swanzy, Marquette County, Michigan

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Marquette County, Michigan, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 3rd day of July, 1974.

By the Commission, Commissioner Tuggle.

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

[No. AB-1 (Sub-No. 4)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

ABANDONMENT BETWEEN SWANZY AND NEW SWANZY, MARQUETTE COUNTY, MICHIGAN

The Interstate Commerce Commission hereby gives notice that by order dated July 3, 1974, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad between Swanzy and New Swanzy, Marquette County, Michigan, a distance of 4.19 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because no traffic has been handled on this line since 1969, and there are no shippers or communities which depend on this line for

rail service. Furthermore, the proposed abandonment is consistent with county plans to relocate a county road, which will cross the right-of-way proposed for abandonment.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 1, 1974.

[FR Doc.74-16369 Filed 7-16-74;8:45 am]

[Docket No. AB-12 (Sub-No. 1)]

SOUTHERN PACIFIC TRANSPORTATION CO. ET AL.

Abandonment of Service

Southern Pacific Transportation Company abandonment between Commerce and Paris in Hunt, Delta and Lamar Counties, Texas, Finance Docket No. 27070; Southern Pacific Transportation Company—trackage rights—Texas & Pacific Railway Company between Sherman, Grayson County and Paris, Lamar County, Texas, Finance Docket No. 27093; St. Louis Southwestern Railway Company of Texas—purchase portion—Southern Pacific Transportation Company between Commerce and Paris, Texas.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings, because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Hunt, Delta and Lamar Counties, Tex., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the Federal Register.

Dated at Washington, D.C., this 3rd day of July, 1974.

By the Commission, Commissioner Tuggle.

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

[Docket No. AB-12 (Sub-No. 1)]

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN COMMERCE AND PARIS IN HUNT, DELTA AND LAMAR COUNTIES, TEXAS

[Finance Docket No. 27070]

SOUTHERN PACIFIC TRANSPORTATION COMPANY—TRACKAGE RIGHTS—TEXAS & PACIFIC RAILWAY COMPANY BETWEEN SHERMAN, GRAYSON COUNTY & PARIS, LAMAR COUNTY, TEXAS

[Finance Docket No. 27093]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY OF TEXAS—PURCHASE PORTION—SOUTHERN PACIFIC TRANSPORTATION COMPANY BETWEEN COMMERCE AND PARIS, TEXAS

The Interstate Commerce Commission hereby gives notice that by order dated July 3, 1974, it has been determined that (1) the proposed abandonment of a portion of the line of railroad of Southern Pacific Transportation Company (SP) between Commerce and Paris, Tex., a distance of 36.37 miles, (2) the application by the Southern Pacific Transportation Company to acquire trackage rights over the line of railroad of the Texas & Pacific Railway Company (T&P) between Sherman and Paris, Tex., a distance of approximately 63 miles, and (3) the application by the St. Louis Southwestern Railway Company of Texas to acquire 0.92 mile of the SP track at Commerce, Tex., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4322(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because there are no identifiable development plans in the area which are predicated upon the availability of direct rail service. The bulk of the traffic which moved over the SP line before floods forced discontinuation of service over the line in 1971 has been moving over the T&P line under temporary authorizations and will continue to do so under the trackage rights agreement. Local shippers who will lose direct rail access as a result of the abandonment will have available an adequate network of highways to handle the minimal amount of traffic which they generate. There will be no significant effect, therefore, on the area's transportation scheme. Approval of the abandonment will facilitate the proposed construction of a multi-purpose reservoir between Commerce and Cooper, Tex., by permitting the removal of track which would have to be relocated in connection with the project.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 1, 1974.

[FR Doc. 74-16370 Filed 7-16-74;8:45 am]

[Revised SO No. 994; Order No. 131]

BALTIMORE AND OHIO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, The Baltimore and Ohio Railroad is unable to transport freight cars with dimensions in excess of Plate C, routed over its line between Parkersburg, West Virginia and Zanesville, Ohio because of bridge damage at West Marietta, Ohio.

It is ordered, That:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Company, being unable to transport freight cars with dimensions in excess of Plate C, routed over its line between Parkersburg, West Virginia and Zanesville, Ohio, because of bridge damage at West Marietta, Ohio, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Baltimore and Ohio Railroad Company, in rerouting cars in accordance with this order, shall receive the concurrence of the other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Baltimore and Ohio Railroad Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., July 5, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 5, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this order 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 5, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.74-16366 Filed 7-16-74;8:45 am]

[Exemption No. 79; Ex Parte No. 241; Rule 19]

RAILROADS SERVING WEST BANK OF MISSISSIPPI

Exemption Mandatory Car Service Rules

It appearing, That because of flood conditions the railroad serving stations located along the west bank of the Mississippi River between Ft. Madison, Iowa, and Louisiana, Missouri, inclusive, and Quincy, Illinois, are unable to move empty cars to and from such points; that sufficient cars of suitable ownership are not available for loading by shippers served by these lines; that numerous other empty cars located on these lines cannot be returned to owners until normal operations can be resumed; that compliance with Car Service Rule 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads serving stations located along the west bank of the Mississippi River between Ft. Madison, Iowa, and Louisiana, Missouri, inclusive, and Quincy, Illinois, are authorized to move, place, and accept from shippers located in such stations, general service cars owned by other railroads regardless of the provisions of Car Service Rule 2 (see exception).

Exception: Covered hopper cars and cars subject to Interstate Commerce Commission Service Orders requiring the return of cars to owners.

Effective June 24, 1974.

Expires July 8, 1974.

Issued at Washington, D.C., June 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-16365 Filed 7-16-74;8:45 am]

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WEDNESDAY, JULY 17, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 138

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

U.S. SAVINGS NOTES, Revised Dept. Circular Public Debt Series 3-67 2nd Amendment

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Interest Rates

Sections 342.2(c)(1) and 342.2a, and the tables incorporated in Department of the Treasury Circular, Public Debt Series No. 3–67, Revised, dated June 12, 1968, as amended (31 CFR Part 342), have been further amended and revised to read as follows:

§ 342.2 Description of notes.

* * * * *

(c) *Denominations—prices—investment yield (interest).* * * *

(1) *Notes with issue dates June 1, 1968, or thereafter.* The investment yield for savings notes with issue dates of June 1, 1968, through November 1, 1969, is approximately 5 percent per annum, compounded semiannually, if the notes are held to maturity, but the yield is less if the notes are redeemed earlier. Outstanding notes with issue dates of December 1, 1969, through June 1, 1970,* will earn interest at the same rate, except that for the remaining period to the maturity date the rate is hereby increased by approximately ½ of 1 percent, beginning with the first interest accrual period starting on or after December 1, 1973.

§ 342.2a. Extension—interest rates.

Savings notes were extended for a 10-year period after their maturity dates. For that part of the period which occurred between November 1, 1971, and November 30, 1973, the yield on the maturity values of outstanding notes accrued at approximately 5½ percent per annum, compounded semiannually. The yield on notes in the extension period on December 1, 1973, is hereby increased by approximately ½ of 1 percent per annum for the remainder of such period, beginning with the first interest accrual period starting on or after December 1, 1973. The yield for notes thereafter entering the extension period will be the rate in effect for Series E savings bonds being issued at the time the extension period begins. The tables of redemption values and investment yields, published herein, will not apply if at the time the extension period begins the rate for Series E savings bonds is different from 6 percent.

The foregoing amendment and revision, adopted as of December 1, 1973, was effected under authority of sections 18, 20 and 22 of the Second Liberty Bond Act, as amended (40 Stat. 1304, 48 Stat. 343, 49 Stat. 21, all as amended; 31 U.S.C. 753, 754b, 757c), and 5 U.S.C. 301, for the purpose of increasing the interest rate on savings notes. Notice and public procedures thereon are unnecessary as the fiscal policy of the United States is involved.

(Secs. 18, 20, 22, Second Liberty Bond Act, as amended (40 Stat. 1304, 48 Stat. 343, 49 Stat. 21, as amended; 31 U.S.C. 753, 754b, 757c); 5 U.S.C. 301)

Dated: July 1, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

* These provisions also apply to notes which may bear issue dates subsequent to June 1970.

TABLE 1.—NOTES BEARING ISSUE DATE MAY 1, 1967

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after original maturity at 4 yrs. 6 mos.)	(1) Redemption values during each half-year period (values increase on 1st day of period)				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
	EXTENDED MATURITY PERIOD						
					Percent	*Percent*	*Percent*
2–6 to 3–0	[1](5/1/74)	$28.63	$57.26	$85.89	$114.52	5.50	6.01	6.00
3–0 to 3–6	(11/1/74)	29.49	58.98	88.47	117.96	5.58	6.04	6.00
3–6 to 4–0	(5/1/75)	30.38	60.76	91.14	121.52	5.65	5.99	6.00
4–0 to 4–6	(11/1/75)	31.29	62.58	93.87	125.16	5.69	5.94	6.00
4–6 to 5–0	(5/1/76)	32.22	64.44	96.66	128.88	5.72	6.02	6.00
5–0 to 5–6	(11/1/76)	33.19	66.38	99.57	132.76	5.75	5.97	6.00
5–6 to 6–0	(5/1/77)	34.18	68.36	102.54	136.72	5.77	6.03	6.01
6–0 to 6–6	(11/1/77)	35.21	70.42	105.63	140.84	5.79	6.02	6.00
6–6 to 7–0	(5/1/78)	36.27	72.54	108.81	145.08	5.81	6.01	6.00
7–0 to 7–6	(11/1/78)	37.36	74.72	112.08	149.44	5.82	5.94	6.00
7–6 to 8–0	(5/1/79)	38.47	76.94	115.41	153.88	5.83	6.08	6.01
8–0 to 8–6	(11/1/79)	39.64	79.28	118.92	158.56	5.85	5.95	5.99
8–6 to 9–0	(5/1/80)	40.82	81.64	122.46	163.28	5.85	6.03	6.01
9–0 to 9–6	(11/1/80)	42.05	84.10	126.15	168.20	5.86	5.99	6.00
9–6 to 10–0	(5/1/81)	43.31	86.62	129.93	173.24	5.87	6.00	6.00
10–0 [2]	(11/1/81)	44.61	89.22	133.83	178.44	[3] 5.88		

[1] Month, day, and year on which issues of May 1, 1967, enter each period.
[2] Extended maturity reached at 14 yrs. 6 mos. after issue.
[3] Yield on purchase price from issue date to extended maturity date is 5.52 percent.

TABLE 2.—NOTES BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1967

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after original maturity at 4 yrs. 6 mos.)	(1) Redemption values during each half-year period (values increase on 1st day of period) EXTENDED MATURITY PERIOD				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
					Percent	*Percent*	*Percent*
2-0 to 2-6	[1] (12/1/73)	$27.87	$55.74	$83.61	$111.48	5.51	5.96	6.00
2-6 to 3-0	(6/1/74)	28.70	57.40	86.10	114.80	5.60	5.99	6.00
3-0 to 3-6	(12/1/74)	29.56	59.12	88.68	118.24	5.66	6.02	6.00
3-6 to 4-0	(6/1/75)	30.45	60.90	91.35	121.80	5.71	5.98	6.00
4-0 to 4-6	(12/1/75)	31.36	62.72	94.08	125.44	5.75	5.99	6.00
4-6 to 5-0	(6/1/76)	32.30	64.60	96.90	129.20	5.77	6.01	6.00
5-0 to 5-6	(12/1/76)	33.27	66.54	99.81	133.08	5.80	6.01	6.00
5-6 to 6-0	(6/1/77)	34.27	68.54	102.81	137.08	5.82	6.01	6.00
6-0 to 6-6	(12/1/77)	35.30	70.60	105.90	141.20	5.83	6.01	6.00
6-6 to 7-0	(6/1/78)	36.36	72.72	109.08	145.44	5.85	6.00	6.00
7-0 to 7-6	(12/1/78)	37.45	74.90	112.35	149.80	5.86	5.98	6.00
7-6 to 8-0	(6/1/79)	38.57	77.14	115.71	154.28	5.87	6.02	6.01
8-0 to 8-6	(12/1/79)	39.73	79.46	119.19	158.92	5.88	5.99	6.00
8-6 to 9-0	(6/1/80)	40.92	81.84	122.76	163.68	5.88	6.01	6.01
9-0 to 9-6	(12/1/80)	42.15	84.30	126.45	168.60	5.89	5.98	6.01
9-6 to 10-0	(6/1/81)	43.41	86.82	130.23	173.64	5.89	6.04	6.04
10-0 [2]	(12/1/81)	44.72	89.44	134.16	178.88	[3] 5.90		

[1] Month, day, and year on which issues of June 1, 1967, enter each period. For subsequent issue months add the appropriate number of months.

[2] Extended maturity reached at 14 yrs. 6 mos. after issue.

[3] Yield on purchase price from issue date to extended maturity date is 5.54 percent.

TABLE 3.—NOTES BEARING ISSUE DATES FROM DEC. 1, 1967 THROUGH MAY 1, 1968

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after original maturity at 4 yrs. 6 mos.)	(1) Redemption values during each half-year period (values increase on 1st day of period) EXTENDED MATURITY PERIOD				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
					Percent	*Percent*	*Percent*
1-6 to 2-0	[1] (12-1-73)	$27.12	$54.24	$81.36	$108.48	5.50	6.05	6.00
2-0 to 2-6	(6/1/74)	27.94	55.88	83.82	111.76	5.64	5.94	6.00
2-6 to 3-0	(12/1/74)	28.77	57.54	86.31	115.08	5.70	6.05	6.00
3-0 to 3-6	(6/1/75)	29.64	59.28	88.92	118.56	5.76	6.01	6.00
3-6 to 4-0	(12/1/75)	30.53	61.06	91.59	122.12	5.79	5.96	5.99
4-0 to 4-6	(6/1/76)	31.44	62.88	94.32	125.76	5.81	5.98	6.00
4-6 to 5-0	(12/1/76)	32.38	64.76	97.14	129.52	5.83	5.99	6.00
5-0 to 5-6	(6/1/77)	33.35	66.70	100.05	133.40	5.85	6.00	6.00
5-6 to 6-0	(12/1/77)	34.35	68.70	103.05	137.40	5.86	6.06	6.00
6-0 to 6-6	(6/1/78)	35.39	70.78	106.17	141.56	5.88	5.93	5.99
6-6 to 7-0	(12/1/78)	36.44	72.88	109.32	145.76	5.88	6.04	6.00
7-0 to 7-6	(6/1/79)	37.54	75.08	112.62	150.16	5.89	5.97	6.00
7-6 to 8-0	(12/1/79)	38.66	77.32	115.98	154.64	5.90	6.05	6.00
8-0 to 8-6	(6/1/80)	39.83	79.66	119.49	159.32	5.91	5.98	5.99
8-6 to 9-0	(12/1/80)	41.02	82.04	123.06	164.08	5.91	6.00	5.99
9-0 to 9-6	(6/1/81)	42.25	84.50	126.75	169.00	5.92	6.01	5.99
9-6 to 10-0	(12/1/81)	43.52	87.04	130.56	174.08	5.92	5.97	5.97
10-0 [2]	(6/1/82)	44.82	89.64	134.46	179.28	[3] 5.92		

[1] Month, day, and year on which issues of Dec. 1, 1967, enter each period. For subsequent issue months add the appropriate number of months.

[2] Extended maturity reached at 14 yrs. 6 mos. after issue.

[3] Yield on purchase price from issue date to extended maturity date is 5.56 percent.

TABLE 4.—NOTES BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1968

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after original maturity at 4 yrs. 6 mos.)	(1) Redemption values during each half-year period (values increase on 1st day of period) — EXTENDED MATURITY PERIOD				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
					Percent	*Percent*	*Percent*
1-0 to 1-6	[1] (12/1/73)	$26.70	$53.40	$80.10	$106.80	5.50	5.99	6.00
1-6 to 2-0	(6/1/74)	27.50	55.00	82.50	110.00	5.66	6.04	6.00
2-0 to 2-6	(12/1/74)	28.33	56.66	84.99	113.32	5.76	5.93	6.00
2-6 to 3-0	(6/1/75)	29.17	58.34	87.51	116.68	5.79	6.03	6.00
3-0 to 3-6	(12/1/75)	30.05	60.10	90.15	120.20	5.83	5.99	6.00
3-6 to 4-0	(6/1/76)	30.95	61.90	92.85	123.80	5.85	6.01	6.00
4-0 to 4-6	(12/1/76)	31.88	63.76	95.64	127.52	5.87	5.96	6.00
4-6 to 5-0	(6/1/77)	32.83	65.66	98.49	131.32	5.88	6.03	6.01
5-0 to 5-6	(12/1/77)	33.82	67.64	101.46	135.28	5.90	5.97	6.00
5-6 to 6-0	(6/1/78)	34.83	69.66	104.49	139.32	5.90	6.03	6.01
6-0 to 6-6	(12/1/78)	35.88	71.76	107.64	143.52	5.92	5.96	6.00
6-6 to 7-0	(6/1/79)	36.95	73.90	110.85	147.80	5.92	6.01	6.01
7-0 to 7-6	(12/1/79)	38.06	76.12	114.18	152.24	5.93	6.04	6.01
7-6 to 8-0	(6/1/80)	39.21	78.42	117.63	156.84	5.93	6.02	6.00
8-0 to 8-6	(12/1/80)	40.39	80.78	121.17	161.56	5.94	5.99	6.00
8-6 to 9-0	(6/1/81)	41.60	83.20	124.80	166.40	5.94	5.96	6.00
9-0 to 9-6	(12/1/81)	42.84	85.68	128.52	171.36	5.94	6.07	6.03
9-6 to 10-0	(6/1/82)	44.14	88.28	132.42	176.56	5.95	5.98	5.98
10-0 [2]	(12/1/82)	45.46	90.92	136.38	181.84	[3] 5.95		

[1] Month, day, and year on which issues of June 1, 1968, enter each period. For subsequent issue months add the appropriate number of months.

[2] Extended maturity reached at 14 yrs. 6 mos after issue.

[3] Yield on purchase price from issue date to extended maturity date is 5.66 percent.

TABLE 5.—NOTES BEARING ISSUE DATES FROM DEC. 1, 1968, THROUGH MAY 1, 1969

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after original maturity at 4 yrs. 6 mos.)	(1) Redemption values during each half-year period (values increase on 1st day of period) — EXTENDED MATURITY PERIOD				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
					Percent	*Percent*	*Percent*
0-6 to 1-0	[1] (12/1/73)	$25.99	$51.98	$77.97	$103.96	5.54	5.93	6.00
1-0 to 1-6	(6/1/74)	26.76	53.52	80.28	107.04	5.73	5.98	6.00
1-6 to 2-0	(12/1/74)	27.56	55.12	82.68	110.24	5.81	6.10	6.00
2-0 to 2-6	(6/1/75)	28.40	56.80	85.20	113.60	5.88	5.92	6.00
2-6 to 3-0	(12/1/75)	29.24	58.48	87.72	116.96	5.89	6.02	6.00
3-0 to 3-6	(6/1/76)	30.12	60.24	90.36	120.48	5.91	6.04	6.00
3-6 to 4-0	(12/1/76)	31.03	62.06	93.09	124.12	5.93	5.99	6.00
4-0 to 4-6	(6/1/77)	31.96	63.92	95.88	127.84	5.94	5.94	6.00
4-6 to 5-0	(12/1/77)	32.91	65.82	98.73	131.64	5.94	6.02	6.01
5-0 to 5-6	(6/1/78)	33.90	67.80	101.70	135.60	5.95	6.02	6.01
5-6 to 6-0	(12/1/78)	34.92	69.84	104.76	139.68	5.95	6.01	6.00
6-0 to 6-6	(6/1/79)	35.97	71.94	107.91	143.88	5.96	5.95	6.00
6-6 to 7-0	(12/1/79)	37.04	74.08	111.12	148.16	5.96	6.05	6.01
7-0 to 7-6	(6/1/80)	38.16	76.32	114.48	152.64	5.96	5.97	6.00
7-6 to 8-0	(12/1/80)	39.30	78.60	117.90	157.20	5.96	6.06	6.01
8-0 to 8-6	(6/1/81)	40.49	80.98	121.47	161.96	5.97	5.98	6.00
8-6 to 9-0	(12/1/81)	41.70	83.40	125.10	166.80	5.97	6.00	6.00
9-0 to 9-6	(6/1/82)	42.95	85.90	128.85	171.80	5.97	6.01	6.01
9-6 to 10-0	(12/1/82)	44.24	88.48	132.72	176.96	5.97	6.01	6.01
10-0 [2]	(6/1/83)	45.57	91.14	136.71	182.28	[3] 5.98		

[1] Month, day, and year on which issues of Dec. 1, 1968, enter each period. For subsequent issue months add the appropriate number of months.

[2] Extended maturity reached at 14 yrs. 6 mos. after issue.

[3] Yield on purchase price from issue date to extended maturity date is 5.67 percent.

TABLE 6.—NOTES BEARING ISSUE DATES FROM JUNE 1 THROUGH NOV. 1, 1969

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after original maturity at 4 yrs. 6 mos.)	(1) Redemption values during each half-year period (values increase on 1st day of period)				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
	EXTENDED MATURITY PERIOD						
					Percent	*Percent*	*Percent*
0-0 to 0-6 [1] (12/1/73)	$25.29	$50.58	$75.87	$101.16		6.01	6.00
0-6 to 1-0 (6/1/74)	26.05	52.10	78.15	104.20	6.01	5.99	6.00
1-0 to 1-6 (12/1/74)	26.83	53.66	80.49	107.32	6.00	6.04	6.00
1-6 to 2-0 (6/1/75)	27.64	55.28	82.92	110.56	6.01	5.93	6.00
2-0 to 2-6 (12/1/75)	28.46	56.92	85.38	113.84	5.99	6.04	6.00
2-6 to 3-0 (6/1/76)	29.32	58.64	87.96	117.28	6.00	6.00	6.00
3-0 to 3-6 (12/1/76)	30.20	60.40	90.60	120.80	6.00	5.96	6.00
3-6 to 4-0 (6/1/77)	31.10	62.20	93.30	124.40	6.00	6.05	6.00
4-0 to 4-6 (12/1/77)	32.04	64.08	96.12	128.16	6.00	5.99	6.00
4-6 to 5-0 (6/1/78)	33.00	66.00	99.00	132.00	6.00	6.00	6.00
5-0 to 5-6 (12/1/78)	33.99	67.98	101.97	135.96	6.00	6.00	6.00
5-6 to 6-0 (6/1/79)	35.01	70.02	105.03	140.04	6.00	6.00	6.00
6-0 to 6-6 (12/1/79)	36.06	72.12	108.18	144.24	6.00	5.99	6.00
6-6 to 7-0 (6/1/80)	37.14	74.28	111.42	148.56	6.00	5.98	6.00
7-0 to 7-6 (12/1/80)	38.25	76.50	114.75	153.00	6.00	6.01	6.01
7-6 to 8-0 (6/1/81)	39.40	78.80	118.20	157.60	6.00	5.99	6.00
8-0 to 8-6 (12/1/81)	40.58	81.16	121.74	162.32	6.00	6.01	6.01
8-6 to 9-0 (6/1/82)	41.80	83.60	125.40	167.20	6.00	5.98	6.01
9-0 to 9-6 (12/1/82)	43.05	86.10	129.15	172.20	6.00	6.04	6.02
9-6 to 10-0 (6/1/83)	44.35	88.70	133.05	177.40	6.00	6.00	6.00
10-0 [2] (12/1/83)	45.68	91.36	137.04	182.72	[3] 6.00		

[1] Month, day, and year on which issues of June 1, 1969, enter each period. For subsequent issue months add the appropriate number of months.

[2] Extended maturity reached at 14 yrs. 6 mos. after issue.

[3] Yield on pure base price from issue date to extended maturity date is 5.69 percent.

TABLE 7.—NOTES BEARING ISSUE DATES FROM DEC. 1, 1969, THROUGH MAY 1, 1970

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after issue)	(1) Redemption values during each half-year period (values increase on 1st day of period)				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period (a) to maturity
					Percent	*Percent*	*Percent*
4-0 to 4-6 [1] (12/1/73)	$24.36	$48.72	$73.08	$97.44	4.67	8.13	8.13
4-6 [2] (6/1/74)	25.35	50.70	76.05	101.40	5.05		
(Years and months after maturity date)	EXTENDED MATURITY PERIOD						(b) to extended maturity
0-0 to 0-6 (6/1/74)	$25.35	$50.70	$76.05	$101.40		6.00	6.00
0-6 to 1-0 (12/1/74)	26.11	52.22	78.33	104.44	[4] 6.00	5.97	6.00
1-0 to 1-6 (6/1/75)	26.89	53.78	80.67	107.56	5.99	6.02	6.00
1-6 to 2-0 (12/1/75)	27.70	55.40	83.10	110.80	6.00	5.99	6.00
2-0 to 2-6 (6/1/76)	28.53	57.06	85.59	114.12	6.00	6.03	6.00
2-6 to 3-0 (12/1/76)	29.39	58.78	88.17	117.56	6.00	5.99	6.00
3-0 to 3-6 (6/1/77)	30.27	60.54	90.81	121.08	6.00	6.01	6.00
3-6 to 4-0 (12/1/77)	31.18	62.36	93.54	124.72	6.00	5.97	6.00
4-0 to 4-6 (6/1/78)	32.11	64.22	96.33	128.44	6.00	6.04	6.00
4-6 to 5-0 (12/1/78)	33.08	66.16	99.24	132.32	6.00	5.99	6.00
5-0 to 5-6 (6/1/79)	34.07	68.14	102.21	136.28	6.00	5.99	6.00
5-6 to 6-0 (12/1/79)	35.09	70.18	105.27	140.36	6.00	5.98	6.00
6-0 to 6-6 (6/1/80)	36.14	72.28	108.42	144.56	6.00	6.03	6.00
6-6 to 7-0 (12/1/80)	37.23	74.46	111.69	148.92	6.00	5.96	5.99
7-0 to 7-6 (6/1/81)	38.34	76.68	115.02	153.36	6.00	6.00	6.00
7-6 to 8-0 (12/1/81)	39.49	78.98	118.47	157.96	6.00	6.03	6.00
8-0 to 8-6 (6/1/82)	40.68	81.36	122.04	162.72	6.00	6.00	5.99
8-6 to 9-0 (12/1/82)	41.90	83.80	125.70	167.60	6.00	6.01	5.99
9-0 to 9-6 (6/1/83)	43.16	86.32	129.48	172.64	6.00	5.98	5.98
9-6 to 10-0 (12/1/83)	44.45	88.90	133.35	177.80	6.00	5.98	5.98
10-0 [3] (6/1/84)	45.78	91.56	137.34	183.12	[5] 6.00		

[1] Month, day, and year on which issues of Dec. 1, 1969, enter each period. For subsequent issue months add the appropriate number of months.

[2] Maturity reached at 4 yrs. 6 mos. after issue

[3] Extended maturity reached at 14 yrs. 6 mos. after issue.

[4] Yield on purchase price from issue date to extended maturity date is 5.71 percent.

TABLE 8.—NOTES BEARING ISSUE DATE JUNE 1, 1970

Issue price	$20.25	$40.50	$60.75	$81.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00			
Period (years and months after issue)	(1) Redemption values during each half-year period (values increase on 1st day of period)				(2) From beginning of current maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period (a) to maturity
					Percent	*Percent*	*Percent*
3-6 to 4-0 [1] (12/1/73)	$23.74	$47.48	$71.22	$94.96	4.60	5.73	6.91
4-0 to 4-6 (6/1/74)	24.42	48.84	73.26	97.68	4.74	8.11	8.11
4-6 [2] (12/1/74)	25.41	50.82	76.23	101.64	5.11		
(years and months after maturity date)	EXTENDED MATURITY PERIOD						(b) to extended maturity
0-0 to 0-6 (12/1/74)	$25.41	$50.82	$76.23	$101.64		5.98	6.00
0-6 to 1-0 (6/1/75)	26.17	52.34	78.51	104.68	5.98	6.04	6.00
1-0 to 1-6 (12/1/75)	26.96	53.92	80.88	107.84	6.01	6.01	6.00
1-6 to 2-0 (6/1/76)	27.77	55.54	83.31	111.08	6.01	5.98	6.00
2-0 to 2-6 (12/1/76)	28.60	57.20	85.80	114.40	6.00	6.01	6.00
2-6 to 3-0 (6/1/77)	29.46	58.92	88.38	117.84	6.00	5.97	6.00
3-0 to 3-6 (12/1/77)	30.34	60.68	91.02	121.36	6.00	6.00	6.00
3-6 to 4-0 (6/1/78)	31.25	62.50	93.75	125.00	6.00	6.02	6.00
4-0 to 4-6 (12/1/78)	32.19	64.38	96.57	128.76	6.00	5.96	6.00
4-6 to 5-0 (6/1/79)	33.15	66.30	99.45	132.60	6.00	6.03	6.00
5-0 to 5-6 (12/1/79)	34.15	68.30	102.45	136.60	6.00	5.97	6.00
5-6 to 6-0 (6/1/80)	35.17	70.34	105.51	140.68	6.00	6.03	6.00
6-0 to 6-6 (12/1/80)	36.23	72.46	108.69	144.92	6.00	6.02	6.00
6-6 to 7-0 (6/1/81)	37.32	74.64	111.96	149.28	6.00	5.95	5.99
7-0 to 7-6 (12/1/81)	38.43	76.86	115.29	153.72	6.00	6.04	6.00
7-6 to 8-0 (6/1/82)	39.59	79.18	118.77	158.36	6.00	6.01	5.99
8-0 to 8-6 (12/1/82)	40.78	81.56	122.34	163.12	6.00	5.98	5.99
8-6 to 9-0 (6/1/83)	42.00	84.00	126.00	168.00	6.00	6.00	5.99
9-0 to 9-6 (12/1/83)	43.26	86.52	129.78	173.04	6.00	6.01	5.99
9-6 to 10-0 (6/1/84)	44.56	89.12	133.68	178.24	6.00	5.97	5.97
10-0 [3] (12/1/84)	45.89	91.78	137.67	183.56	[4] 6.00		

[1] Month, day, and year on which issues of June 1, 1970, enter each period.
[2] Maturity reached at 4 yrs. 6 mos. after issue.
[3] Extended maturity reached at 14 yrs. 6 mos. after issue.
[4] Yield on purchase price from issue date to extended maturity date is 5.72 percent.

[FR Doc.74-15656 Filed 7-10-74;8:45 am]

federal register

WEDNESDAY, JULY 17, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 138

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Notice of Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 6]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Notice of Proposed Rulemaking

The National Environmental Policy Act of 1969 (NEPA), implemented by Executive Order 11514 of March 5, 1970, and the Council on Environmental Quality's (CEQ's) Guidelines of August 1, 1973, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is build into the agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

On January 17, 1973, the Environmental Protection Agency (EPA) published a new Part 6 in interim form, establishing Agency (EPA) policy and procedures for the identification and analysis of the environmental impact of Agency (EPA) actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated.

As a result of public comment on the interim regulation and the new requirements in the Council on Environmental Quality's Guidelines of August 1, 1973, the Agency has revised its procedures and is now publishing them again for public review and comment. They are being published as proposed rulemaking because of the substantial changes that have been made in the regulation. A final regulation will be published after receipt and consideration of the comments.

The proposed regulation provides detailed procedures for applying NEPA to EPA's nonregulatory programs only. The new source permit program has not been included in this revision because the procedures for applying NEPA to this program have not yet been completed. Procedures for preparing impact statements on environmentally protective regulatory actions will be described in a notice of administrative procedure to be published in the FEDERAL REGISTER.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Office of Federal Activities, Environmental Protection Agency, Washington, D.C. 20460. Such submissions should be received by August 31, 1974, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in the Public Information Office, Room W329, Waterside Mall, Fourth and M Streets, SW., Washington, D.C.

Dated: July 3, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—General

Subpart B—Procedures

Subpart C—Content of Environmental Impact Statements

Subpart D—Public Participation

Subpart E—Guidelines for Compliance With NEPA in the Title II Wastewater Treatment Works Construction Grants Program

Subpart F—Guidelines for Compliance With NEPA in Research and Development Programs and Activities

Subpart G—Guidelines for Compliance With NEPA in Solid Waste Management Activities

Subpart H—Guidelines for Compliance With NEPA in Construction of Special Purpose Facilities and Facility Renovations

EXHIBITS

AUTHORITY: Secs. 102, 103, 83 Stat. 854.

Subpart A—General

§ 6.100 Purpose and policy.

(a) The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of August 1, 1973 (38 FR 20550), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

(b) This part establishes Environmental Protection Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated.

§ 6.102 Definitions.

(a) "Environmental assessment" is a written analysis submitted to the Agency by its grantees or contractors describing the environmental impacts of proposed actions undertaken with the financial support of the Agency. For plans, the assessment must be an integral part of the plan submitted to the Agency for review. In other cases, the assessment will be a separate document.

(b) "Environmental review" is a formal evaluation undertaken by the Agency to determine whether a proposed Agency action may have a significant impact on the environment. The assessment is one of the major sources of information used in this review.

(c) "Notice of intent" is a memorandum announcing to Federal, State, and local agencies, and to interested persons, that a draft environmental impact statement will be prepared and processed.

(d) "Environmental impact statement" is a report, prepared by the Agency, which identifies and analyzes in detail the environmental impacts of a proposed Agency action.

(e) "Negative declaration" is a written announcement, prepared subsequent to the environmental review, which states that the Agency has decided not to prepare an environmental impact statement.

(f) "Environmental impact appraisal" is an abbreviated document, based on an environmental review, which supports a negative declaration. It describes a proposed Agency action, its expected environmental impact, and the basis for the conclusion that no significant impact is anticipated.

(g) "Responsible official" will usually be either a Regional Administrator or a Deputy Assistant Administrator. He is responsible, for assuring that environmental impact statements and other associated documents are prepared. Responsible officials are identified for the various Agency program offices in the subparts following Subpart D.

(h) "Interested persons" are individuals, groups, organizations, corporations, or other nongovernmental units, including an applicant for an Agency contract or grant and conservation groups, who may be interested in, affected by, or technically competent to comment on the environmental impact of the proposed Agency action.

§ 6.104 Summary of procedures for implementing the NEPA.

(a) *Environmental assessment.* Environmental assessments must be submitted to the Agency by its grantees and contractors, as specified in the subparts following Subpart D of this part. The assessment is used by the Agency in deciding if an impact statement is required and in preparing a statement if it decides to prepare one.

(b) *Environmental review.* Environmental reviews shall be made of proposed and certain ongoing actions (as required in § 6.106(c)) of the Environmental Protection Agency. This process shall consist of a study of the program or project, including a review of any environmental assessment received, to identify and evaluate the expected and potential environmental impacts of the action. The purpose of this review is to determine whether any significant impacts are anticipated, whether any changes can be made in the project to eliminate or mitigate these impacts, and whether an environmental impact statement is required. The Agency has overall responsibility for this review, although its grantees and contractors will contribute to the review through environmental assessments they have submitted. (Types of grants, contracts, and other actions requiring such assessments are specified in the subparts following Subpart D.)

(c) *Notice of intent and impact statements.* When an environmental review indicates that a significant environmental impact may occur and the impact cannot be eliminated by making appropriate changes in the project, a notice of intent shall be published, and a draft environmental impact statement shall be prepared and distributed. After external coordination and evaluation of the comments received, a final environmental impact statement shall be prepared and distributed.

(d) *Negative declaration and environmental impact appraisal.* When the environmental review does not indicate any significant impacts, or when the project is changed to eliminate the significant impacts, a negative declaration to this effect shall be issued. For the cases specified in the subparts following Subpart D of this part, an environmental impact appraisal shall be prepared, which summarizes the impacts, alternatives, and the reasons an impact statement was not prepared. It shall remain on file and shall be available for public inspection.

(e) The general procedures for complying with NEPA are shown graphically in Exhibit 1.

§ 6.106 Applicability.

(a) Administrative actions covered. This part applies to the administrative actions listed below. The subpart referenced with each action specifies the detailed NEPA procedures associated with the action.

(1) Development of Agency legislative proposals (see paragraph (d) of this section);

(2) Development of favorable reports on legislation (see paragraph (d) of this section) initiated elsewhere and not accompanied by an impact statement, provided it relates to or affects matters within EPA's primary areas of responsibility;

(3) For the construction grants program under Title II of the FWPCA Amendments of 1972, those administrative actions specified in § 6.504;

(4) For the Office of Research and Development, those administrative actions specified in § 6.604;

(5) For other programs, the award of a grant or contract (see Subparts G and H) except for those cases listed in paragraph (b) of this section;

(6) For other programs, actual physical commencement of a project or activity undertaken with inhouse funds (intramural project). See Subparts G and H.

(b) The requirements of this part do not apply to environmentally protective regulatory activities undertaken by the Agency.

(c) Application to ongoing actions. This regulation shall apply to uncompleted and continuing Agency actions initiated prior to the promulgation of these procedures when substantial funds have not been released and modifications of or alternatives to the Agency action are still available. An environmental impact statement shall be prepared for each project found to have significant environmental consequences, as determined in accordance with § 6.200.

(d) Application to legislative proposals. (1) As noted in paragraphs (a) (1) and (2) of this section, environmental impact statements shall be prepared for legislative proposals or favorable reports relating to legislation. Because of the nature of the legislative process, impact statements for legislation must be prepared and reviewed in accordance with the procedures followed in the development and review of the legislative matter. These procedures are described in Office of Management and Budget Circular No. A–19.

(2) A working draft impact statement shall be prepared by the Agency office responsible for preparing the legislative proposal or report on legislation. It shall be prepared concurrently with the development of the legislative proposal or report and shall contain, where appropriate, the information required in § 6.304. The statement shall be circulated for internal Agency review with the legislative proposal or report and other supporting documentation. The working draft statement shall be modified in accordance with changes made in the proposal or report during the internal review. All major alternatives developed during the formulation and review of the proposal or report should be retained in the working draft statement.

(i) The working draft impact statement shall accompany the legislative proposal or report to OMB. The Agency shall revise the working draft statement, as necessary, to respond to comments made by OMB and Federal agencies.

(ii) Upon transmittal of the legislative proposal or report to Congress, the working draft impact statement will be forwarded to CEQ and the Congress as a formal legislative impact statement. Copies will be distributed in accordance with § 6.208(b)(2)(i), (ii), (iv)(d), and (iv)(e). At the same time copies are sent to the Council on Environmental Quality, two (2) copies shall be sent to the Office of Federal Activities and the originating office.

(iii) Comments received on the legislative impact statement by the Agency shall be forwarded to the appropriate Congressional Committees. If appropriate, the Agency may wish to respond to specific comments and forward those with the comments. Because legislation undergoes continuous changes in Congress, no final impact statement need be prepared by the Agency.

§ 6.108 Completion of NEPA procedures before commencement of administrative action.

(a) When an impact statement will be prepared. Except when requested by the responsible official in writing and approved by the Council on Environmental Quality, no administrative action shall be taken sooner than ninety (90) calendar days after a draft statement has been distributed or sooner than thirty (30) calendar days after the final statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. In addition, the proposed action should be modified to conform with any changes the Agency deems necessary.

(b) When an impact statement will not be prepared. If the Agency decides not to prepare a statement on any action on which a negative declaration with environmental appraisal is required (as specified in the subparts following Subpart D), no administrative action shall be taken sooner than fifteen (15) days after issuance of the negative declaration.

§ 6.110 General responsibilities.

(a) *Responsible official.* (1) Requires contractors and grantees to submit environmental assessments and related documents needed to comply with NEPA, and assures environmental reviews are conducted on proposed Agency projects at the earliest practicable point in the Agency's project formulation process.

(2) When required, assures that draft statements are prepared and distributed at the earliest practicable point in the Agency's project formulation process, their internal and external review is coordinated, and final statements are prepared and distributed.

(3) When an impact statement is not prepared, assures that negative declarations and environmental appraisals are prepared and distributed for those actions requiring them.

(4) Consults with the Office of Federal Activities on actions involving unresolved conflicts with other Federal agencies.

(b) *Office of Federal Activities.* (1) Provides Agency wide policy guidance and assures that Agency components establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of the Agency effort to comply with this part.

(3) Provides assistance to responsible officials as required.

(4) Coordinates the training of personnel involved in the review and preparation of environmental impact statements and other associated documents.

(5) Acts as Agency liaison with the Council on Environmental Quality and other Federal and State entities on matters of Agency policy and administrative mechanisms to facilitate external review of Agency environmental impact statements, to determine lead Agency, and to improve the uniformity of the NEPA procedures of Federal agencies.

(6) Advises the Administrator and Deputy Administrator on projects which involve more than one Agency component, are highly controversial, are nationally significant, or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

(c) *Office of Public Affairs.* (1) Assists the Office of Federal Activities and responsible officials by answering the public's queries on the impact statement process and on specific impact statements, and by directing requests for copies of specific documents to the appropriate regional office or program.

(2) Analyzes the present procedures for public participation, and develops and recommends to the Office of Federal Activities a program to improve those procedures and increase public participation.

(d) *Regional Office Division of Public Affairs.* (1) Assists the responsible official or his designee on matters pertaining to negative declarations, notices of intent, press releases, and other public notification procedures.

(2) Assists the responsible official or his designee by answering the public's queries on the impact statement process and on specific impact statements, and by filling requests for copies of specific documents.

(e) *Office of the Assistant Administrators and Regional Administrators.* (1) Provides specific policy guidance to their respective offices and assures that those offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitor the overall timeliness and quality of their respective component's efforts to comply with this part.

(3) Act as liaison between their components and the Office of Federal Activities and between their components and other Assistant Administrators or Regional Administrators on matters of agencywide policy and procedures.

(4) Advise the Administrator and Deputy Administrator through the Office of Federal Activities, on projects or activities within their respective areas of responsibilities which involve more than one Agency component, are highly controversial, are nationally significant or "pioneer" Agency policy, when these projects have had or should have an environmental impact statement prepared on them.

(f) *The Office of Legislation.* The Office of Legislation provides the necessary liaison with Congress and coordinates the preparation of impact statements required on reports on legislation originating outside the Agency (see § 6.106(d)).

(g) *The Office of Planning and Evaluation.* The Office of Planning and Evaluation coordinates the preparation of impact statements required on Agency legislative proposals (see § 6.106(d)).

Subpart B—Procedures

§ 6.200 Guidelines for determining when to prepare an impact statement.

The following general guidelines shall be used when reviewing an Agency action to determine if it will have a significant impact on the environment and therefore require an impact statement:

(a) *Significant environmental effects.* (1) Actions having both beneficial and detrimental effects may be classified as having significant effects on the environment even if, on balance, the Agency believes that the net effect will be beneficial. Impact statements should be prepared first on those proposed actions with the most adverse effects, and in accordance with the Agency's schedule to implement the action.

(2) Significant effects should include both primary and secondary consequences of short term and long term duration. Secondary consequences result from activities encouraged or induced by the Agency action. Long term effects should be given particular attention in the determination of significant effects.

(3) The total expected environmental impact of precedent-setting actions and individually small but cumulatively large actions shall be identified and considered fully. If the Agency is taking a number of minor, environmentally insignificant actions that are similar in execution and purpose, especially when they are taken during a limited time span and in the same general geographic area, the cumulative environmental impact of all of these actions may be significant.

(4) In making a determination of significant impact, the unique characteristics of the area should be carefully considered. For example, proximity to wetlands may make the impact significant.

(b) *Controversial actions.* An environmental impact statement shall be prepared and processed when the environmental impact of an Agency action is likely to be highly controversial.

(c) *Historic sites.* An environmental statement shall be prepared and processed when the Agency action will adversely affect a property listed in or eligible for listing in the National Register of Historic Places, and a joint memorandum of agreement has not been agreed to by the appropriate parties acknowledging removal of mitigation of the adverse impact. See § 6.214(a) for the detailed procedures.

§ 6.202 Environmental assessment.

Environmental assessments must be submitted to the Agency by its grantees and contractors, as specified in the subparts following Subpart D of this part. The purpose of the assessment is to ensure that the applicant builds into his project formulation process at the earliest possible point, an appropriate and careful consideration of the environmental impacts of the proposed action. The assessment, along with other relevant information, is used by the Agency in deciding if an impact statement is required and in preparing a statement if one is prepared. While the Agency must be responsible for the impact statements it prepares, it expects grantees and contractors to ensure that the assessments and any other data they submit to the Agency are accurate. The responsible official may request additional data and analyses at any time if he determines that it is needed to adequately comply with NEPA.

§ 6.204 Environmental review.

(a) Proposed and certain ongoing Agency actions as specified in § 6.106(c) shall be subjected to an environmental review. This review shall be a continuing one and should commence at the earliest possible point in the development of the project. It shall consist of a study of the proposed program or project, including a review of any environmental assessments received, to identify and evaluate the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action, whether any changes can be made in the project to eliminate or mitigate these impacts, and whether an environmental impact statement is required.

(b) The responsible official shall determine the proper scope of the environmental review. If a plan covering proposed actions is available, it should be reviewed before making this determination (see § 6.208(a)(2)).

§ 6.206 Notice of intent.

(a) *General.* (1) When an environmental review indicates a significant impact may occur and that impact cannot be eliminated by making appropriate changes in the project, a notice of intent, announcing the preparation of a draft impact statement, shall be issued by the responsible official. The notice shall briefly describe the Agency action, its location and the issues involved (see Exhibit 2).

(2) The purpose of a notice of intent is to involve other Government agencies and interested persons as early as possible in the planning and evaluation of Agency actions which embody significant environmental impacts. This device should facilitate coordination during the preparation of a draft impact statement and assure that environmental values will be identified and weighed from the outset, rather that accommodated by adjustments at the end of the decision-making process.

(3) If the project involves a grant applicant or potential contractor, he must submit any data which the Agency requests for preparation of the statement.

(b) *Specific actions.* The specific actions that should be taken with respect to notices of intent are as follows:

(1) When the review process indicates there will be a significant impact, prepare a notice of intent immediately after the review.

(2) Forward copies of the notice of intent to:

(i) The appropriate State and local agencies and to the appropriate State, regional, and metropolitan clearinghouses.

(ii) Potentially interested persons.

(iii) The Office of Federal Activities and the Office of Public Affairs.

(iv) The Headquarters impact statement coordinator for the program office originating the statement. When the originating office is a regional office and the action is related to water quality management, the copies should be forwarded to the Oil and Special Materials Control Division, Office of Water Program Operations.

(v) The Office of Legislation so they will be able to answer any queries from Congress on the matter.

(3) Submit to a local newspaper, which has adequate circulation to cover the area that will be affected by the project, a brief news release (see Exhibit 3) informing the public that an impact statement will be prepared on a particular project. News releases may be submitted to other media as appropriate.

(c) *Regional office assistance to program offices.* Regional offices will provide assistance to program offices in taking these specific actions when the statement originates in a program office.

§ 6.208 Draft impact statements.

(a) *General.* (1) The responsible official shall assure that a draft environmental impact statement is prepared as soon as practicable after the release of the notice of intent. Prior to release to the Council on Environmental Quality (CEQ), a preliminary version of the draft statement may be circulated for review to other offices within the Agency with collateral interest in or technical expertise related to the action. Thereafter, the draft statement shall be sent to CEQ and circulated to Federal, State, and local agencies with special expertise or jurisdiction by law, and to interested persons. If the responsible official determines that a public hearing on the project is warranted, the hearing will be held after preparation of the draft statement and in accordance with the requirements of § 6.402.

(2) Draft impact statements should be prepared at the earliest practicable point in the project development. Where a plan or program has been developed by the Agency or submitted to the Agency for approval, the relationship between the plan and the subsequent projects encompassed by it shall be evaluated to determine the preferable and most meaningful point in time for preparing an impact statement. Where practicable, an environmental impact statement will be drafted for the total program at the overall planning stage. Subsequently, component projects included in the plan will not require individual statements unless they deviate substantially from prior plans, or unless the plans do not provide sufficient detail to fully assess significant impacts of individual projects. Plans shall be reevaluated by the responsible official to monitor the cumulative impact of the component projects and to preclude the plans' obsolescence.

(b) *Specific actions.* The specific actions that should be taken with respect to draft impact statements are as follows:

(1) Before transmitting the draft statement to the Council on Environmental Quality, the responsible official shall:

(i) Notify by phone the Office of Federal Activities and the headquarters impact statement coordinator for the program office originating the statement that a draft impact statement has been prepared. When the originating office is a regional office and the project is related to water quality management, the Regional Administrator will notify by phone the Office of Federal Activities and the Oil and Special Materials Control Division, Office of Water Program Operations, that the draft impact statement has been prepared.

(ii) Send two (2) copies of the draft statement to each of the appropriate offices in paragraph (b)(1)(i) of this section.

(2) If neither of the above offices requests any changes within a ten (10) working day period after notification the responsible official shall:

(i) Send five (5) copies of the draft environmental impact statement to the Council on Environmental Quality.

(ii) Inform the Office of Public Affairs of the transmittal to the Council on Environmental Quality and the plans for local press release.

(iii) Notify the Office of Legislation of the transmittal so they will be able to answer any queries from Congress on the matter.

(iv) Provide copies of the draft statement to:

(*a*) The Office of Legislation if they request copies.

(*b*) The Office of Public Affairs. Provide two (2) copies.

(*c*) The appropriate offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved. The Council on Environmental Quality's Guidelines (40 CFR 1500.9 and Appendixes II–III thereof) specify those agencies to which draft statements will be sent for official review and comment. Two (2) copies of the impact statement should be provided each agency unless they have made a specific request for more copies. The agencies are expected to reply directly to the originating EPA office. Commenting agencies shall have at least forty-five (45) calendar days to reply (the reply period shall commence from the date of publication in the FEDERAL REGISTER of lists of statements received by the Council on Environmental Quality); thereafter, it shall be presumed that, unless a time extension has been requested, the agency has no comment to make. EPA may grant extensions where practical of fifteen (15) or more calendar days.

(*d*) The appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses. The time limits for review and extensions shall be the same as those available to Federal agencies.

(*e*) Interested persons. The time limits for review and extensions shall be the same as those available to Federal agencies.

(v) Submit to the local newspapers and other appropriate media a news release (see Exhibit 3 of this part) that the draft statement is available for comment and where copies may be obtained.

(vi) Send two (2) copies of the summary sheet (see § 6.302) to the Office of Management and Budget, Organization and Management Systems Division.

(c) *Regional office assistance to program office.* If requested, regional offices will provide assistance to program offices in taking these specific actions when the impact statement originates in a program office.

§ 6.210 Final impact statements.

(a) Final statements shall respond to all substantive comments raised through the review of the draft impact statement. Special care should be taken to respond fully to comments that are at variance with the Agency's position (see also 6.304(g)).

(b) Distribution and other specific actions will be as specified for draft statements in § 6.208 (b) and (c). In the case of Federal and State agencies and

interested persons, only those who made substantive comments on the draft statement or request a copy of the final statement shall be sent a copy. If there is an applicant, he shall be sent a copy. Where the number of comments on the draft statement is such that distribution of the final statement to all commenting entities appears impracticable, the program or regional office preparing the statement shall consult with the OFA, who will discuss with the Council on Environmental Quality alternative arrangements for distribution of the statement.

§ 6.212 Negative declaration and environmental impact appraisals.

(a) *General.* When an environmental review indicates no significant impact, a negative declaration shall be prepared prior to taking action (see Exhibit 4). The negative declaration and news release must contain a statement that persons disagreeing with the decision may submit comments for consideration by the Agency. In most cases the Agency should not take an administrative action on the project for at least fifteen (15) days after release of the negative declaration. An environmental impact appraisal supporting the negative declaration shall be prepared at the same time for those cases specified in the subparts following Subpart D of this part, as determined by the responsible official. The appraisal (see Exhibit 5) describes the proposed activity and its effects, and documents the reasons for concluding that there will be no significant impact. This appraisal shall remain with internal records for the activity or action, and shall be available for public inspection.

(b) *Specific actions.* The following specific actions should be taken on those projects on which both a negative declaration and appraisal were prepared. Circulation of a negative declaration on a project for which no appraisal is required is unnecessary.

(1) *Negative declaration.* (i) When the review process indicated that there will not be a significant impact, or when the project is changed to eliminate the significant impacts, prepare a negative declaration immediately after the review.

(ii) The negative declaration shall be distributed in the same fashion as the notice of intent, except that copies shall be sent only when practicable to interested persons.

(iii) If it is not practicable to send copies to all interested persons, attempt to make the negative declaration available through local libraries or post offices. In addition, when practicable submit to local newspapers and other appropriate media a brief news release (see Exhibit 3) informing the public that an impact statement will not be prepared on a particular project.

(2) *Environmental impact appraisal.* (i) Have the appraisal available when the negative declaration is distributed.

(ii) Forward a copy to the Headquarters impact statement coordinator for the program office originating the statement. (Not applicable to regional offices.)

(iii) Have copies on file in the originating office for public inspection upon request.

§ 6.214 Additional procedures.

(a) *Historic sites.* The Agency is subject to the requirements of section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq. The following procedures shall be applied to all administrative actions described in § 6.106(a):

(1) If an Agency action may affect a property listed in or eligible for listing in the National Register of Historic Places (published in the FEDERAL REGISTER each year in February with supplements on the first Tuesday of each month), the responsible official, during the environmental review, will consult with the State Historic Preservation Officer to determine if the effect will be adverse. If the effect will be adverse, the responsible official shall consult with the Executive Director of the Advisory Council as well as the State Officer, and attempt to develop alternatives to remove the adverse impact so a joint memorandum of agreement can be issued acknowledging removal of the impact. If a joint memorandum cannot be agreed to, the responsible official shall prepare an impact statement as required by § 6.200(c) that includes a complete discussion of the impacts of the action on the property in question. Copies of the draft and final statement should be sent to the above officials for their comment in accordance with the procedures of the Advisory Council on Historic Preservation. See also § 6.512(c)(2) of this part for additional procedures for the construction grant program under Title II of the FWPCA Amendments of 1972.

(b) *Wetlands.* The following procedure shall be applied to all Agency administrative actions covered by this part that may impact wetlands:

(1) If an action may affect wetlands, the responsible official shall consult, during the environmental review of the action, with the appropriate offices of both the Department of the Interior and Department of Commerce to aid in the determination of the probable impact of the action on the pertinent fish and wildlife resources of the wetlands. Requests for consultation and the results of such consultation shall be documented in writing. The agencies should be given thirty (30) days to comment as measured from the date of the written request. In all cases where consultation has occurred, the agencies consulted should receive copies of either the notice of intent and impact statement or negative declaration and appraisal prepared on the action.

(2) If an impact statement is to be prepared on a project and wetlands may be affected, the required consultation may be deferred until the preparation of the draft statement.

(c) *Fish and wildlife.* The Agency is subject to the requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq. The following procedures shall be applied to all administrative actions covered by this part:

(1) Whenever an Agency action will result in the control or modification of any stream or other body of water, for any purpose whatever, including navigation and drainage, the Agency shall consult with the United States Fish and Wildlife Service, Department of the Interior, and the head of the agency exercising administration over the wildlife resources of the particular State in which the action will take place with a view to the conservation of wildlife resources. Such consultation shall take place during the environmental review of an action. Requests for consultation and the results of such consultation shall be documented in writing. The agencies should be given thirty (30) days to comment as measured from the date of the written request. The Agency should employ the results of such consultation in determining if an impact statement is needed. In all cases where consultation has occurred, the agencies consulted should receive copies of either the notice of intent and impact statement or negative declaration and appraisal prepared on the action.

(2) If an impact statement is to be prepared on a project which may result in the control or modification of a stream or body of water, the required consultation may be deferred until the preparation of the draft statement.

Subpart C—Content of Environmental Impact Statements

§ 6.300 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project name, the responsible Agency office, the date, and the signature of the responsible official. The format is shown in Exhibit 6.

§ 6.302 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix I of the August 1, 1973, Council on Environmental Quality's Guidelines. The format is shown in Exhibit 7.

§ 6.304 Body of statement.

The body of the impact statement shall identify, develop, and analyze the pertinent issues included in the seven sections below. Each section need not be a separate chapter in the statement. Impact statements shall not be justification documents for proposed Agency funding or actions. Rather, they shall be objective evaluations of actions and their alternatives in light of all environmental considerations. Environmental impact statements shall be prepared using a systematic, interdisciplinary approach. Statements shall incorporate all relevant analytical disciplines and shall provide meaningful and factual data, information, and analyses. The presentation should be simple and concise, yet include all facts necessary to permit independent

evaluation and appraisal of the beneficial and adverse environmental effects of alternative actions. The amount of detail provided should be commensurate with the extent and expected impact of the actions, and the amount of information required at the particular level of decision making. To the extent possible, statements shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of an Agency action.

(a) *Background and description of the proposed action.* Describe the recommended or proposed action, its purpose, where it is located and its time setting. To prevent piecemeal decision making, the project shall be described in as broad a context as necessary. The relationship to other projects and proposals directly affected by or stemming from the proposed project shall be discussed, including not only other Agency activities, but also those of other Governmental and private organizations. Development and population trends in the project area and the assumptions on which they are based shall also be included. Maps, photos, and artist sketches should be incorporated if available when they help depict the environmental setting. If not enclosed, supporting documents should be referenced.

(b) *Alternatives to the proposed action.* Develop, describe, and objectively weigh alternatives to any proposed action. The analysis should be sufficiently detailed to reveal the Agency's comparative evaluation of the environmental effects, costs, and risks of the proposed action and each reasonable alternative. The analysis of alternatives should include the alternative of taking no action or of postponing action, as well as alternatives having different environmental impacts. On projects involving construction, alternative sites must be considered. This analysis shall evaluate alternatives in such a manner that reviewers independently can judge their relative desirability. If a cost-benefit analysis is prepared, it should be appended to the statement. In addition, the reasons why the proposed action is believed by the Agency to be the best course of action shall be explained.

(c) *Environmental impact of the proposed action.* (1) Describe the primary and secondary environmental impacts, both beneficial and adverse, anticipated from the action. The scope of the description shall include both short- and long-term impacts. Attention should be given to discussing those factors most directly impacted by the proposed action.

(2) Primary impacts are those that can be attributed directly to the action or project. For example, if the action is a field experiment, materials introduced into the environment may damage certain flora or fauna. If the action involves construction of a facility, construction activities may damage certain aspects of the environment. In addition, operation of the facility may have continuing environmental effects, both beneficial and adverse.

(3) Secondary impacts are indirect or induced impacts. If the action involves construction of a facility, such as a wastewater treatment system or an office building or laboratory, it may stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Particular attention should be paid to changes in population patterns or growth. When such changes are significant, their effect on the resource base, including land use, water quality and quantity, air quality, and public services, should be determined. A discussion of how these impacts conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls for the area should be included. If a conflict exists, the Agency should give the reasons why it has decided to proceed notwithstanding the absence of full reconciliation.

(4) The following sections discuss in more detail some of the items that shall be considered in describing the impact of the proposed action.

(d) *Adverse impacts which cannot be avoided should the proposal be implemented.* Describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced to an acceptable level but not eliminated. These may include water or air pollution, undesirable land use patterns, damage to ecological systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the National Environmental Policy Act. Remedial, protective, and mitigative measures which will be taken as part of the proposed action shall be identified. These measures to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspect of the proposed action shall include those of the Agency and others; e.g., its contractors and grantees.

(e) *Relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity.* Describe the extent to which the proposed action involves tradeoffs between short term environmental gains at the expense of long term losses or vice-versa and the extent to which the proposed action forecloses future options. Special attention shall be given to effects which narrow the range of beneficial uses of the environment or pose long term risks to health or safety. Those who may reap windfall gains or suffer significant decrease in current property value from the prepared project shall be identified. In addition, the reason the proposed action is believed by the Agency to be justified now, rather than reserving a long term option for other alternatives, including no use, shall be explained.

(f) *Irreversible and irretrievable comments of resources which would be involved in the proposed action should it be implemented.* Describe the extent to which the proposed action curtails the diversity and range of beneficial uses of the environment. For example, a decision to dispose of the treated effluent from a wastewater treatment system rather than reclaim it will result in the irretrievable loss of that water, including nutrient constituents. Secondary impacts, such as induced growth in undeveloped areas, may make alternative uses of that land impossible. Also, irreversible damage can result from environmental accidents associated with the action. Any irretrievable and significant commitments of resources shall be evaluated to assure that such current consumption is justified.

(g) *A discussion of problems and objections raised by other Federal, State, and local agencies and by interested persons in this review process.* Final statements (and draft statements if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues surfaced (e.g., revisions to the proposed action to mitigate anticipated impacts or objections). In particular, they shall address the major issues raised when the Agency position is at variance with recommendations and objections (e.g., reasons why specific comments and suggestions could not be adopted, and factors of overriding importance prohibiting the incorporation of suggestions). Reviewer's statements should be set forth in a "comment" and discussed in a "response." In addition, the source of all comments should be clearly identified and copies of the comments (or summaries where a response has been exceptionally voluminous) should be attached to the final statement.

Subpart D—Public Participation

§ 6.400 General.

Public participation is an integral part of the Agency planning process. It consists of continuous, two-way communication keeping the public fully informed about the status and progress of studies and findings, and actively soliciting comments from all concerned and affected groups and individuals.

§ 6.402 Public hearings.

(a) Public hearings on draft impact statements shall be held when the responsible official determines that a public hearing would facilitate the resolution of conflict or significant public controversy.

(b) When public hearings are to be held, the Agency must notify the public of the hearing in the draft statement or immediately after distribution of the draft statement. If a notice is included in the statement, it must follow the summary sheet at the beginning of the statement. This public notification must include at least fifteen (15) days prior to the date of such hearing:

(1) Notification to the public by adequate advertisement identifying the project, announcing the date, time, and place of such hearing, and announcing the availability of detailed information on

the proposed project for public inspection at one or more locations in the area in which the project will be located. "Detailed information" shall include a copy of the project application and the draft environmental impact statement.

(2) Notification to the appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses.

(3) Notification to interested persons.

(c) A written record of the hearing shall be made. As a minimum, the record shall contain a list of witnesses together with the text of each presentation. Generally, a stenographer should be used. A summary of the record, including the issues raised, conflicts resolved and unresolved, and any other significant portions of the record, shall be appended to the final impact statement.

(d) When a public hearing has been held by another Federal, State, or local agency on an Agency action, additional hearings need not necessarily ensure. The responsible official shall decide if additional hearings are required.

(e) When a program office is the originating office, the appropriate regional office will provide assistance to the originating office in holding any public hearing if assistance is requested.

§ 6.404 Comments on the draft and final statements.

(a) Draft impact statements and negative declarations shall be made available to the public to assure the fullest practical provision of timely public information and understanding of Federal plans and programs. In addition, public hearings, notices of intent, and press releases will be employed by the Agency to ensure adequate public involvement.

(b) Final environmental impact statements shall be furnished to all interested persons who submitted written comments on the draft impact statement. This is to enable public organizations to comment on the final statement to the Agency or the Council on Environmental Quality, if they so desire, within the thirty (30) calendar day period prior to Agency administrative action on the proposal.

§ 6.406 Availability of documents.

(a) Draft and final environmental impact statements, negative declarations, and environmental impact appraisals shall be made available for public review at the following locations:

(1) The originating office.

(2) The Office of Public Affairs for draft and final impact statements only.

(b) The Agency will endeavor to print sufficient copies of draft and final environmental impact statements to meet anticipated demand. A nominal fee may be charged for copies requested by the public.

(c) Lists of impact statements prepared or under preparation and lists of negative declarations prepared will be available at both the regional and headquarters Offices of Public Affairs.

Subpart E—Guidelines for Compliance With NEPA in the Title II Wastewater Treatment Works Construction Grants Program

§ 6.500 Purpose.

This subpart amplifies the general EPA polices and procedures described in Subpart A through D by providing detailed procedures for compliance with NEPA in the wastewater treatment works construction grant program.

§ 6.502 Definitions.

(a) "Responsible official." The responsible official for Agency actions covered by this subpart is the Regional Administrator.

(b) "NEPA-associated documents." Notices of intent, negative declarations, environmental appraisals, news releases, impact statements, and assessments.

(c) "Section 208 plan." An areawide waste treatment management plan prepared pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA). A section 208 plan normally includes most of the material required in a facilities plan (see paragraph (d) of this section) as well as material on land use planning and controls, control of non-point sources, and a comprehensive regulatory process adopted by the jurisdictions in the planning area. Section 208 plans will generally be developed in metropolitan areas with critical water quality conditions.

(d) "Facilities plan." A preliminary plan other than a section 208 plan, prepared as the basis for construction of publicly owned waste treatment works pursuant to Title II of the FWPCA. The purpose of a facilities plan is to determine the cost effectiveness of alternative waste treatment works, provide for a defined planning area, and present the preliminary design for the selected treatment works.

(e) "Step 1 grant." A grant for preparation of a facilities plan.

(f) "Step 2 grant." A grant for preparation of construction drawings and specifications. An approved facilities plan is required before a step 2 grant can be awarded.

(g) "Step 3 grant." A grant for fabrication and building of a treatment works. Both an approved facilities plan and construction drawings and specifications are required before a step 3 grant can be awarded.

(h) "Step 2 and 3 grant." A combination of design (step 2) and construction (step 3) grants. Requirements are the same as those for step 2 and step 3 grants.

(i) "Step 2/3 grants." A combination of design (step 2) and construction (step 3) grants, except that proposed performance specifications and other relevant design/construct criteria for the project must be submitted in lieu of construction drawings and specifications. A single firm would do both design and construction for a step 2/3 grant.

§ 6.504 Applicability.

(a) *Administrative actions covered.* This subpart applies to the administrative actions listed below:

(1) Approval of all § 208 plans;

(2) Approval of all facilities plans except as provided in paragraph (a)(5) of this section;

(3) Award of a step 2, 3, 2 and 3, and 2/3 grant, if an approved facilities plan was not required (during the transition from the present planning requirements to the new ones [see § 6.512(f)]); however, when a step 2 grant is to be awarded, the NEPA procedures must be completed prior to the award of the step 2 grant except as provided in paragraph (a)(5) of this section, and once the NEPA procedures have been completed at step 2 they need not be applied again at step 3 except as specified in paragraph (a)(4) of this section;

(4) Award of a step 2, 3, 2 and 3, and 2/3 grant when either the project or its impact has changed significantly from that specified in the approved facilities plan, except as provided in paragraph (a)(5) of this section;

(5) A facilities plan may be approved and a step 2 grant awarded prior to completion of an impact statement when the Regional Administrator determines that excessive costs would be incurred if award of a step 2 grant were delayed pending completion of the impact statement, provided the Regional Administrator also determines that there is no substantial risk that preparation of plans and specifications under step 2 will foreclose options that must be considered in the impact statement. The Regional Administrator shall document each such decision in writing.

(b) *Administrative actions excluded.* The Agency actions lisited below are not subject to the requirements of this part.

(1) Approval of State priority lists;

(2) Award of a step 1 grant;

(3) Award of a section 208 planning grant;

(4) Approval of engineering plans and specifications;

(5) Issuance of an invitation for bid;

(6) Actual physical commencement of building or fabrication;

(7) Award of a section 206 grant for reimbursement;

(8) Award of grant increases *provided, however,* That § 6.504(a)(4) does not apply;

(9) Program grant awards to State and interstate agencies;

(10) Training grants and contracts.

(c) *Retroactive application.* (1) This subpart shall be applied to ongoing wastewater treatment works for which grant awards were made prior to the promulgation of these guidelines when substantial funds have not been released and modifications or alternatives to the project are still available. The Regional Administrator shall ensure that an environmental impact statement shall be prepared for each such works found to have a significant impact in accordance

with § 6.510. The grantee must be promptly notified in writing of the decision to prepare an impact statement.

(2) On such works, either all or a portion of the project work may be stopped by the Regional Administrator pending completion of the statement, if he determines that a work stoppage is warranted, to reduce the risk of incurring substantial additional costs for work which the impact statement may indicate will have to be abandoned or substantially changed. The Regional Administrator may request a written statement from the grantee to assist him in making this decision. The statement should include: A list of what work should and should not continue; a discussion of potential changes the impact statement might recommend in the work discussed in the above list; and the reasons why the work in question should or should not continue. Upon a determination of partial or complete work stoppage by the Regional Administrator, the appropriate grant action would be the issuance of a stop-work order to suspend work or a bilateral agreement to suspend project work, effected through a grant amendment, or in some cases, the issuance of a termination notice.

§ 6.506 Completion of NEPA procedures before commencement of administrative actions.

No administrative action can be taken until an impact statement or negative declaration with appraisal has been prepared in accordance with § 6.108.

§ 6.508 Responsibilities.

(a) *Responsible official.* The responsible official for Agency actions covered by this subpart is the Regional Administrator. The responsibilities of the Regional Administrator in addition to those in § 6.110(a) are to:

(1) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of NEPA-associated documents.

(2) Require of grant applicants and those who have submitted plans for approval, the information the regional office requires to comply with these guidelines.

(3) Consult with the Office of Federal Activities concerning works or plans which significantly affect more than one regional office, are highly controversial, are of national significant or "pioneer" Agency policy when these works have had or should have had an environmental impact statement prepared on them.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator, as described in § 6.110(e), shall be assumed by the Assistant Administrator for Water and Hazardous Materials for Agency actions covered by this subpart.

(c) *Oil and Hazardous Materials Division, Office of Water Program Operations.* Coordinates all activities and responsibilities of the Office of Water Program Operations concerned with preparation and review of environmental impact statements. This includes providing technical assistance to the Regional Administrators on impact statements and assisting the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of NEPA-associated documents.

(d) *Public Affairs Division, Regional Offices.* The responsibilities of the regions' Public Affairs Divisions in addition to those in § 6.110(d) are to:

(1) Assist the Regional Administrator in the preparation and dissemination of NEPA-associated documents.

(2) Collaborate with the Headquarters Office of Public Affairs to analyze procedures in the regions for public participation and to develop and recommend to the Office of Federal Activities a program to improve those procedures.

§ 6.510 Criteria for preparation of environmental impact statements.

The Regional Administrator shall assure that an impact statement will be prepared on a treatment works facilities plan, 208 plan or other appropriate water quality management plan when any of the criteria in § 6.200 apply or when:

(a) The treatment works or plan will induce or encourage significant changes in industrial, commercial, or residential concentrations or distributions, the effects of which have not been adequately reflected in a previous impact statement on either the facility, the section 208 plan, or other water quality management plans encompassing the works. Factors that must be considered in determining if induced changes are significant include but are not limited to: the land area subject to increased development as a result of the treatment works; the increases in absolute population which may be induced; the increase in the rate of change of population; changes in density; the potential for overloading sewage facilities; the extent to which landowners may benefit from the areas subject to increased development; and the nature of land use regulations in the affected area and their potential effects on the development.

(b) Any major part of the treatment system will be located on wetlands or parklands, or in some other way will significantly affect wetlands or parklands.

(c) The proposed treatment plant site, effluent disposal site, or sludge disposal site is located on or adjacent to a habitat of species listed on the Department of Interior's list of endangered species.

(d) The works or plan will result in a significant displacement of population.

(e) The works or plan will have significant adverse impacts on areas of recognized scenic, recreational, or archeological value.

(f) The works will affect properties listed in or eligible for listing in the National Register of Historical Places, only when a memorandum of agreement showing removal of adverse effects cannot be agreed to by the Agency, the State Historic Preservation Officer, and the Executive Director of the Advisory Council on Historic Preservation.

(g) The works or plan will significantly deface an existing residential area.

(h) The works or plan may directly or through induced development have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality, fish, wildlife, their natural habitats, or other natural elements.

(i) The works or plan may significantly and adversely affect the quality or quantity of either surface or groundwater in a basin.

(j) The treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present uses, and the effluent will not be of sufficient quality to meet the requirements of such uses.

(k) The environmental impact of the works or plan is highly controversial based on environmental issues raised by a concerned party or parties.

§ 6.512 Procedures for implementing the NEPA.

(a) *Environmental assessment.* An adequate environmental assessment must be an integral part of any facilities or section 208 plan submitted to the Agency. The analyses that constitute an adequate environmental assessment shall include:

(1) *Description of the environment without the project.* This shall include for the delineated planning area a description of the present environmental conditions when they are relevant to the analysis of alternatives or determinations of the environmental impacts of the proposed action. In addition, the future environmental conditions, assuming no project, shall be described. The description shall include but not be limited to a discussion of water quality, water supply and needs, air quality, land use trends, population projections, wetlands and other environmentally sensitive areas, historic sites, other related projects in the area, and where relevant a description of plant and animal communities that may be affected, especially rare and endangered species.

(2) *Analysis of alternatives.* This shall include a comparative analysis of options and a systematic development of wastewater treatment alternatives. The reasons for rejecting an option shall be presented in addition to any significant environmental benefit forgone by rejection of the option. The preliminary alternatives shall be screened with respect to goal attainment, approximate monetary costs, significant environmental effects, and physical, legal or institutional constraints. The reasons for rejecting a preliminary alternative shall be summarized. The alternatives remaining after screening shall be compared on the basis of detailed capital and operating costs, contributions to water quality goals, reliability and flexibility, and environmental impacts, giving special attention to long-term impacts, irreversible impacts,

and induced impacts such as development. The options that shall be considered in the development of alternatives shall include:

(i) Flow and waste reduction measures, including infiltration/inflow reduction, land use and development regulations, and industrial reuse and recycling;

(ii) Sewers including alternative locations, sizes, and construction phasing;

(iii) Treatment and discharge, including wastewater reuse (industrial, groundwater recharge, or surface water supply enhancement), land application (irrigation, overland flow, or percolation), and treatment processes compatible with such discharge techniques;

(iv) Disposal of sludge and other residual waste, including process options and final disposal options such as land application, incineration, and landfill disposal;

(v) Siting of facilities;

(vi) Degree of regionalization;

(vii) Improving effluent quality through more efficient operation and maintenance;

(viii) For assessments associated with § 208 plans, the analysis of options shall include in addition:

(*a*) Land use controls, non-point source controls, and institutional arrangements; and

(*b*) Land management practices.

(3) *Environmental impacts of the proposed alternative.* This shall include a complete description of the environmental impacts the proposed alternative will have on the area's present environment. Impacts shall be identified as primary or secondary, beneficial or adverse, short or long term, avoidable or unavoidable, and reversible or irreversible. See § 6.304 (c), (d), (e), and (f) for an explanation of these terms and examples. Special attention should be paid to induce changes in population patterns and growth.

In addition to these items, the Regional Administrator may require that other analyses and data, which he determines are needed to comply with NEPA, be included with the facilities or section 208 plan. Such requirements will normally be discussed during preapplication conferences. The Regional Administrator may also require the submittal of supplementary information either before or after a step 2, 3, 2 and 3, or 2/3 grant if he determines it is needed for compliance with NEPA. Requests for supplementary information shall be made in writing.

(b) *Public hearing.* Unless waived by the Regional Administrator, at least one public hearing must be held in conjunction with the preparation of facilities and section 208 plans by the entity responsible for preparing the plan. Normally the hearings held on the plan will adequately surface the environmental issues associated with the facility and other aspects of the water quality management strategy. A Regional Administrator may elect to hold an Agency hearing if he determines it is warranted. Agency hearings shall be held in accordance with § 6.402.

(c) *Environmental review.*—(1) *General.* All facility and section 208 plans submitted to the Agency will be reviewed to determine the adequacy of the integral environmental assessment and to determine if the plan will have any significant environmental impacts, if any changes can be made in the project to eliminate or mitigate their impacts, and if an impact statement is required.

(i) If the integral assessment does not meet the requirements of § 6.512(a), the plan shall not be approved. If deficiencies exist, they shall be identified in writing by the Regional Administrator and must be corrected before the plan can be approved.

(ii) To determine if the plan will have any significant environmental impacts requiring an impact statement, the plan shall be reviewed in accordance with the criteria in § 6.200 and § 6.510. Either a notice of intent and impact statement or a negative declaration and environmental appraisal must be prepared on each facilities and section 208 plan.

(2) *Historic sites.* If a facilities or section 208 plan may affect a property listed in or eligible for listing in the National Register of Historic Places, the submitter of the plan shall consult with the State Historic Preservation Officer to determine if the effect will be adverse. A no-effect determination shall be documented in a memorandum to be submitted with the facilities or section 208 plan. If the project will have an adverse effect, the submitter of the plan shall attempt to develop alternatives with the State Officer to remove or mitigate the adversity, and prepare a proposal for a memorandum of agreement. The memorandum shall be included with the facilities or section 208 plan submitted for approval. If a proposal for a memorandum of agreement cannot be developed, the reasons shall be explained in a memorandum to be submitted with the facilities or section 208 plan. In such cases, the Regional Administrator shall commence consultation with the same officials in accordance with § 6.214(a) in an attempt to come to an agreement. If this consultation is unsuccessful, the Regional Administrator shall prepare an impact statement as required by § 6.510(g).

(3) *Wetlands.* If the facilities or section 208 plan may affect wetlands, the Regional Administrator shall follow the procedures described in § 6.214(b).

(4) *Fish and wildlife.* If the facilities or section 208 plan may result in the control or modification of any stream or other body of water, the Regional Administrator shall follow the procedures described in § 6.214(c).

(5) *Scope of review.* It is the Regional Administrator's responsibility to determine the proper scope of the environmental review. If a number of related facilities plans are submitted to the Agency in conjunction with applications for grants, the Regional Administrator may delay approval of these plans and award of a grant until the plans can be reviewed together to allow the Agency to properly evaluate their cumulative impact.

(d) *Notice of intent and impact statement.*—(1) *General.* If the environmental review of the facilities or section 208 plan indicates a significant impact on the environment, and that impact cannot be eliminated by making appropriate changes in the project, the Regional Administrator shall issue a notice of intent and prepare an impact statement on the plan in accordance with the procedures in Subpart B of this part.

(2) *Scope of impact statement.* It is the Regional Administrator's responsibility to determine the most appropriate scope of the impact statement. He should determine if the statement should be prepared on a facilities plan(s) or section 208 plan. Once an impact statement has been prepared for a given area, another need not be prepared unless the significant impacts of individual facilities were not adequately treated in the statement.

(e) *Negative declaration.* If the Regional Administrator, after completion of the environmental review of the facilities or section 208 plan, determines that the plan will not have any of the significant impacts listed in § 6.510, or determines that the project has been changed to eliminate the significant impacts, a negative declaration shall be prepared in accordance with the procedures in Subpart B of this part. Once a negative declaration and appraisal have been prepared for the facilities plan for a certain area, grant awards may proceed without preparation of additional negative declarations, provided the project has not changed significantly from that specified in the facilities plan.

(f) *Interim procedures.*—(1) *General.* Until facilities plans are required, an environmental assessment meeting the requirements of § 6.512(a) shall be submitted with the application for each step 2, 3, 2 and 3, and 2/3 grant. However, when a step 2 grant application is received the NEPA procedures must always be completed before awarding the step 2 grant except as provided in § 6.504(a)(5). In such cases, an assessment is not required with the step 3 grant application and the NEPA decision need not be made again. The assesment should be reviewed in accordance with § 6.512(c) to determine if it is adequate and whether an impact statement should be prepared. If the assessment is not adequate, the deficiencies shall be identified in writing by the Regional Administrator and must be corrected by the grant applicant before the Regional Administrator can act on his application. The Regional Administrator is responsible for determining the proper scope of the review to ensure that the cumulative impact of individual works is properly evaluated. If any water quality management plans are available for the area, they should be considered in determining the proper scope of the review. If an impact statement is to be prepared, a notice of intent will be prepared as described in § 6.512(d). If appropriate, the Regional Administrator may prepare

an impact statement on a number of related grants or an available water quality management plan. If no impact statement need be prepared, a negative declaration should be prepared in accordance with § 6.512(e). Commencement of administration action must be in accordance with § 6.506.

(2) *Public hearing.*—(i) *General.* Until facilities plans and their associated public hearings are required, the applicant must submit a record of a public hearing with his grant application, unless the requirement for such a hearing is waived by the Regional Administrator. The record must be received before the Regional Administrator can act on the application. The record shall contain as a minimum a list of witnesses together with the text of each presentation and a statement that the participants at the hearing were informed that one of the purposes of the hearing is to discuss the environmental effects of the proposed treatment works and alternatives to it as required by the Environmental Protection Agency.

(ii) *Public notice.* (*a*) The potential grantee must provide adequate notice to the public of the hearing. Adequate notice shall generally be considered to include, at least thirty (30) days prior to the date of such hearing:

(*1*) Notice given to the public by adequate advertisement identifying the works, announcing the date, time, and place of such hearing, and announcing the availability of detailed information on the proposed works for public inspection at one or more locations in the area in which the works will be located. Detailed information shall generally include, as a minimum, a complete description of the works, cost and financing information, alternatives to the proposed works, a detailed description of the effects of the works on land use, and a statement that one of the purposes of the hearing is to discuss the potential environmental impacts of the works and alternatives to it.

(2) Notification to the appropriate State and local agencies, to the appropriate State and metropolitan clearinghouses, and the appropriate regional office of EPA.

(3) Notification to interested environmental and conservation action groups.

(*4*) The Regional Administrator may permit a shorter notice period if he determines the notification is adequate.

(*b*) The potential grantee shall submit with the record of the public hearing: (*1*) A copy of any advertisement published, broadcast, or otherwise issued pursuant to this section; (*2*) a list of those notified; and (*3*) a certification that the hearing was held in accordance with the notification requirements of this section.

(iii) Waiver of hearing on grant applications. A request to waive the hearing on a grant application for a wastewater treatment works must be submitted in writing prior to submission of the grant application. Such requests will be acted upon promptly by the Regional Administrator. Requests must include a description of the works, the estimated cost of the works, the area that will be serviced, and the reasons the grantee feels a public hearing would not serve the public interest. Waivers will, in general, only be granted for minor works such as small additions, minor modifications to existing works, or cases where a previous hearing was sufficiently comprehensive to cover the environmental issues in detail.

(3) *Additional procedures.* During the interim period, the Regional Administrator shall also apply the procedures detailed in § 6.214.

§ 6.514 Content and format of environmental impact statements.

Environmental impact statements for treatment works or plans shall be prepared in accordance with § 6.304.

Subpart F—Guidelines for Compliance With NEPA in Research and Development Programs and Activities

§ 6.600 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of impact statements on programs and projects of the Office of Research and Development (ORD).

§ 6.602 Definitions.

(a) *"Program."* A significant, mission oriented Agency endeavor which fulfills executive or statutory requirements and which includes the principal actions to achieve a desired objective.

(b) *"Project or task."* A planned unit of effort fulfilling a portion of a Research Objective Achievement Plan (see § 6.602 (d)), having a defined output and delivery date; consisting of a single intramural, extramural or demonstration project. This term will be used collectively for the three project types below.

(1) "Intramural (in-house) project." A project or task undertaken by EPA personnel.

(2) "Extramural project." A project undertaken with a grant, contract, or interagency agreement.

(3) "Demonstration project." A project which shows the applicability of a piece of developed technology. It is a project which is carried out at or near full-scale and has a high probability of success. A demonstration project is usually an extramural project.

(c) *"Program Area Plan"* (PAP). An ORD planning document which details objectives, outputs, scheduling, and resources necessary to the achievement of objectives within a major area of ORD responsibility.

(d) *"Research Objective Achievement Plan"* (ROAP). A planning document defining all tasks (projects) and resources required to attain an objective as defined in a PAP.

(e) *"Appropriate program official."* The official within the ORD to whom the responsible official delegates most of the work related to compliance with NEPA.

(f) *"Decision official."* The individual responsible for determining if a proposal for conducting a specific project will be funded. The assignment of this role will vary according to cost and subject matter.

(g) *"NEPA-associated documents."* Notice of intent, negative declarations, environmental appraisals, news releases, impact statements, and assessments.

§ 6.604 Applicability.

(a) *Adminitrative actions covered.* This subpart applies to the administrative actions listed below:

(1) Approval of PAP's, except for those PAP's excluded in paragraph (b)(1) of this section;

(2) Approval of ROAP's, except for those ROAP's excluded in paragraph (b)(2) of this section;

(3) Award of a contract or grant on projects (tasks), except for those excluded in paragraph (b)(3) of this section;

(b) *Administrative actions excluded.* The Agency actions listed below are not subject to the requirements of this part. However, none of these actions are excluded from the procedures on historic sites, wetlands, or fish and wildlife detailed in § 6.214.

(1) Approval of PAP's developed pursuant to the Federal Water Pollution Control Act (FWPCA) Amendments of 1972;

(2) Approval of ROAP's developed pursuant to the FWPCA Amendments of 1972;

(3) Award of a contract or grant on tasks undertaken pursuant to the FWPCA Amendments of 1972.

These exclusions are consistent with section 511(c)(1) of the FWPCA Amendments of 1972.

§ 6.606 Responsibilties.

(a) *Responsible official.* The responsible official for Agency actions covered by this subpart is the Assistant Administrator for Research and Development. The Assistant Administrator will delegate most of the work to the appropriate program official. The responsibilities of the responsible official, in addition to those in § 6.110(a), are:

(1) Ensures that environmental assessments are submitted and the appropriate program officials conduct environmental reviews, prepare impact statements and other NEPA-associated documents, and take such subsequent actions as are delegated to them by the responsible official.

(2) When projects significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, the appropriate program official shall coordinate the project with the Office of Program Integration, Assistant Administrator for Research and Development.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.110 (e) shall be assumed by the Assistant

Administrator for Research and Development for Agency actions covered by this subpart.

(c) *Office of Program Integration, Assistant Administrator for Research and Development.* Advises the Assistant Administrator for Research and Development, concerning projects which significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have had an environmental impact statement prepared on them.

(d) *Regional Administrators.* The responsibilities of the Regional Administrator with regard to projects of the Office of Research and Development which affect his region will be to:

(1) Provide technical and administrative assistance in environmental reviews and in the preparation of impact statements.

(2) Advise the appropriate program officials and the Office of Program Integration of any projects which will significantly affect more than one regional office, are highly controversial, are of national significance, or "pioneer" Agency policy, when these projects have had or should have had an environmental impact statement prepared on them.

§ 6.608 Criteria for the preparation of environmental impact statements.

(a) An impact statement shall be prepared and processed by the Office of Research and Development when:

(1) The action will have significant adverse impacts on public parks, wetlands, wildlife habitats, or areas of recognized scenic or recreational value.

(2) The action will have significant adverse impacts on areas of recognized archeological value.

(3) The action will adversely affect properties listed in or eligible for listing in the National Register of Historical Places, only when a memorandum of agreement showing removal of such effects cannot be agreed to by the Agency, the State Historic Preservation Officer, and the Executive Director of the Advisory Council on Historic Preservation.

(4) The action will significantly deface an existing residential area.

(5) The action may directly or through induced development have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality, fish, wildlife, their natural habitats, or other natural elements.

(6) When the treated effluent is being discharged into a body of water where the present classification is being challenged as too low to protect present uses, and the effluent will not be of sufficient quality to meet the requirements of such uses.

(7) The project consists of field tests involving the introduction of agricultural chemicals, animal wastes, pesticides, radioactive materials, or other hazardous substances into the environment by the Office of Research and Development, its grantee, or its contractor.

(8) There is a high probability of an action ultimately being implemented on a large scale and the broad scale application may result in significant impacts on the immediate area in which it will be located.

(9) The commitment to a new technology is relatively significant and may restrict future viable alternatives.

(10) The environmental impact of a project is highly controversial based on environmental issues raised by a concerned party or parties.

(b) An impact statement will normally not be necessary when:

(1) The project is conducted completely within a laboratory or other facility, and external environmental effects have been minimized by providing effective methods for disposal of laboratory wastes and effective safeguards to prevent accidental introductions of hazardous materials into the environment; or

(2) The project is a relatively small experiment or investigation that is part of the private sector, and the project makes no significant new or additional contribution to the existing pollution.

§ 6.610 Procedures for compliance with NEPA.

EIS related activities shall be integrated into ORD's formal research planning system. The planning system ensures management control of all research and development actions assigned to the ORD. In this planning system, all increments of work are interrelated by means of a hierarchical system of planning documentation (tasks, ROAP's, and PAP's). The PAP is the highest level plan whose output synthesizes a subordinate set of ROAP's. A ROAP includes and amalgamates a group of tasks and represents a multiple-year effort. The task or project is a manageable unit of research activity directly supervised by a single project individual. The ROAP's and PAP's are available to all management levels and can only be modified by formal change procedures. These plans are reviewed by ORD management on an annual basis as a minimum. At this time all subordinate plans are reevaluated, new R&D initiatives considered and priorities and resources recommended to the Agency.

(a) *Environmental assessment.* (1) Environmental assessments shall be submitted to the Agency on certain extramural projects (tasks), including all grant applications and proposals for sole-source contracts. In the case of competitive proposals, assessments need not be submitted by potential contractors because the NEPA procedures will be completed before a request for proposal (RFP) is issued. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate official responsible for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.304. Copies of § 6.304 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for sole-source proposals.

(b) *Environmental review*—(1) *PAP's.* An environmental review shall be conducted for all PAP's that are not listed in § 6.604(b), prior to their incorporation into the ORD annual program plan. This review will consist of an evaluation of the potential environmental effects of the efforts proposed within the PAP's. The criteria in § 6.608 shall be used to determine if these effects may be significant.

(i) The environmental reviews for continuing programs will be reevaluated annually to coincide with the ORD planning cycle and at any other time when a major change in objectives is officially incorporated.

(ii) Current PAP's, less budgetary data, will be filed with the Office of Public Affairs (OPA). Negative declarations, associated appraisals and certificates stating the action is exempt from NEPA will also be filed with OPA.

(2) *ROAP's.* As part of the environmental review of PAP's, all ROAP's identified in the PAP's will be briefly reviewed by the appropriate program official for future potential adverse impacts. The criteria of § 6.608 shall be used in conducting this review. A formal environmental review will be conducted for those ROAP's that are deemed to have significant adverse impacts. The remainder of the ROAP's will be covered by a simple blanket negative declaration.

(i) The environmental reviews for continuing ROAP's will be reevaluated annually to coincide with the ORD planning cycle and at any other time when a major change in mission objectives is officially incorporated.

(ii) Current ROAP's less budgetary data, will be filed with OPA. Negative declarations and associated appraisals will also be filed with OPA.

(3) *Projects.* As part of the environmental review of ROAP's, all projects identified in the ROAP's will be briefly reviewed by the appropriate program official for future potential adverse impact. The criteria in § 6.608 shall be used in conducting this review. If an individual project may have a significant adverse impact when it is actually implemented, it will be identified in the documentation associated with the ROAP and will be filed with the OPA. Lists of such research projects will be available at the OPA. The remainder of the projects, which will not have any adverse impact when implemented, will be covered by a single blanket negative declaration.

(i) The projects (tasks) identified in a ROAP will be reevaluated annually to coincide with ORD's planning cycle and at any other time that a major redirection of the parent ROAP or PAP is undertaken. All associated documentation will be updated as appropriate.

(ii) As those projects identified as having potentially significant impacts

near implementation, detailed environmental reviews shall be performed on each. The review shall be programmed just prior to the planned initiation of the project, leaving sufficient lead time to ensure the review will affect the project.

(iii) A project level environmental review shall also be conducted for any projects which could not be predicted and scheduled within a ROAP, and whose environmental assessment indicates there may be adverse impacts.

(c) *Notice of intent and environmental impact statement.* (1) If any of the actions discussed in paragraph (b) (1), (2), or (3) of this section will have a significant effect on the environment, the appropriate program official will prepare a notice to the appropriate decision official for a determination on whether the project will be funded. If the action is to be approved and funded, the appropriate program official will commence preparation of the draft impact statement. The appropriate program official, through his National Environmental Research Center Director or Headquarters Division Director, shall request the Regional Administrator to assist him in the preparation and distribution of the statement as specified in Subpart B of this part.

(2) Before release to the Council on Environmental Quality, all draft and final impact statements must be forwarded through the appropriate National Environmental Research Center Director or Headquarters Division Director to the Office of Program Management, Assistant Administrator for Research and Development, for approval.

(d) *Negative declaration and environmental impact appraisal.* If the environmental review indicates that an action discussed in paragrapahs (b) (1), (2), or (3) of this section will not have any significant environmental impacts, the appropriate program official shall prepare a negative declaration and environmental impact appraisal and forward them to the appropriate decision official. If the project is to be funded, the appropriate program official will distribute the negative declaration where practical as described in § 6.212, in addition to making copies of the negative declaration and appraisal available in the OPA.

(e) *Project commencement.* As required by § 6.108, a contract or grant will not be awarded for an extramural project, nor an intramural project begun, until fifteen (15) days after a negative declaration has been issued or the thirty (30) day waiting period after forwarding the final impact statement to the Council on Environmental Quality has expired.

(f) The environmental impact statement process for the Office of Research and Development is shown graphically in Exhibit 8.

Subpart G—Guidelines for Compliance with NEPA in Solid Waste Management Activities

§ 6.700 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing additional procedures for compliance with NEPA on actions undertaken by the Office of Solid Waste Management Programs.

§ 6.702 Definitions.

(a) *"Project."* A discernible effort or activity to accomplish a specific objective or end result.

(1) "Intramural (in-house) project." A project undertaken with resources other than grant or contract funds.

(2) "Extramural project." A project undertaken with grant or contract funds.

(b) *"Project officer."* The individual responsible for the technical direction and evaluation of a grantee's or contractor's performance.

(c) *"NEPA-associated documents."* Notices of intent, negative declarations, environmental appraisals, news releases, impact statements, and assessments.

§ 6.704 Applicability.

This subpart applies to those actions specified in § 6.106(a) (5) and (6) that are undertaken by the Office of Solid Waste Management Programs. The specific procedures to be followed for various project types are set forth in § 6.710.

§ 6.706 Responsibilities.

(a) *Responsible official.* The responsible official for Agency actions covered by this subpart is the Deputy Assistant Administrator for Solid Waste Management Programs. The responsibilities of this responsible official, in addition to those in § 6.110(a) are:

(1) Insure that environmental assessments are submitted by appropriate grant and contract applicants, and that project officers conduct environmental reviews on all projects and take such subsequent actions as are delegated to them by the "responsible official."

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of all NEPA-associated documents.

(3) Advise the Assistant Administrator for Air and Waste Management concerning projects which significantly affect more than one regional office, are highly controversial, are nationally significant, or "pioneer" Agency policy.

(b) *Assistant Administrator.* The responsibilities of the Office of the Assistant Administrator as described in § 6.110 (e) shall be assumed by the Assistant Administrator for Air and Waste Management for Agency actions covered by this subpart.

(c) *Regional Administrator.* The responsibilities of the Regional Administrator with regard to projects of the Office of Solid Waste Management Programs which affect his region will be to:

(1) Assist the responsible official in the project review by commenting on the project, the project application and the applicant's environmental assessment. Among other things, the comments should identify those projects which will significantly affect more than one regional office, are highly controversial, nationally significant, or "pioneer" Agency policy.

(2) Assist the responsible official in the preparation and distribution of NEPA-associated documents.

§ 6.708 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* Environmental assessment need not be submitted with all grant applications and contract proposals. Studies and investigations do not require assessments. The following sections describe for other actions when an assessment is or is not required:

(1) *Grants.*—(i) *Demonstration projects.* Environmental assessments must be submitted with all applications for demonstration grants that will involve construction, land use (temporary or permanent), transport, sea disposal, any discharges into the air or water, or any other activity having any direct or indirect effects on the environment external to the facility in which the work will be conducted. Preapplication proposals for such grants will not require environmental assessments.

(ii) *Training.* Grant applications for training of personnel will not require assessments.

(iii) *Plans.* Grant applications for the development of comprehensive State, interstate, or local solid waste management plans will not require environmental assessments. A detailed analysis of environmental problems and effects should be part of the planning process, however.

(2) *Contracts.*—(i) *Sole-source contract proposals.* Before a sole-source contract can be awarded, an environmental assessment must be submitted with a bid proposal for a contract which will involve construction, land use (temporary or permanent), sea disposal, any discharges into the air or water, or any other activity that will directly or indirectly affect the environment external to the facility in which the work will be performed.

(ii) *Competitive contract proposals.* Assessments will not generally be required on competitive contract proposals.

(b) *Impact statement preparation criteria.* An environmental review shall be performed on those projects of the Office of Solid Waste Management Programs on which an assessment is required or which may have effects on the environmental external to the facility in which the work will be performed. The criteria in § 6.200 shall be utilized in determining whether an impact statement need be prepared.

§ 6.710 Procedures for compliance with NEPA.

(a) *Environmental assessment.* (1) Environmental assessments shall be submitted to the Agency as specified in § 6.708. If there is a question concerning the need for an assessment, the potential contractor or grantee should consult with the appropriate project officer for the grant or contract.

(2) The assessment shall contain the same sections specified for impact statements in § 6.304. Copies of § 6.304 (or more detailed guidance when available) and a notice alerting potential grantees and contractors of the assessment requirements in § 6.708 shall be included in all grant application kits, attached to letters concerning the submission of unsolicited proposals, and included with all requests for proposals (RFP's).

(b) *Environmental review.* An environmental review will be conducted on all projects which require assessments or which will affect the environment external to the facility in which the work will be performed. This review must be conducted before a grant or contract award is made on extramural projects or before project commencement on intramural projects. The guidelines in § 6.200 will be utilized in determining if the project will have any significant environmental effects. This review will include an evaluation of the assessment by both the responsible official and the appropriate Regional Administrator. The Regional Administrator's comments will include his recommendations on the need for an environmental impact statement. No detailed review or documentation is required on projects for which assessments are not required and which will not affect the environment external to a facility.

(c) *Notice of intent and environmental impact statement.* If any of the criteria in § 6.200 apply, the responsible official will assure that a notice of intent and a draft impact statement are prepared. The responsible official shall request the appropriate Regional Administrator to assist him in the distribution of the NEPA-associated documents as may be required. Distribution will be as specified in Subpart B.

(d) *Negative declaration and environmental impact appraisal.* If the environmental review indicated that there will not be any significant environmental impacts, the responsible official will assure that a negative declaration and environmental appraisal are prepared. These documents need not be prepared for projects not requiring an environmental review.

(e) *Project commencement.* As required by § 6.108, a contract or grant shall not be awarded on an extramural project, nor an intramural project begun, until fifteen (15) days after release of a negative declaration (if one is required), or until thirty (30) days after forwarding the final impact statement to the Council on Environmental Quality has expired.

(f) The environmental impact statement process for the Office of Solid Waste Management Programs is shown graphically in Exhibit 9.

Subpart H—Guidelines for Compliance with NEPA in Construction of Special Purpose Facilities and Facility Renovations

§ 6.800 Purpose.

This subpart amplifies the general Agency policies and procedures described in Subparts A through D by providing detailed procedures for the preparation of impact statements on construction and renovation of special purpose facilities.

§ 6.802 Definitions.

(a) *"Special purpose facility."* A building or space, including land incidental to the use thereof, which is wholly or predominantly utilized for the special purpose of an agency and not generally suitable for use for other purposes, as determined by the General Services Administration.

(b) *"Program of requirements."* A comprehensive document (booklet) describing program activities to be accomplished in the new special purpose facility or improvement. It includes architectural, mechanical, structural, and space requirements.

(c) *"Scope of work."* A document similar in content to the program of requirements but substantially abbreviated. It is usually prepared for small-scale projects.

§ 6.804 Applicability.

(a) *Actions covered.* These guidelines apply to all new special purpose facility construction, activities related to such construction (e.g., site acquisition and clearing), and any improvements or modifications to such facilities having potential environmental effects external to the facility. This includes new construction and improvements undertaken and funded by the Facilities Management Branch, Facilities and Support Services Division, Office of Administration; by a regional office; or by a National Environmental Research Center.

(b) *Actions excluded.* This subpart does not apply to those activities of the Facilities Management Branch, Facilities and Support Services Division, for which the branch does not have full fiscal responsibility for the entire project. This includes pilot plant construction, land acquisition, site clearing and access road construction where the Facilities Management Branch's activity is only supporting a project financed by a program office. Responsibility for considering the environmental impacts of such projects rests with the office managing and funding the entire project. Other subparts of this regulation would apply depending on the nature of the project.

§ 6.806 Responsibilities.

(a) *Responsible official.* The responsible official for new construction and modification of special purpose facilities is as follows:

(1) The Chief, Facilities Management Branch, Data and Support Systems Division, shall be the responsible official on all new construction of special purpose facilities and on all improvement and modification projects for which the Facilities Management Branch has received a funding allowance.

(2) The Regional Administrator shall be the responsible official on all improvement and modification projects for which the regional office has received the funding allowance.

(3) The Center Director shall be the responsible official on all improvement and modification projects for which the National Environmental Research Centers have received the funding allowance.

(b) The responsibilities of the responsible officials specified above, in addition to those in § 6.110(a), are as follows:

(1) Ensure that environmental assessments are submitted when requested, that environmental reviews are conducted on all projects, and impact statements are prepared and circulated when there will be significant impacts.

(2) Assist the Office of Federal Activities in coordinating the training of personnel involved in the review and preparation of NEPA-associated documents.

§ 6.808 Criteria for the preparation of environmental assessments and impact statements.

(a) *Assessment preparation criteria.* An environmental assessment may be requested of a construction contractor or consulting architect/engineer employed by the Agency if they are involved in the planning or construction of special purpose facilities or in modifications to such facilities having potential environmental effects external to the facility. Such modifications include but are not limited to: facility additions, changes in central heating systems or wastewater treatment systems, and land clearing for access roads and parking lots.

(b) *Impact statement preparation criteria.* An environmental review shall be performed on all actions involving construction of special purpose facilities and on improvements to such facilities. The guidelines set forth in § 6.200 shall be utilized to determine whether an impact statement shall be prepared.

§ 6.810 Procedures for compliance with NEPA.

(a) *Environmental review and assessment.* (1) An environmental review shall be conducted when the program of requirements or scope of work has been completed for the construction, improvement, or modification of special purpose facilities. For special purpose facility construction, the Chief, Facilities Management Branch, shall request the assistance of the appropriate program office and Regional Administrator in the review. For modifications and improvements, the appropriate responsible official shall request assistance in making the review from other cognizant Agency components.

(2) Any assessments requested shall contain the same sections specified for impact statement in § 6.304. Contractors and consultants shall be notified in the appropriate contractual documents of this possibility.

(b) *Notice of intent, environmental impact statement, and negative declaration.* The responsible official shall decide at the completion of the environmental review whether there will be any significant environmental impacts. If there

will be significant environmental impacts, a notice of intent and an environmental impact statement shall be prepared in accordance with the procedures outlined in § 6.206. If there will not be any significant environmental impacts, a negative declaration and environmental impact appraisal shall be prepared in accordance with the procedures outlined in § 6.212.

(c) *Project commencement.* As required by § 6.108, a contract shall not be awarded or construction-related activities begun until fifteen (15) days after release of a negative declaration, or until thirty (30) days after forwarding the final impact statement to the Council on Environmental Quality.

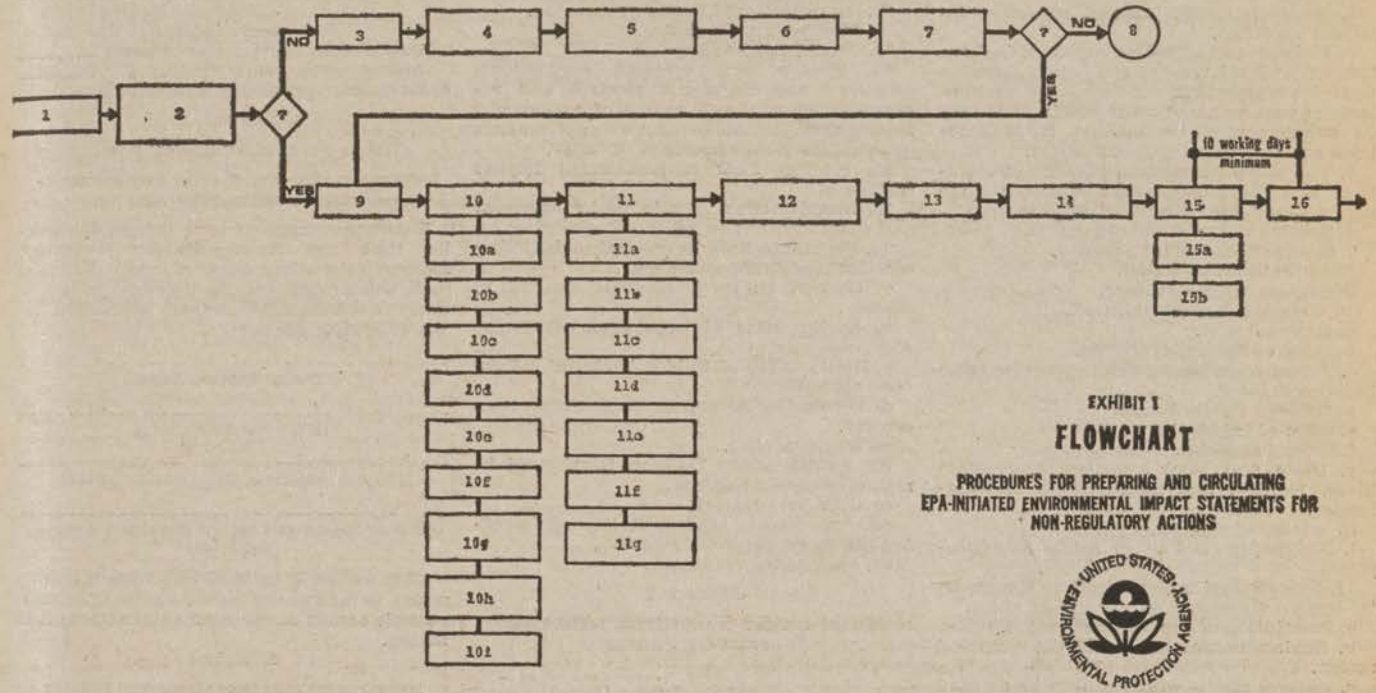
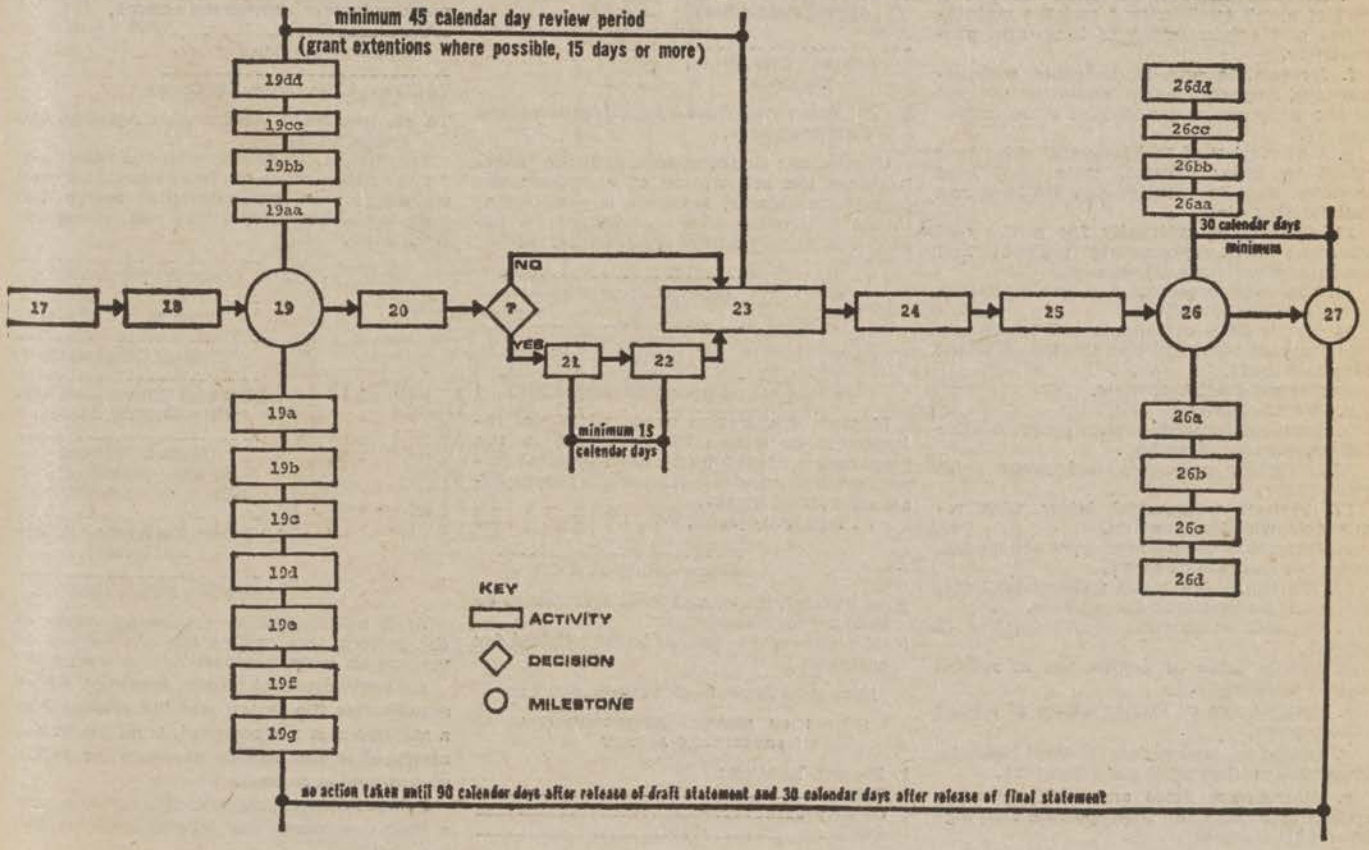


EXHIBIT 1

FLOWCHART

PROCEDURES FOR PREPARING AND CIRCULATING EPA-INITIATED ENVIRONMENTAL IMPACT STATEMENTS FOR NON-REGULATORY ACTIONS



1. Applicant submits environmental assessment and other available data.
2. Agency performs environmental review at the earliest possible point in the development of the proposed action, decides if an EIS is required, prepares an EIS if the project will have a significant impact or if the project's impact is likely to be highly controversial.
3. Where required, prepare environmental impact appraisal.
4. Prepare and circulate negative declaration to Federal, State, and local agencies, and where practicable to interested persons, local newspapers, and other media. This may be supplemented by making it available through local libraries or post offices.
5. File impact appraisal, negative declaration, and other supportive documents in-house. (Available for public inspection.)
6. Receive and evaluate comments.
7. Change decision, if necessary.
8. Administrative action.
9. Prepare notice of intent.
10. Circulate notices of intent.
a. Regional staff.
b. Office of Federal Activities.
c. Appropriate headquarters program office EIS Coordinator.
d. Office of Public Affairs.
e. Office of Legislation.
f. Federal agencies.
g. State and local agencies, appropriate State, regional and metropolitan clearinghouses.
h. Interested persons.
i. Newspapers and other media as appropriate.
11. Prepare preliminary draft environmental impact statement and summary sheet.
a. Description of the proposed action.
b. Environmental impact of the proposed action.
c. Adverse effects which cannot be avoided should the proposal be implemented.
d. Alternatives to the proposed action.
e. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
f. Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
g. A discussion of problems and objections raised by other Federal, State, and local agencies, and by private organizations and individuals to date.
12. Coordinate internally for review and comment with appropriate regional and headquarters (optional) elements.
13. Evaluate comments and revise preliminary draft accordingly.
14. Notify OFA and appropriate headquarters program office EIS coordinator of intent to release draft.
15. Submit draft for review.
a. OFA (2 copies).
b. Appropriate headquarters program office EIS coordinator (2 copies).
16. Consider comments and revise draft accordingly.
17. Prepare transmittal letter with responsible official's signature.
18. Submit news release to local newspapers and other media (one copy).
19. Distribute draft and transmittal letter externally for review and comments.
a. Council on Environmental Quality (5 copies).
b. Notify Office of Legislation of release (copies as needed).
c. Notify Office of Public Affairs of release (two copies).
d. Offices of appropriate Federal agencies (two copies unless more are requested).
e. Appropriate State and local agencies; appropriate State and metropolitan clearinghouses (two copies).
f. Interested persons (one copy).
g. Forward summary sheet to OMB–OMSC (two copies).
aa. Regional staff.
bb. Public Affairs Division if prepared in region (copies as needed).
cc. OFA (two copies).
dd. Appropriate headquarters program office EIS coordinator (two copies).
20. Determine need for public hearing.
21. Circulate public notice.
22. Conduct public hearing.
23. Review and evaluate suggestions, criticisms and comments received and re-examine the proposed course of action and alternatives. Include evaluation of comments generated at public hearings (if held).
24. Prepare final environmental impact statement.
25. Submit news release to local newspapers and other media (one copy).
26. Distribute final to interests submitting comments on draft (one copy).
a. Council on Environmental Quality (5 copies).
b. Notify Office of Legislation of release (copies as needed).
c. Notify Office of Public Affairs of release (two copies).
d. Forward summary to OMB–OMSC (two copies).
aa. Regional staff.
bb. Public Affairs Division if prepared in region (copies as needed).
cc. OFA (two copies).
dd. Appropriate headquarters program office EIS coordinator (two copies).
27. Administrative action.

EXHIBIT 2

NOTICE OF INTENT TRANSMITTAL MEMORANDUM SUGGESTED FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

Gentlemen: In accordance with the guidelines for the preparation of environmental impact statements, attached is a notice of intent to prepare such a statement for the proposed Agency action specified below:

_____
(Official Project Name)

_____
(City, State)

_____
(Impact Statement No.)

If your organization needs additional information or wishes to participate in the preparation of the draft environmental impact statement, please advise the (appropriate office, city, State).

Very truly yours,

_____
(Appropriate EPA Office)

(List Federal, State, and local agencies to be solicited for comment.)
(List public action groups to be solicited for comment.)

NOTICE OF INTENT—SUGGESTED FORMAT

NOTICE OF INTENT—ENVIRONMENTAL PROTECTION AGENCY

1. Project location:
City _____
County _____
State _____
2. Estimated project costs:
Federal Share (total) _____ $_____
Contract $_____ Grant $_____ Other $_____
Applicant share (if any):
(Name) _____ $_____
Other (specify) _____ $_____
Total _____ $_____
3. Period covered by project:
Beginning date _____
(Original date, if project covers more than one year)
Dates of different project phases _____
Approximate ending date _____
4. Estimated application filing date _____

EXHIBIT 3

NEWS RELEASE SUGGESTED FORMAT

NOTICE TO THE PUBLIC FROM THE ENVIRONMENTAL PROTECTION AGENCY

This announcement is to inform the public that the Environmental Protection Agency (originating office, address) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

_____
(Official Project Name)

_____
(Purpose of Project)

_____
(Project Location, City, County, State)

_____
(Where statement can be obtained if one is prepared)

This notice is to implement the Agency's policy to inform the public to the maximum possible extent of environmental actions it is taking.

EXHIBIT 4

NEGATIVE DECLARATION SUGGESTED FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate Office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups,

Gentlemen: In accord with the procedures for the preparation of environmental impact statements, an environmental review has been performed on the proposed Agency action below:

_____
(Official Project Name)

_____
(Purpose of Project)

_____
(Project Originator)

_____
(General Project Location, City, County, State)

_____
(Specific Project Location—provide either a map or description)

_____
(Potential Agency Financial Share)

_____
(Other Funds Included)

After making an environmental review of the project, this Agency has decided not to prepare an environmental impact statement.

An environmental impact appraisal, which summarizes the review and the reasons why a statement is not required, is on file at the above office and will be available for public scrutiny upon request.

Persons disagreeing with this decision may submit comments for consideration by the

Agency. The Agency will not take any administrative action on the project for at least fifteen (15) days after release of this negative declaration.

Sincerely,

(Appropriate EPA Official)

EXHIBIT 5

ENVIRONMENTAL IMPACT APPRAISAL SUGGESTED FORMAT

A. Identify Project
Name of Applicant:---
Address: ---
Project Number (if assigned):---
B. Summarize Assessment.
1. Brief description of project:---
---
2. Probable impact of the project on the environment: ---

---
3. Any probable adverse environmental effects which cannot be avoided:---
---
4. Alternatives considered with evaluation of each:---
---
5. Relationship between local short-term uses of environment and maintenance and enhancement of long-term productivity:

---
6. Any irreversible and irretrievable commitment of resources:---
---
7. Public objections to project, if any, and their resolution:---
---
8. Agencies consulted about the project:

State representative's name:---
Local representative's name:---
OTHER: ---
C. Reasons for concluding there will be no significant impacts.

(Discuss topics 2, 3, 5, 6, and 7 above, and how the alternative (topic 4) selected will avoid any major public objections or significant impacts, thereby making an impact statement unnecessary.)

(Signature of appropriate official)

(Date)

EXHIBIT 6

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)

Environmental Impact Statement

(Describe title of project or plan)

Prepared by

(Responsible Agency Office)

Approved by

(Responsible Agency Official)

(Date)

EXHIBIT 7

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check One)
( ) Draft
( ) Final Environmental Statement.

ENVIRONMENTAL PROTECTION AGENCY

(Responsible Agency Office)

1. Name of action. (Check one)
( ) Administrative action.
( ) Legislative action.
2. Brief description of action indicating what States (and counties) are particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternatives considered.
5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.
b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

EXHIBIT 8
FLOWCHART FOR OR & D

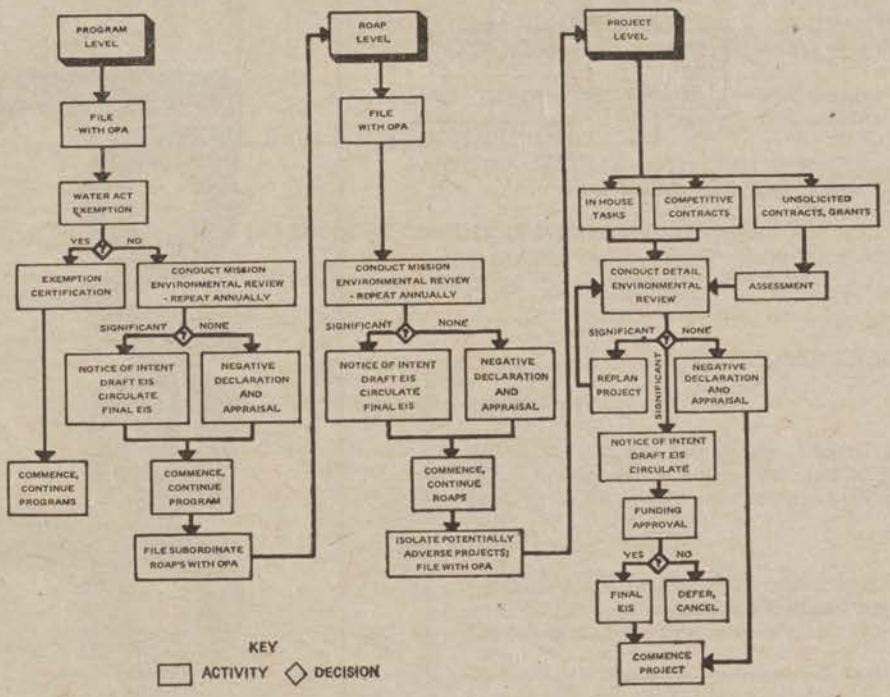
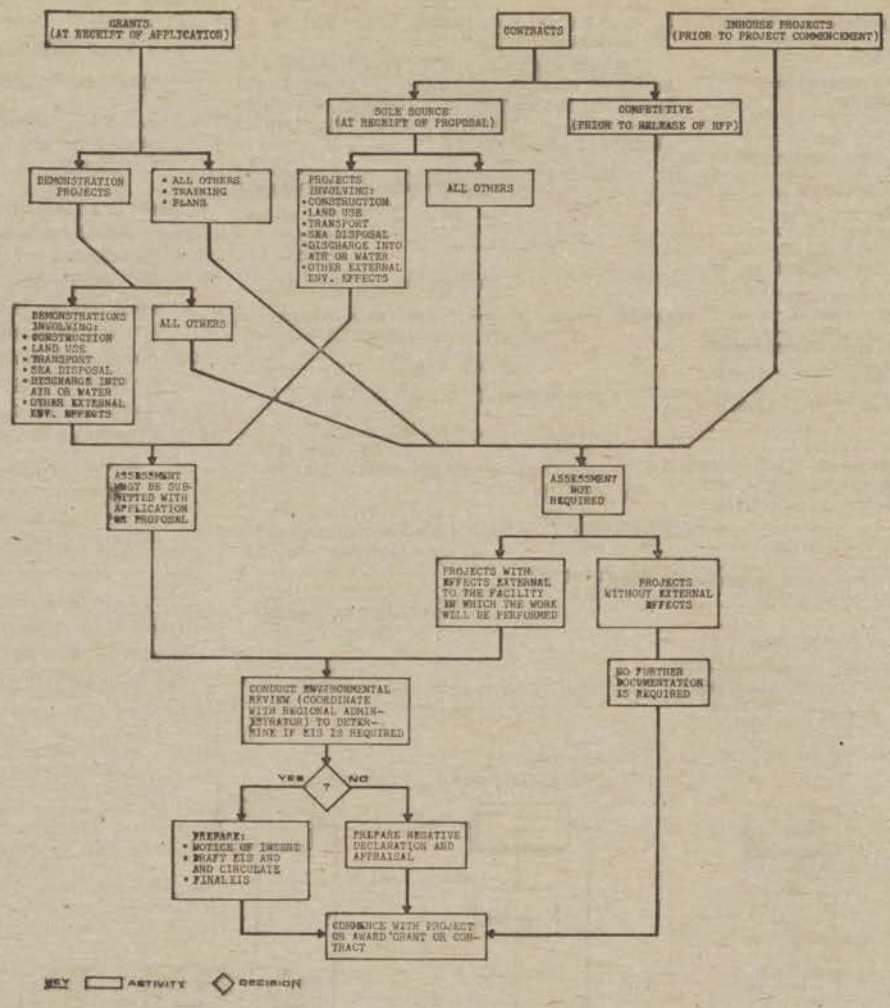


EXHIBIT 9

FLOWCHART FOR OSWMP

PROCEDURES FOR DETERMINING IF AN EIS IS REQUIRED ON OSWMP PROJECTS



[FR Doc.74-16128 Filed 7-16-74;8:45 am]