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PART I

HIGHLIGHTS OF THIS ISSUE

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

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publiaction.)

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

Modified Certified Brucellosis Areas

This amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(i): Dewey, Garvin, and Jefferson Counties in Oklahoma; and Chambers County in Texas.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Sullivan County in Missouri on April 26, 1974; Cherokee County in Oklahoma on June 28, 1974; and Freestone, Leon, and Milam Counties in Texas on June 28, 1974. Since said dates, it has been determined that these counties again come within the definition of § 78.1 (i); and, therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified certified brucellosis areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Oklahoma, South Dakota, and Texas.

(b) The following States are hereby designated as Modified Certified Brucellosis Areas except for the counties named:

(1) Oklahoma except Dewey, Garvin, and Jefferson Counties.

(2) South Dakota except Shannon County.

(3) Texas except Chambers County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective July 29, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 24th day of July 1974.

HARRY C. MUSSMAN,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–17224 Filed 7–26–74;8:45 am]

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

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On April 11, 1974, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 39, Number 71, page 13162.

These amendments codify in Part 113 test methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious and not to be worthless, contaminated, dangerous, or harmful. All products shall meet the applicable requirements before marketing release is authorized.

These requirements have been developed over a period of years in cooperation with interested members of the scientific society and, for the most part, have been utilized by industry either as accepted requirements or as proposals under development.

The publication of these requirements is done to make more readily available to the general public these requirements which now appear in administrative memorandums.

These amendments revise the sterility test for live vaccines in § 113.27 to provide for testing Master Seed Virus, to clarify the products to be tested and the criteria for unsatisfactory bacterial vaccines.

One safety test utilizing dogs as test animals and another utilizing calves as test animals are codified in two new sections. These tests shall be conducted when such tests are prescribed in a Standard Requirement or filed Outline of Production for a product. If the results are unsatisfactory, the serial shall not be released for market.

After due consideration of all relevant matters, including the proposals set forth is the aforesaid notices of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices are hereby adopted and are set forth herein, subject to the following noted modifications:

Editorial and clarifying changes have been made throughout. Paragraphing has been changed where indicated. Also:

§ 113.27(b) has been changed to permit culturing methods other than plating.

§113.27(c) has been reworded to more accurately specify the amount of inoculum needed and the vessels of media to be used. Master Seed Virus is capitalized in (c)(3)(ii).

The susceptibility requirements in §§ 113.40 and 113.41 have been deleted.

Use of delonized water for diluent has been authorized in § 113.54(a).

The lead paragraphs in §§ 113.120 and 113.315 have been rewritten to make the requirements in each applicable when prescribed in a Standard Requirement or Outline of Production.

The word "all" is substituted for "the" in §§ 113.121(b)(3) and 113.122(b)(3) to clarify the intent relative to control dogs.

Conforming change has been made in § 113.122 by deleting reference to § 113.40 (a)(2) susceptibility requirements.

§§ 113.123(a) and 113.123(b)(2) have been reworded to clarify white blood cell count requirements. Requirements for qualifying a cat as susceptible has been inserted.

Repeat test is authorized in § 113.124 (a) when indicated.

§ 113.135 is further changed by combining the safety tests in paragraph (f) with the pathogenicity test in paragraph (b) under the heading "Safety Tests". Requirements in the serum neutralization test in (c)(2) has been reduced and reworded. Moisture requirements in paragraph (e) have been rewritten for clarification.

Use of tissue culture fluids for preparing ovine ecthyma vaccine is authorized in the lead paragraph of § 113.136.

Subparagraphs 113.138(a) (2) and (3) have been rewritten to clarify the observation period and temperature requirements in the safety test.

A conforming change is made in § 113.78(b) to utilize the dog safety test as written in § 113.40.

Part 113. Standard Requirements, of Title 9 of the Code of Federal Regulations, is further amended as follows:

1. The caption and introductory paragraph for § 113.27 are amended and a new paragraph (c) is added; the introductory paragraph for (a) is revised and paragraph (b) is revised to read:

§ 113.27 Detection of viable bacteria and fungi in live vaccines.

Unless otherwise specified by the Deputy Administrator or elsewhere exempted in this part, each serial and subserial of live vaccines and each lot of Master Seed Virus shall be tested for viable bacteria and fungi as prescribed in this section.

(a) *Live viral vaccines.* Each biological product composed of live virus shall be tested according to the procedures prescribed in this paragraph unless such biological product is of chicken embryo origin and is recommended for use in a manner other than parenteral injection. Tests shall be conducted as follows:

* * * * *

(b) *Live bacterial vaccines.* Each serial or subserial of live bacterial biological products shall be tested for purity by culturing with appropriate medium depending upon the live bacteria contained in the product. A serial or subserial shall be considered unsatisfactory if there is any evidence of extraneous viable bacteria, or fungi.

(c) *Master Seed Virus.* Not less than 4 ml of each lot of Master Seed Virus shall be tested. Frozen liquid Master Seed Virus shall be thawed and desiccated Master Seed Virus shall be rehydrated with Soybean Casein Digest Medium.

(1) To test for bacteria, 0.2 ml of the sample of Master Seed Virus shall be placed in 10 individual vessels each containing a minimum of 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 7 days.

(2) To test for fungi, 0.2 ml of the sample of Master Seed Virus shall be placed in 10 individual vessels each containing a minimum of 40 ml of Soybean Casein Digest Medium. Incubation shall be at 20° to 25° C for 14 days.

(3) For each set of test vessels representing a lot of Master Seed Virus in a valid test, the following rules shall apply:

(i) If growth is found in any test vessel, one retest to rule out faulty technique may be conducted using a new sample of Master Seed Virus.

(ii) If growth is found in any test vessel of the final test, the lot of Master Seed Virus is unsatisfactory.

2. Sections 113.40 and 113.41 are revised to read:

§ 113.40 Dog safety test.

The dog safety test provided in this section shall be conducted when prescribed in a Standard Requirement or in the filed Outline of Production for a product.

(a) *Test procedure.* (1) If vaccine is being tested, each of two puppies shall be injected with the equivalent of 10 doses of vaccine rehydrated with sterile diluent and administered in the manner recommended on the label and observed each day for 21 days.

(2) If antiserum is being tested, a dose shall be the maximum amount recommended on the label per pound body weight and each of two puppies shall be injected subcutaneously with one dose and intraveneously with one dose and observed each day for 21 days.

(b) *Interpretation.* If unfavorable reactions attributable to the product occur in either of the puppies during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided,* That, if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

§ 113.41 Calf safety test.

The calf safety test provided in this section shall be conducted when prescribed in a Standard Requirement or in the filed Outline of Production for a product.

(a) *Test procedure.* Each of two calves shall be injected with the equivalent of 10 doses of vaccine administered in the manner recommended on the label and observed each day for 21 days.

(b) *Interpretation.* If unfavorable reactions attributable to the product occur in either of the calves during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated: *Provided,* That, if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

3. Part 113 is further amended by adding 13 new sections—§§ 113.54, 113.120–113.126, and 113.135–113.138.

§ 113.54 Sterile diluent.

Sterile Diluent shall be supplied in a final container by the licensee when such diluent is required for rehydration or dilution of the vaccine.

(a) Sterile Diluent may be distilled or deionized water or it may be a special liquid solution formulated in accordance with an acceptable outline on file with Veterinary Services.

(b) Each quantity prepared at one time in a single container and bottled into final containers shall be designated as a serial. Each serial shall be given a number which shall be used in records, test reports, and on the final container label.

(c) Final container samples from each serial shall be tested for bacteria and fungi in accordance with the test provided in § 113.26. Any serial found to be unsatisfactory shall not be released.

KILLED VIRUS VACCINES

§ 113.120 General requirements for killed virus vaccines.

When prescribed in an applicable Standard Requirement or in the filed Outline of Production, a killed virus vaccine shall meet the applicable requirements in this section.

(a) *Killing Agent.* The vaccine virus shall be killed (inactivated) by an appropriate agent. The procedure involved may be referred to as inactivation. Suitable tests to assure complete inactivation shall be written into the filed Outline of Production.

(b) *Cell Culture Requirements.* If cell cultures are used in the preparation of the vaccine, primary cells shall meet the requirements in § 113.51 and cell lines shall meet the requirements in § 113.52.

(c) *Purity Tests*—(1) *Bacteria and fungi.* Final container samples of completed product from each serial shall be tested as prescribed in § 113.26.

(2) *Avian Origin Vaccine.* Bulk pooled material or final container samples from each serial shall also be tested for:

(i) *Salmonella* contamination as prescribed in § 113.30; and

(ii) *Lymphoid leukosis virus* contamination as prescribed in § 113.31; and

(iii) *Hemagglutinating viruses* as prescribed in § 113.34.

(3) *Mycoplasma.* If the licensee cannot demonstrate that the agent used to kill the vaccine virus would also kill mycoplasma, each serial of the vaccine shall be tested for mycoplasma as prescribed in § 113.28, prior to adding the killing agent. Material found to contain mycoplasma is unsatisfactory for use.

(d) *Safety Tests.* Final container samples of completed product from each serial shall be tested for safety in guinea pigs as prescribed in § 113.38 and for safety in mice as prescribed in § 113.33: *Provided,* That, vaccines recommend for use only in poultry are exempt from this requirement.

(e) *Viricidal Activity Test.* Only serials tested for viricidal activity in accordance with the test provided in § 113.35 and found satisfactory by such test shall be packaged as diluent for desiccated fractions in combination packages.

(f) *Formaldehyde content.* If formaldehyde is used as the killing agent, the residual free formaldehyde content shall not exceed the equivalent of 0.2 percent formaldehyde solution (740 parts per million formaldehyde).

§ 113.121 Canine Distemper Vaccine, Killed Virus.

Canine Distemper Vaccine, Killed Virus, shall be prepared from cell culture fluids or virus-bearing tissues obtained from animals that have developed canine distemper following inoculation

with virulent canine distemper virus. Each serial shall meet the applicable general requirements prescribed in § 113.120 and special requirements prescribed in this sectioin. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety tests*—(1) *Test for inactivation.* Bulk or final container samples of completed product shall be tested for live canine distemper virus in canine distemper susceptible ferrets. Each of two such ferrets shall be injected with one dog dose of the vaccine and observed each day for 21 days. If unfavorable reactions attributable to the vaccine occur during the observation period, the serial is unsatisfactory.

(2) *Observation of potency test animals.* The vaccinates used in the potency test in paragraph (b) of this section shall be observed each day prior to challenge. If unfavorable reactions attributable to the vaccine occur during the prechallenge period, the serial is unsatisfactory.

(b) *Potency test.* Bulk or final container samples of completed product shall be tested for potency using 10 canine distemper susceptible dogs (five vaccinates and five controls) as follows:

(1) *Vaccination.* Each of the five vaccinates shall be injected with vaccine as recommended on the label and observed each day for 21 days after the final dose.

(2) *Challenge.* At the end of the observation period, the vaccinates and controls shall be intranasally inoculated at the same time with an equal dose from the same bottle of Snyder Hill canine distemper virus furnished by Veterinary Services and observed each day for an additional 21 days.

(3) *Interpretation.* If all control dogs do not develop typical signs of canine distemper, or lesions of canine distemper, the test is inconclusive and may be repeated; *Provided*, That, if the vaccinates do not remain free of typical signs of canine distemper, the serial is unsatisfactory.

§ 113.122 Canine Hepatitis Vaccine, Killed Virus.

Canine Hepatitis Vaccine, Killed Virus, shall be prepared from virus-bearing cell culture fluids or from tissues obtained from an animal that has developed canine hepatitis following inoculation with virulent cannine hepatitis virus. Each serial shall meet the applicable general requirements prescribed in § 113.120 and special requirements prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety tests.* (1) *Test for inactivation.* Bulk or final container samples of completed product from each serial shall be tested in dogs. Each of two canine hepatitis susceptible dogs shall be inoculated in the anterior chamber of one eye with 0.05 ml of a 4 percent suspension of vaccine. They shall be examined each day for 14 days for corneal opacity characteristic of canine hepatitis. If the eyes do not remain clear, the serial is unsatisfactory.

(2) *Observation of potency test animals.* The dogs in the potency test shall be observed each day prior to challenge. If unfavorable reactions attributable to the product occur, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the vaccine, the test is inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial is unsatisfactory.

(b) *Potency test.* Bulk or final container samples of completed product shall be tested for potency using 10 canine hepatitis susceptible dogs (five vaccinates and five controls) as follows:

(1) *Vaccination.* Each of the five vaccinates shall be injected as recommended on the label and observed each day for 21 days.

(2) *Challenge.* At the end of the observation period, the five vaccinates and the five controls shall be inoculated with virulent canine hepatitis virus and observed each day for an additional 10 days.

(3) *Interpretation.* If all control dogs do not develop typical signs of canine hepatitis, the test is inconclusive and may be repeated; *Provided*, That, if the vaccinates do not remain free of typical signs of canine hepatitis, the serial is unsatisfactory.

§ 113.123 Feline Distemper Vaccine, Killed Virus.

Feline Distemper Vaccine, Killed Virus, shall be prepared from virus-bearing cell culture fluids or from tissues obtained from cats that have developed feline distemper following inoculation with virulent feline distemper virus. Each serial shall meet the applicable requirements prescribed in § 113.120 and special requirements prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety Test.* The vaccinates used in the potency test in paragraph (b) of this section shall be observed each day during the prechallenge period for unfavorable reactions. White blood cell counts shall be made on each vaccinate for 9 consecutive days following the initial dose of vaccine. If unfavorable reactions occur, including leukopenia, which are attributable to the vaccine, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the vaccine, the test is inconclusive and may be repeated: *Provided*, That, if not repeated; the serial is unsatisfactory.

(b) *Potency Test.* Bulk or final container samples of completed product shall be tested for potency using four feline distemper susceptible cats (two vaccinates and two controls). The susceptibility of the cats shall be determined by a constant virus-varying serum neutralization test in tissue culture using 100 to 300 $TCID_{50}$ of virus. Susceptible cats shall have no neutralization at a 1:2 serum dilution.

(1) *Vaccination.* Each of the two vaccinates shall be injected as recommended on the label. If two doses are recommended, the second dose shall be given 7 to 10 days after the first dose and the cats observed each day for 14 days.

(2) *Challenge.* At the end of the post-vaccination observation period, the two vaccinates and the two controls shall be exposed to virulent feline distemper virus and observed each day for an additional 14 days. White blood cell counts shall be made on the vaccinates and the controls for 9 consecutive days following challenge.

(3) *Interpretation.* If the control cats do not develop signs of feline distemper, including pronounced leukopenia, wherein the white cell count drops to 4,000 or less per cubic mm within the test period or the white cell drops to less than 25 percent of the normal level established by an average of three or more counts taken prior to the onset of leukopenia, the test is inconclusive and may be repeated: *Provided*, That, if the vaccinates show a pronounced leukopenia, or do not remain free of feline distemper, the serial is unsatisfactory.

§ 113.124 Mink Enteritis Vaccine, Killed Virus.

Mink Enteritis Vaccine, Killed Virus, shall be prepared from virus-bearing cell culture fluids or tissues obtained from mink that have developed mink enteritis following inoculation with virulent mink enteritis virus. Each serial shall meet the applicable requirements prescribed in § 113.120 and special requirements prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety Test.* Vaccinates used in the potency test in paragraph (b) of this section shall be observed each day prior to challenge. If unfavorable reactions attributable to the vaccine occur, the serial is unsatisfactory. If unfavorable reactions not attributable to the vaccine occur, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial is unsatisfactory.

(b) *Potency Test.* Bulk or final container samples of completed product shall be tested for potency using 10 mink enteritis susceptible mink (five vaccinates and five controls) as follows:

(1) *Vaccination.* Each of the five vaccinates shall be injected with one dose of vaccine as recommended on the label and observed each day for 14 days.

(2) *Challenge.* Two weeks after the last inoculation, the five vaccinates and the five controls shall be fed mink enteritis virus-laden tissues and observed each day for 12 days.

(3) *Interpretation.* If at least 80 percent of the unvaccinated control mink do not develop enteric symptoms typical of mink enteritis within 12 days, the test is considered inconclusive and may be repeated; *Provided*, That, if at least 80 percent of the vaccinates do not remain well, the serial is unsatisfactory.

§ 113.125 Newcastle Disease Vaccine (Killed Virus).

Newcastle Disease Vaccine (Killed Virus) shall be prepared from virus-bearing tissues or fluids obtained from

embryonated chicken eggs or cell cultures. With the exception of § 113.120(c)(2)(iii), each serial shall meet the applicable general requirements prescribed in § 113.120 and special requirements prescribed in this section. A serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety Test.* The prechallenge part of the potency test in paragraph (b) of this section shall constitute a safety test. If unfavorable reactions attributable to the product occur in any of the vaccinates, the serial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(b) *Potency Test.* A vaccination-challenge test shall be conducted using susceptible chickens 2 to 6 weeks of age at time of vaccination, properly identified and obtained from the same source and hatch.

(1) Ten or more chickens shall be vaccinated as recommended on the label and kept isolated under observation for at least 14 days.

(2) After at least 14 days post-vaccination, the vaccinates and at least 10 unvaccinated chickens that have been kept isolated as controls shall be challenged with a virulent strain of Newcastle disease virus supplied by or approved by Veterinary Services and the vaccinates observed each day for 14 days.

(3) If at least 90 percent of the controls do not show typical signs of Newcastle disease or die, the test is inconclusive and may be repeated. If at least 90 percent of the vaccinates do not remain normal, the serial is unsatisfactory.

§ 113.126 Wart Vaccine, Killed Virus.

Wart Vaccine, Killed Virus, shall be prepared from virus-bearing tissues obtained from an animal that has developed warts. Each serial shall meet the applicable general requirements prescribed in § 113.120. There is no U.S. Standard of Potency for this product at this time.

Live Virus Vaccines

§ 113.135 General requirements for live virus vaccines.

When prescribed in an applicable Standard Requirement or in the filed Outline of Production, a live virus vaccine shall meet the applicable requirements in this section.

(a) *Purity tests.* (1) *Bacteria and fungi.* Final container samples of completed product and comparable samples of each lot of Master Seed Virus shall be tested for bacteria and fungi in accordance with the test provided in § 113.27.

(2) *Mycoplasma.* Final container samples of completed product and comparable samples of each lot of Master Seed Virus shall be tested for mycoplasma in accordance with the test provided in § 113.28.

(3) *Avian Origin Vaccine.* Samples of each lot of Master Seed Virus and bulk pooled material or final container samples from each serial shall also be tested for:

(i) Salmonella contamination as prescribed in § 113.30; and

(ii) Lymphoid leukosis virus contamination as prescribed in § 113.31; and

(iii) Hemagglutinating viruses as prescribed in § 113.34.

(b) *Safety tests.* (1) Samples of each lot of Master Seed Virus and final container samples of completed product from each serial of live virus vaccine recommended for animals other than poultry shall be tested for safety in young adult mice in accordance with the test provided in § 113.33(a) unless the virus or agents in the vaccine are inherently lethal for mice.

(2) All live virus vaccines recommended for use in dogs shall be tested for safety in accordance with the test provided in § 113.40.

(3) All live virus vaccines recommended for use in cattle shall be tested for safety in accordance with the test provided in § 113.41.

(c) *Virus Identity Test.* At least one of the virus identity tests provided in this paragraph shall be conducted for the Master Seed Virus and final container samples from each serial or first subserial of biological product.

(1) *Fluorescent Antibody Test.* The virus shall be titrated using five coverslips per dilution on a suitable cell system in Leighton tubes or other suitable containers. The containers shall be incubated for an appropriate length of time for the virus concerned. At the end of the incubation period, cells shall be stained with a fluorescein conjugated specific antiserum. Fluorescence typical for the virus concerned shall be demonstrated. Fluorescence shall not occur in uninoculated controls.

(2) *Serum Neutralization Test.* The serum neutralization test shall be conducted using the constant serum-decreasing virus method with specific antiserum. For positive identification, at least 100 ID_{50} of vaccine virus shall be neutralized by the antiserum.

(d) *Cell Culture Requirements.* If cell cultures are used in the preparation of Master Seed Virus or of the vaccine, primary cells shall meet the requirements prescribed in § 113.51, cell lines shall meet the requirements prescribed in § 113.52, and ingredients of animal origin shall meet the applicable requirements in § 113.53.

(e) *Moisture content.* (1) The maximum percent moisture in desiccated vaccines shall be stated in the filed Outline of Production. It shall be established by the licensee as follows:

(i) *Prelicensing.* Data obtained by conducting accelerated stability tests and virus titrations shall be acceptable on a temporary basis.

(ii) *Licensed products.* Data shall be obtained by determining the percent moisture at release and at expiration date. A satisfactory titration shall have at least one dilution having between 50 percent and 100 percent positives and at least one dilution having between 50 percent and 0 percent positives. A minimum of 10 consecutive serials shall be tested.

(2) Final container samples of completed product shall be tested for moisture content in accordance with the test provided in § 113.29.

§ 113.136 Ovine Ecthyma Vaccine.

Ovine Ecthyma Vaccine shall be prepared from tissue culture fluids or virus-bearing tissues obtained from sheep that have developed ovine ecthyma following inoculation with virulent ovine ecthyma virus. Ovine Ecthyma Vaccine is exempt from the requirements prescribed in § 113.27 and paragraphs § 113.135 (a), (b), and (c). Each serial shall meet the moisture requirements in § 113.135(e) and the special requirements prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety tests.* (1) Bulk or final container samples of completed product from each serial shall be tested for safety as prescribed in § 113.38.

(2) The prechallenge period of the potency test shall constitute a safety test. If unfavorable reactions attributable to the vaccine occur in either of the vaccinates during the observation period, the serial is unsatisfactory.

(b) *Potency test.* Final container samples of completed product from each serial and each subserial shall be tested for potency using susceptible lambs. The vaccine shall be prepared as recommended for use on the label.

(1) Each of two lambs (vaccinates) shall be vaccinated by application of the vaccine to a scarified area on the medial surface of the thigh and observed each day for 14 days.

(2) The immunity of the two vaccinates and one or more unvaccinated lambs (controls) shall be challenged in the same manner as for vaccination, using the opposite thigh.

(3) If typical signs of ovine ecthyma, such as hyperemia, vesicles, and pustules do not develop on the controls during the first 2 weeks following challenge and persist for approximately 30 days, the test is inconclusive and may be repeated.

(4) If the vaccinates do not show a typical immune reaction, the serial is unsatisfactory: *Provided*, That, an initial active reaction with hyperemia which resolves progressively and disappears within 2 weeks, may be characterized as a typical immune reaction.

§ 113.137 Distemper Vaccine-Mink.

Distemper Vaccine-Mink shall be prepared from virus bearing cell culture fluids or embryonated chicken eggs. Each serial and subserial shall meet the general requirements prescribed in § 113.135 and the special requirements prescribed in this section. A serial or subserial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety test.* The prechallenge period of the potency test shall constitute a safety test. If unfavorable reactions attributable to the vaccine occur in either of the vaccinates during

the observation period, the serial is unsatisfactory.

(b) *Potency test.* Final container samples from each serial and each subserial shall be tested for potency using susceptible mink. The vaccine shall be prepared as recommended for use on the label.

(1) Each of at least three mink (vaccinates) shall be injected parenterally with not more than 0.1 of a mink dose and observed each day for 21 days.

(2) The vaccinates and at least three unvaccinated mink for controls shall be challenged parenterally with virulent mink distemper virus and observed each day for 21 days.

(3) If at least 80 percent of the controls do not show typical symptoms of distemper, the test is inconclusive and may be repeated. If at least 80 percent of the vaccinates do not survive without showing overt symptoms during the observation period, the serial or subserial is unsatisfactory.

3a. Section 113.138 is revised to read as follows:

§ 113.138 Bluetongue Vaccine.

Bluetongue Vaccine shall be prepared from virus-bearing cell culture fluids. Each serial and subserial shall meet the general requirements prescribed in § 113.135 and the special requirements prescribed in this section. A serial or subserial found unsatisfactory by a prescribed test shall not be released.

(a) *Safety test.* Final container samples of completed product shall be tested for safety in lambs susceptible to bluetongue virus infection.

(1) Lambs shall be considered susceptible if the neutralization index is less than 2.0 using the constant serum-varying virus method.

(2) Each of five susceptible lambs shall be observed each day for 5 days, then each shall be injected with one dose of vaccine as recommended on the label, and observed each day for an additional 10 days. Each lamb shall be temperatured each day during both observation periods.

(3) If temperatures of the lambs prior to injection exceed 104.5° F, the test is inconclusive and may be repeated. If the temperature of more than one lamb after injection exceesd 104.5° F for more than one day, the reaction is considered unfavorable and the serial or subserial is unsatisfactory.

(b) *Potency test.*

(1) The inoculated lambs used for the safety test shall be used for a potency test. Individual serum samples collected 20 to 28 days postinoculation shall be tested by the constant serum-varying virus method .If the serum from at least four lambs does not have a neutralization index of 2.0 or more, the serial is unsatisfactory.

(2) A virus titration shall be conducted to determine that the product contains an adequate amount of living bluetongue virus to induce an immune response in the vaccinated animal. Final container samples of completed product shall be used.

(i) The rehydrated vaccine in each container shall be titrated individually for virus content using accepted methods of cell culture titration.

(ii) Each sample shall have a bluetongue virus titer of at least $10^{4.4}$ TCID per 2 ml throughout the dating period.

4. § 113.253(b) is amended to read:

§ 113.253 Canine Distemper-Heptatitis-Leptospira Antiserum.

* * * * *

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b) and § 113.40.

* * * * *

Effective date. This amendment takes effect August 28, 1974.

Done at Washington, D.C., this 24th day of July 1974.

HARRY C. MUSSMAN,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-17225 Filed 7-26-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-204]

PART 6—AIR COMMERCE REGULATIONS

Duty on Foreign Repairs to U.S. Registered Aircraft Engaged in Trade

On February 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 5320) which proposed to amend § 6.7(e) of the Customs regulations (19 CFR 6.7(e)) pertaining to the conditions under which certain United States-registered aircraft engaged in trade are exempted from the requirement of making entry and depositing duty (or giving a bond in lieu thereof) with respect to equipment purchased for or repairs made to such aircraft in a foreign country. A notice granting an extension of the time for filing comments to April 15, 1974, was published in the FEDERAL REGISTER on March 22, 1974 (39 FR 10911).

Under existing regulations, such exemptions are provided if either of two conditions exists: (1) such equipment or repairs were made necessary by reason of stress of weather or other casualty occurring since the aircraft last left the United States and were required to secure the safety and airworthiness of the aircraft in accordance with Federal Aviation Administration regulations to enable the aircraft to continue its flight; or (2) such equipment installed and materials used in making the repairs were of the growth, produce, or manufacture of the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

The proposed amendment identifies alternate situations where entry and deposit of duty (or the filing of a bond therefor) shall not be required with respect to equipment purchased for or repairs made to United States-registered aircraft operated by a scheduled airline or an air carrier generally authorized to operate contract passenger or cargo flights between the United States and foreign territory by establishing four separate conditions, the occurrence of any one of which will exempt the aircraft commander or an authorized person from the requirements of filing entry and depositing duty. The proposed amendment recognizes the special safety requirements of modern, fast-turnaround aircraft operations and more closely conforms application of the statutes to Congressional intent.

After consideration of all comments received, it has been determined that the amendment should be adopted as set forth in the notice of proposed rulemaking, except that the word "or" is inserted after the semicolon in subparagraphs (1) and (2) of § 6.7(e).

Accordingly, § 6.7(e) of the Customs Regulations (19 CFR 6.7(e)) is amended as set forth below.

Effective date. This amendment shall become effective August 28, 1973.

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

Approved: July 19, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Paragraph (e) of § 6.7 is amended to read as follows:

§ 6.7 Documents for entry.

* * * * *

(e) A scheduled airline or an air carrier generally authorized to operate contract passenger or cargo flights and operating between the United States and foreign territory shall not be required to file a declaration on Customs Form 3415 or an entry on Customs Form 7535 or deposit duty or give a bond therefor for equipment purchased for or repairs made to the aircraft when:

(1) Such equipment or repairs were made necessary by reason of stress of weather or other casualty occurring since the aircraft's last departure from the United States; or

(2) Such equipment or repairs were necessary to secure the safety and airworthiness of the aircraft, provided the necessity of such equipment or repairs was unforeseen prior to the time of the aircraft's last departure from the United States; or

(3) Such equipment or repairs were necessary to comply with regulations of the Federal Aviation Administration or other Agency of the United States or of a foreign government, provided the necessity for such equipment or repairs was unforeseen prior to the time of the aircraft's last departure from the United States; or

(4) Such equipment installed and materials used in making the repairs were manufactured or produced in the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

Whenever entry is not required in any of the foregoing circumstances, the following statement shall be included on the

general declaration or attached air cargo manifest:

Entry for equipment purchased or repairs made to this aircraft while in a foreign country not required under § 6.7(e) of the Customs Regulations.

In all cases where entry is not required the district director shall be satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in subparagraphs (1), (2), (3), or (4) of this paragraph.

* * * * *

(R.S. 251, as amended, secs. 624, 644, 46 Stat. 759, 761, as amended, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 1644, 49 U.S.C. 1509)

[FR Doc.74-17269 Filed 7-26-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1000—GENERAL

Assembly and Reassembly of Diagnostic X-ray Systems

In a notice of proposed rulemaking published in the FEDERAL REGISTER of December 3, 1973 (38 FR 33313), the Commissioner of Food and Drugs proposed to amend Subpart B of Part 1000 by adding a new § 1000.16 (21 CFR 1000.16), which would set forth the policies of the Food and Drug Administration concerning the assembly and reassembly of diagnostic X-ray systems specified in § 1020.30(a)(1) of the performance standard for diagnostic X-ray systems (21 CFR 1020.30, 1020.31, and 1020.32). Proposed § 1000.16 superseded two earlier proposals, §§ 278.102 and 278.103 (21 CFR 278.102 and 278.103), addressing these subjects which were published in the FEDERAL REGISTER on February 28, 1973 (38 FR 5349).

Proposed § 1000.16 would require that all X-ray components as listed in § 1020.30(a)(1), assembled after August 1, 1974, into an X-ray system which contains or will contain one or more certified components upon completion of the assembly, be certified. This requirement is intended to ensure the radiation safety integrity of new, certified X-ray systems assembled after the effective date of the standard, and prevent the future downgrading of these systems. The proposal would also require that all components reassembled into systems which are resold and relocated after August 1, 1979, be certified, thereby establishing an upgrading mechanism for existing substandard X-ray units.

Interested persons were given until February 1, 1974, to file written comments regarding the proposal. One manufacturer of diagnostic X-ray equipment requested an opportunity to present additional documentation in support of his comment after the closing date. This request was granted and a meeting was held at the Bureau of Radiological Health, Food and Drug Administration, on March 14, 1974. A summary of this meeting, except for information covered by the confidentiality provisions of section 360A(e) of the Radiation Control for Health and Safety Act of 1968, is on file in the office of the Hearing Clerk, Food and Drug Administration.

Fifteen letters commenting on proposed § 1000.16 were received. Of these, twelve letters were from manufacturers and their associations, one from a medical professional organization, one from a State radiation control agency, and one from a member of the medical profession. All of the letters addressed the requirements proposed in paragraph (a) or (c). Paragraph (a) as proposed, would require that X-ray components specified in § 1020.30(a)(1) which are assembled after August 1, 1974, and prior to August 1, 1979, into an X-ray system which contains, or will contain, one or more certified components upon completion of the assembly, be themselves certified. This paragraph would prohibit the assembly of a group of certified and uncertified components into a new or existing system after August 1, 1974, and would prohibit the installation of uncertified components into an existing system which contains one or more certified components prior to the assembly. Paragraph (c) would require that X-ray components specified in § 1020.30(a)(1) which are reassembled after August 1, 1979, into an X-ray system when the system is sold to a purchaser and relocated, be certified.

The principal issues raised by these comments and the Commissioner's conclusions thereon are as follows:

1. One manufacturer expressed concern that under proposed § 1000.16(a), various uncertified components could be stockpiled and legally marketed in the form of complete X-ray systems until August 1, 1979, thus circumventing the intent of the standard.

The Commissioner has concluded that a revision of paragraph (a) on the basis of this comment, is unwarranted. It is correct that complete, uncertified X-ray systems could be manufactured until August 1, 1974. However, specified components and X-ray systems manufactured after that date must meet the standard and be certified. As stated in the FEDERAL REGISTER publication of December 3, 1973 (38 FR 33313), it is necessary that the implementation of the standard and policy on assembly of equipment not result in the removal from service of useful and safe equipment needed in medical care. During the period from August 1, 1974, to August 1, 1979, the public health will be protected through the provisions of 21 CFR Part 1003 and Part 1004 which require a manufacturer to repair, replace, or refund the cost of X-ray equipment manufactured after October 18, 1968, which fails to meet the manufacturer's radiation safety design specifications, or fails to accomplish the intended purpose of the product. In addition, X-ray systems presently in use must meet applicable state and local radiation safety requirements.

2. Eleven manufacturers requested that proposed § 1000.16(a) be modified on the grounds that it would have a serious, adverse impact upon a large quantity of new, uncertified X-ray equipment which has already been sold and shipped, but which cannot be assembled until after August 1, 1974, due to delays in the construction of X-ray rooms or a lack of some components necessary to complete the systems. These manufacturers stated that, in order to comply with paragraph (a), all components which are used in these systems would be required to be uncertified. Their comments indicated that they anticipated difficulties in obtaining the remaining uncertified components necessary to complete these systems, since many require long lead-times as supplied by other firms, and the certification of these products is not under their control. In addition, they asserted that they normally delay producing and shipping components such as X-ray tubes, which are susceptible to damage during handling and storage until the X-ray system is to be assembled. If the assembly occurs after August 1, 1974, only certified components of this type will be available unless they are produced now and stored at the factory. The manufacturers emphasized that these difficulties could lead to additional expense and delays, and that the requirement of paragraph (a) would actually be counterproductive in accomplishing the purposes of the standard, since it would prevent the installation of certified components to complete these systems.

The Commissioner agrees with these comments and has concluded that § 1000.16(a) as proposed should be modified to permit the installation of both certified and uncertified components under the conditions prescribed in paragraph 3 of this preamble.

3. Nine manufacturers suggested that the proposal should be revised to allow the assembly of a mixture of certified and uncertified components into a system, if the components were purchased prior to August 1, 1974. These manufacturers stated that the industry currently accepts an order for X-ray equipment only if a contract has been signed by the purchaser; therefore, the date of this contract could be used in determining the date of purchase.

The Commisioner has determined that this suggested revision presents an effective means of dealing with the potential difficulties cited in comment 2 above, which is consistent with the purpose of the standard and § 1000.16. Therefore, § 1000.16(a) has been modified to permit the assembly of a group of certified and uncertified components into a new or existing X-ray system after August 1, 1974, if an order for all of the components assembled were placed by the purchaser prior to that date. Paragraphs (b), (c), and (d) of proposed § 1000.16 have been redesignated as

paragraphs (c), (d), and (e), respectively. To assure compliance, a new paragraph (b) has been added to require that an assembler who installs X-ray equipment consisting of both certified and uncertified components after August 1, 1974, shall submit with his report pursuant to § 1020.30(d), adequate evidence to verify purchase of the equipment prior to August 1, 1974. As specified in §§ 1000.16(e) and 1020.30(d) the certified components installed must be of the type called for by the standard and the assembler may only file a report of noncompatibility as described in § 1020.30(d) if the conditions specified in § 1020.30(d)(2) are satisfied.

4. Two manufacturers suggested that § 1000.16(a) be made effective 1 year after final publication.

The Commissioner has determined that a regulation regarding the assembly of X-ray components must be established concurrent with the effective date of the performance standard in order to clarify how the standard would apply to the assembly of certified components. Also, sufficient evidence has not been submitted to enable a decision regarding a suitable alternative effective date for § 1000.16(a). Therefore, the revision suggested in this comment in rejected.

5. A medical professional organization commenting on proposed § 1000.16(c) questioned the intent of Congress to impose requirements upon existing X-ray equipment. However, this organization expressed agreement with the provision of a 5-year transition period as a solution to the practical problems which could have been created by proposed § 278.103, which allowed no transition period.

The requirements of proposed § 1000.16(c) would not apply to all existing X-ray equipment but only to those X-ray systems which are reassembled after August 1, 1979, pursuant to their relocation and sale to a purchaser.

The Commissioner concludes that such reassembly of existing X-ray equipment constitutes manufacturing within the meaning of the act. A 5-year period will be provided between the effective date of the standard and the effective date of requirements upon the reassembly of X-ray components to permit a gradual upgrading of existing X-ray systems with minimal adverse effect on the availability of used X-ray equipment for facilities unable to afford new equipment.

In their comments regarding proposed § 278.103, representatives of the medical profession stated that X-ray equipment has a normal useful lifetime of 5 to 7 years in high work load facilities, such as those located in metropolitan area hospitals, and that the sale of X-ray units from the facilities constitutes a major source of used X-ray equipment for use in rural areas and private practice.

The Commissioner anticipates that within 5 years most equipment in use in high work load facilities will be certified and therefore an adequate supply of used certified equipment will be available.

6. Two letters expressed agreement with the intent of paragraph (c) to remove obsolete X-ray components from service, but opposed the 5-year period allowed prior to implementation on the grounds that this period of time is too short. One of these letters stated that the Internal Revenue Service currently requires that X-ray equipment be depreciated over 10 years and therefore an allowance of 10 years would be more appropriate. This letter asserted that X-ray equipment installed just prior to August 1, 1974, may have little trade-in value after August 1, 1979, since there is currently no assurance that manufacturers will make certified components available for older machines. It was also predicted that, since X-ray equipment life expectancy and trade-in value are important in determining the rates of the Medicare and Medicaid programs, the proposed requirements upon reassembly could have a significant adverse impact upon the cost of these programs.

The Commissioner recognizes that some owners of uncertified X-ray systems may wish to resell used equipment after August 1, 1979, and that a loss of resale value may occur in some cases. However, it has been determined that the upgrading of uncertified X-ray systems must be achieved within a reasonable time period in order to eliminate some substandard and possibly hazardous used X-ray components.

Pursuant to provisions of § 6.1(b) (21 CFR 6.1(b)), the possible environmental consequences of § 1000.16 have been carefully considered. In accordance with the guidelines of the Council on Environmental Quality (40 CFR 1500.6(a)), concerning the identification of actions which may cumulatively have a significant effect upon the environment, the possible environmental consequences of § 1000.16 have been evaluated in conjunction with those of the performance standard for diagnostic X-ray systems (21 CFR 1020.30). It has been concluded that together these actions will not have a significant effect upon the environment, and, therefore, an environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act is not required.

Data and information supporting the Commissioner's conclusions with respect to this order and a copy of the environmental assessment report are available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has determined FDA's policies with respect to the assembly of X-ray components must assure the purchaser of certified X-ray equipment that the performance is in accordance with the provisions of the standard, and that such equipment will not be downgraded by installation of uncertified components. These policies must also assure a reasonable and effective means of upgrading uncertified X-ray systems when they are reassembled for resale. This regulation, therefore, is essential for the effective implementation of the performance standard for diagnostic X-ray equipment (21 CFR 1020.30, 1020.31, and 1020.32).

The Administrative Procedure Act (5 U.S.C. 553(d)) provides that a regulation shall become effective not less than 30 days after publication unless otherwise provided by the agency for good cause shown. The Commissioner has determined that an earlier effective date is necessary for the reasons stated above, and to assure protection of the public health and safety. In view of the previous notice of proposed rulemaking (38 FR 33313) and discussions with representatives of industry and with other interested groups the Commissioner has concluded that ample notice of this order has been provided. This regulation shall become effective on August 1, 1974.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179; 42 U.S.C. 263f) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1000 Subchapter J of Chapter I, Title 21, Code of Federal regulations is amended by adding the following new section:

§ 1000.16 Assembly and reassembly of diagnostic X-ray systems.

The following provisions shall apply to the assembly and reassembly of diagnostic X-ray components specified in § 1020.30(a)(1) of this chapter into diagnostic X-ray systems.

(a) Except as provided in paragraph (b) of this section, specified components which are assembled after August 1, 1974, and prior to August 1, 1979, into those X-ray systems which contain, or will contain upon completion of the assembly, one or more components certified pursuant to § 1020.30(c) of this chapter, shall be only those which have themselves been so certified. For example, after August 1, 1974:

(1) An assembler who installs a new, complete diagnostic X-ray system may not assemble a system consisting of both certified and uncertified components.

(2) An assembler who installs components into an existing diagnostic X-ray system, containing one or more certified components prior to such installation, may only install components which have been certified by the component manufacturer(s), regardless of whether or not certified components themselves are replaced.

(3) An assembler who installs a group of components into an existing diagnostic X-ray system, containing no certified components prior to the assembly, may not install a combination of certified and uncertified components. He may install all uncertified components, or all certified components, into such a system.

(4) Except as required by paragraph (c) of this section, an assembler may reassemble a previously existing (used) system for resale whether or not the system

is comprised of all uncertified or a combination of certified and uncertified components. However, any new components added to an original system comprised of one or more certified components must be certified.

(b) The provisions of paragraph (a) of this section shall not apply to the assembly of specified components provided:

(1) All of the specified components which are assembled into the X-ray system after August 1, 1974, were purchased prior to that date; and

(2) The report filed pursuant to § 1020.30(c) of this chapter and paragraph (e) of this section includes adequate evidence that all of the specified components assembled were purchased prior to August 1, 1974. A copy of a notarized bill of sale, or other notarized contract for purchase clearly establishing the date of purchase of each of the specified components will be considered adequate evidence.

(c) Specified components which are assembled into a diagnostic X-ray system after August 1, 1979, shall be only those which have been certified pursuant to § 1020.30(c) of this chapter. For example, after August 1, 1979:

(1) An assembler who installs a complete diagnostic X-ray system may not install components which have not been certified by the component manufacturer(s).

(2) Only those components which have been certified by the component manufacturer may be installed into an existing diagnostic X-ray system whether or not the system contained certified components prior to the assembly.

(d) Specified components which are reassembled after August 1, 1979, into diagnostic X-ray systems pursuant to the relocation and sale of such systems to a purchaser, shall be only those which have been certified in accordance with § 1020.30(c) of this chapter. For example, after August 1, 1979:

(1) An assembler who reassembles an existing diagnostic X-ray system in a new location, when this reassembly is associated with a change in ownership of the system, may only reassemble those components into the system which are certified.

(2) An assembler who reassembles an existing diagnostic X-ray system in a new location may install uncertified components which were contained in the system prior to disassembly, if the reassembly is not associated with a change of ownership of the system. However, any new components added to the original system must be certified.

(e) Specified components which are certified pursuant to § 1020.30(c) of this chapter shall be assembled, and a report filed, in accordance with § 1020.30(d) of this chapter. For example:

(1) An assembler who installs a complete diagnostic X-ray system after August 1, 1974, which consists of specified components all of which are certified, must assemble components of the type required by § 1020.31 or § 1020.32 of this chapter and must assemble these components in accordance with the manufacturers' instructions. The assembler must also file a report in accordance with § 1020.30(d)(1) of this chapter and may not file a report of noncompatibility as provided for in § 1020.30(d)(2) of this chapter.

(2) An assembler who installs certified components into an existing diagnostic X-ray system may only file a report of noncompatibility if the conditions specified in § 1020.30(d)(2) of this chapter are satisfied.

(3) After August 1, 1979, all specified components which are sold to a purchaser and installed into a diagnostic X-ray system must be certified. Therefore, an assembler must file a report pursuant to § 1020.30(d) (1) or (2) of this chapter upon completion of the assembly of one or more of such components into any diagnostic X-ray system after that date.

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

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

Dated: July 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-17220 Filed 7-26-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

Subpart E—Highway Safety Improvement Program

Adoption of New Policies and Procedures

The Federal Highway Administrator is adding a new Subpart E to Part 655, Subchapter G, Chapter I of title 23, CFR. The purpose of the new subpart is to prescribe the policies and procedures that the Federal Highway Administration will follow in administering the highway safety improvement program, including the programs authorized by 23 U.S.C. 152, 153, 405 and section 203 of the Highway Safety Act of 1973, for the detection, through accident analysis, of specific locations, elements or sections of all highways that are hazardous or potentially hazardous and for implementing corrective measures for the identified hazards.

In consideration of the foregoing, 23 CFR Chapter I is amended by adding a new Subpart E in Part 655 of Subchapter G, reading as set forth below.

Since this amendment involves the administration of a program of public grants-in-aid, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

This amendment is issued under the authority of 23 U.S.C. 105(f), 152, 153, 315, and 405, section 203 of the Highway Safety Act of 1973, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on July 22, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart E—Highway Safety Improvement Program

AUTHORITY: The provisions of this Subpart E are issued under 23 U.S.C. 105(f), 152, 153, 315, and 405, section 203 of the Highway Safety Act of 1973 and delegation of authority at 49 CFR 1.48.

§ 655.501 Purpose.

The rules in this subpart prescribe the policies, procedures and guidelines for the development of a program for the detection, through accident analysis, of specific locations, elements or sections of all highways that are hazardous or potentially hazardous and for implementing corrective measures for the identified hazards.

§ 655.502 Definitions.

(a) "Highway" means any public road under the jurisdiction of and maintained by a public authority and open to public travel.

(b) "Roadside obstacle" means any fixed object alongside a highway (generally within 30 feet of traveled way) that may be a hazard to vehicles or pedestrians.

(c) "High hazard location" means any location which has a greater than average accident experience and any location with like characteristics to a location having greater than average accident experience.

§ 655.503 Policy.

Each State shall develop and implement on a continuing basis a highway safety improvement program including logical and comprehensive procedures for the selection, scheduling, construction and evaluation of highway safety improvement projects, on all highways, with the specific objective of reducing the number and severity of accidents.

§ 655.504 Program elements.

Each State highway safety improvement program shall include the following elements covering all highways:

(a) A process for the identification of safety needs, including:

(1) A reference system to determine accurately the location of individual accidents.

(2) A traffic records system which correlates accident experience with highway data, with the ultimate objective of identifying highway causative factors of accidents and accident severity.

(3) A procedure for identifying and reporting hazardous locations, elements,

and sections of highways based on a review of:

(i) Accident experience at specific locations.

(ii) Accidents related to specific elements of the roadway environment.

(iii) Sites with like characteristics to locations having a greater than average accident experienece.

(4) An engineering survey, systematically maintained, of all railroad-highway crossings to identify those crossings which may require separation, relocation, or warning devices.

(5) An engineering survey, systematically maintained, of all highways to identify roadside obstacles which may constitute a hazard to vehicles or pedestrians.

(6) The identification of locations with low skid resistance.

(7) The identification of locations with hazardous conditions associated with narrow bridges.

(b) A process for the systematic correction of identified safety needs including:

(1) The establishment of, and assignment of priorities to, a schedule of safety improvements.

(2) The implementation of the systematic correction of identified hazards.

(c) An evaluation of the program, including:

(1) A process to determine the effects the improvements have in reducing accidents and accident severity.

(2) An annual evaluation and report of the State's overall safety improvement program and the State's progress in implementing the individual programs established by the Highway Safety Act of 1973.

§ 655.505 Program procedures.

(a) *Establishment of priorities—(1) Railroad-highway grade crossings (section 203 of the Highway Safety Act of 1973).* (i) Section 203(a) of the Highway Safety Act of 1973 requires as a minimum that each State's schedule of improvements shall provide signs at all crossings. As a first priority, each State, in cooperation with the involved railroad and any other agency having jurisdiction, shall identify those grade crossings at which there are either no signs or nonstandard signs and institute an improvement program to provide signing and pavement marking in compliance with the Manual on Uniform Traffic Control Devices[1] at all grade crossings.

(ii) At least one-half of the funds authorized under section 203 of the Highway Safety Act of 1973 are to be used for crossing warning devices (crossbuck warning signs, advance warning signs, pavement markings, illumination, flashing light signals with or without automatic gates). The remainder may be used for any type of work for the elimination of hazards of railroad-highway grade crossings.

(iii) The priority schedule of crossing improvements should be based on:

(A) The ranking of crossings using the State's current hazard index.

(B) An onsite inspection.

(C) Accident history.

(2) *High-hazard locations (23 U.S.C. 152).* Using the accident data and information developed under § 655.504(a)(3), (6) and (7), project priorities for high-hazard locations shall be established, giving primary consideration to the anticipated reduction in number of accidents and accident severity, the cost of corrective measures and the feasibility of implementing the improvements.

(3) *Elimination of roadside obstacles (23 U.S.C. 153).* Priorities for the elimination of roadside obstacles should be determined, utilizing the survey data developed under § 655.504(a)(5) and the State's accident information relative to fixed objects.

(4) *Federal-aid safer roads demonstration program (23 U.S.C. 405).* Each State, in conjunction with local officials where appropriate, shall assign priorities, based on the potential for reduction in accidents and accident severity, to projects identified for the Federal-aid safer roads demonstration program for all highways not on the Federal-aid system. The identified projects shall be based on the listing that was required of each State not later than June 30, 1974, in compliance with 23 U.S.C. 405(b).

(b) *Project selection.* (1) Highway improvement projects for each of the following types of improvements may be approved by the Division Engineer only after the State has prepared, on the basis of its surveys and priority rankings, a schedule or list of projects to be implemented for that particular type of improvement:

(i) *Railroad-highway grade crossing improvements.* Projects for railroad-highway grade crossing improvements shall be selected from the priority listing developed in accordance with paragraph (a)(1) of this section. First priority shall be given to those grade crossings at which there are no warning signs or nonstandards signs.

(ii) *High-hazard locations.* Projects for the improvement of identified high-hazard locations on the Federal-aid system shall be selected from a priority listing developed by the procedures set forth in § 655.504(a)(3), (6), and (7), § 655.504(b), and paragraph (a)(2) of this section.

(iii) *The elimination of roadside obstacles.* Projects for the removal, relocation, remodeling, or shielding of roadside hazards shall be selected from the priority listings developed in accordance with § 655.504(b) and paragraph (a)(3) of this section.

(iv) *Federal-aid safer roads demonstration projects.* The State shall utilize the engineering survey data developed as a result of the requirements of § 655.504(a) and paragraph (a) of this section along with high-priority safety projects identified by local governmental authorities in the selection or designation of projects for the Secretary's approval.

(2) If the priority lists have not been completed but are underway the implementation of high priority safety projects should not be delayed until all of the survey requirements are satisfied.

§ 655.506 Project procedures.

(a) Safety projects shall be implemented under normal Federal-aid program project procedures as established by the Federal-Aid Highway Program Manual[2] unless otherwise provided herein or otherwise approved by the Administrator.

(b) Safety projects are made up of miscellaneous kinds of work that are generally considered minor items on regular highway construction projects. Therefore, in accordance with the policy prescribed in 23 U.S.C. 101(e), the Division Engineer may authorize certain timesaving procedures for specific projects or for a program of projects. Such procedures should be utilized to the extent feasible and may include:

(1) *Use of State forces.* The Federal Highway Administrator finds it to be in the public interest for a State or local government to use its own forces for highway safety improvement projects, if the State so requests.

(2) *The Clearinghouse requirement.* Certain types of projects are of such a nature or magnitude that they will have no effect on decisions or public works activities of concern to clearinghouse agencies established under Office of Management and Budget Circular A–95 (Federal-Aid Highway Program Manual, Volume 4, Chapter 1, section 2). The Division Engineer should work with the State to identify such types of projects and have the State develop agreements with appropriate areawide clearinghouses for the exemption of these projects from notification and review requirements or arrange for rapid screening.

(3) *Urban transportation planning review.* The Division Engineer may determine that the urban transportation planning review requirements (Federal-Aid Highway Program Manual, Volume 4, Chapter 4, section 2) are not applicable if the project or projects will not result in an alteration of land use or traffic flow patterns that would require a significant change in planning completed or underway.

(4) *Environmental statement requirement.* Under the provisions of Federal-Aid Highway Program Manual, Volume 7, Chapter 7, section 2 (Environmental Impact and Related Statements), it may be determined that the project is of such a nature that an environmental impact statement is not required.

(5) *Public hearing requirement.* The Division Engineer may determine that the provisions of PPM 20–8 (Federal-Aid Highway Program Manual, Volume 7, Chapter 7, section 5 and part of section 6) (pertaining to public hearings

[1] The Manual on Uniform Traffic Control Devices is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of $3.50 per copy.

[2] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7 App. D.

and location/design approval) which require public hearings and notification thereof are not applicable if the abbreviated procedures in paragraphs (b) (2), (3), and (4) of this section are all utilized. If the State has an approved Action Plan containing public hearing procedures which was developed pursuant to Federal-Aid Highway Program Manual, Volume 7, Chapter 7, section 7 (Process Guidelines) the hearing procedures of the State's Action Plan will apply.

(6) *Miscellaneous timesaving procedures.* In addition to the procedures outlined in paragraph (b) (1) through (5) of this section, in order to minimize paperwork and prevent unnecessary delays, whenever feasible the Division Engineer should encourage the utilization of other time-saving procedures such as use of abbreviated plans, grouping of improvements as a single project, combining project action, and simplified inspection procedures.

(c) It a State is without legal authority to construct or maintain a project under 23 U.S.C. 405 the State shall enter into a formal agreement for such construction or maintenance with the appropriate officials of the political subdivision.

§ 655.507 Funding.

(a) Safety improvement projects on the Federal-aid highway system for all categories of improvements set forth in this part are eligible for funds apportioned under 23 U.S.C. 104(b) at the normal pro-rata share. Specific categories of safety improvements on the Federal-aid highway systems other than Interstate are eligible for funds authorized by 23 U.S.C. 152 and 153 and by section 203 of the Highway Safety Act of 1973. Specific categories of safety improvements on any highway not on a Federal-aid system are eligible for funds authorized by 23 U.S.C. 405. The Federal share of a project funded from an authorization under 23 U.S.C. 152, 153, or 405 or section 203 of the Highway Safety Act of 1973 shall be 90 percent of its cost.

(b) The normal 90 percent Federal share for section 203 projects may be increased in exceptional cases. This increase may be approved solely where State funds are available which, under State law, may be spent only when the local government produces matching funds and the production of the matching funds would result in an undue hardship for the local government.

(c) The railroad share of costs of railroad-highway grade crossing improvement projects funded under 23 U.S.C. 405 and section 203 of the Highway Safety Act of 1973 will be determined in accordance with Federal-Aid Highway Program Manual, Volume 6.

§ 655.508 Evaluation and reporting.

(a) *Submission of annual report.* Each State must make an annual report (OMB 04–R2450) to the Federal Highway Administrator evaluating its overall highway safety improvement program and reporting on the progress it has made in implementing each of the programs established by the Highway Safety Act of 1973 covered by this part and the effectiveness of the improvements made. The report must be submitted to the Federal Highway Administration Division Engineer by August 31 of each year.

(b) *Contents of annual report.* (1) The State's annual report must include an evaluation of its overall highway safety improvement program on a fiscal year basis including projects funded under programs established by the Highway Safety Act of 1973, safety improvement projects utilizing funds apportioned under 23 U.S.C. 104(b), and projects utilizing solely State and local funds.

(2) In addition to the information required by paragraph (b) (1) of this section, the State's annual report must include the following information for each of the programs established under 23 U.S.C. 152, 153, 405, and section 203 of the Highway Safety Act of 1973:

(i) An assessment of the cost of, and the safety benefits derived from, the various means and methods used to mitigate or eliminate identified hazards.

(ii) A comparison of accident data during a period of time before the improvements with accident data pertaining to a similar period after the improvements.

(iii) The basic cost data for each type of corrective measure and the number of each type of improvement undertaken during the year.

(3) In addition to the information required by paragraph (b) (1) and (2) of this section, the State's annual report must include the information indicated for the following programs established by the Highway Safety Act of 1973:

(i) *Section 203 of the Highway Safety Act of 1973.* (A) Status of the railroad-highway crossing survey and the method or methods proposed to keep the survey current.

(B) The method employed in establishing project priorities.

(C) Problems encountered in advancing projects and recommendations for corrective action.

(ii) *23 U.S.C. 152.* (A) Criteria utilized for identifying a high-hazard location.

(B) Number of high-hazard locations identified during the year using the criteria referred to in paragraph (b) (3) (ii) (A) of this section.

(C) Method employed in establishing project priorities.

(iii) *23 U.S.C. 153. (A) The survey* quantity of each identified obstacle.

(B) Method employed in establishing project priorities.

(C) Proposed schedule for elimination of obstacles.

(D) Method or means proposed to keep the survey of roadside obstacles current.

(E) Number of improvements made for each of the kinds of identified obstacles.

(iv) *23 U.S.C. 405.* (A) The June 30, 1974, listing of projects identified for the Federal-Aid Safer Roads Demonstration Program and the estimated cost of the needed safety improvements.

(B) The distribution of the projects of the June 30, 1974, listing by road systems (collector road, local road) and governmental jurisdiction (county, city, township, etc.).

(C) Criteria utilized for the assignment of priorities to provide for the most effective improvements in highway safety.

(4) Once basic program items such as procedures, methods and priority criteria have been included in an annual report, subsequent reports need only discuss additions or changes to such basic program items.

[FR Doc.74–17187 Filed 7–26–74;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION

Subpart D—Outdoor Advertising (Acquisition of Rights of Sign and Sign Site Owners)

Regulations of the Federal Highway Administration pertaining to Highway Beautification in 23 CFR Chapter I are hereby amended by deleting the material designated as Subpart D "Outdoor Advertising/Acquisition of Advertising Signs, Displays, Devices and Related Property Interests" and inserting in its place and stead revised Subpart D, entitled "Outdoor Advertising (acquisition of right of sign site owners)".

Among other changes, the revised regulation discontinues publication of national sign cost and depreciation schedules, revises Federal participation policies pertaining to the removal of blank or painted out signs, partially completed signs, and signs damaged by vandals. It authorizes increased payments under the Nominal Value Plan and changes FHWA documentation requirements.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance set forth below.

Sec.

AUTHORITY: 23 U.S.C. 131 and 315; 23 CFR 1.32 and 1.48(b).

§ 750.301 Purpose.

To prescribe the Federal Highway Administration (FHWA) policies relating to Federal participation in the costs of acquiring the property interests necessary for removal of nonconforming advertising signs, displays and devices on the Federal-aid Primary and Interstate Systems, including toll sections on such systems, regardless of whether Federal funds participated in the construction thereof. This regulation should not be construed to authorize any additional rights in eminent domain not already existing under State law or under 23 U.S.C. 131(g).

(a) Just compensation shall be paid for the sign and site owner's rights and interests in or pertaining to the following outdoor advertising signs, displays and devices:

(1) Those lawfully in existence on October 22, 1965;

(2) Those lawfully on any highway made a part of the Interstate or Primary System on or after October 22, 1965, and before January 1, 1968; and

(3) Signs lawfully erected on or after January 1, 1968 in accordance with 23 U.S.C. 131 (Highway Beautification Act).

(b) Federal reimbursement will be made on the basis of 75 percent of the acquisition, removal and incidental costs legally incurred or obligated by the State.

(c) Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651, et seq.) applies except where complete conformity would defeat the purposes set forth in 42 U.S.C. 4651, would impede the expeditious implementation of the sign removal program or would increase administrative costs out of proportion to the cost of the interests being acquired or extinguished.

(d) Projects for the removal of outdoor advertising signs including hardship acquisitions should be programed and authorized in accordance with normal program procedures for right-of-way projects.

§ 750.303 Definitions.

(a) *Sign.* An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.

(b) *Lease* (license, permit, agreement, contract or easement). An agreement, oral or in writing, by which possession or use of land or interests therein is given by the owner or other person to another person for a specified purpose.

(c) *Leasehold value.* The leasehold value is the present worth of the difference between the contractual rent and the current market rent at the time of the appraisal.

(d) *Illegal sign.* One which was erected and/or maintained in violation of State law.

(e) *Nonconforming sign.* One which was lawfully erected, but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State law or State regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.

(f) *1966 Inventory.* The record of the survey of advertising signs and junkyards compiled by the State highway department.

(g) *Abandoned sign.* One in which no one has an interest, or as defined by State law.

§ 750.304 State policies and procedures.

The State's written policies and operating procedures for implementing its sign removal program under State law and complying with 23 U.S.C. 131 and its proposed time schedule for sign removal and procedure for reporting its accomplishments shall be submitted to the FHWA for approval within 90 days of the date of this regulation. This statement should be supported by the State's regulations implementing its program. Revisions to the State's policies and procedures shall be submitted to the FHWA for approval. The statement should contain provisions for the review of its policies and procedure to meet changing conditions, adoption of improved procedures, and for internal review to assure compliance. The statement shall include as a minimum the following:

(a) *Project priorities.* The following order of priorities is recommended.

(1) Illegal and abandoned signs.

(2) Hardship situations.

(3) Nominal value signs.

(4) Signs in areas which have been designated as scenic under authority of State law.

(5) Product advertising on:

(i) Rural Interstate highway.

(ii) Rural primary highway.

(iii) Urban areas.

(6) Nontourist-oriented directional advertising.

(7) Tourist oriented directional advertising.

(b) *Programing.* (1) A sign removal project may consist of any group of proposed sign removals. The signs may be those belonging to one company on those located along a single route, all of the signs in a single county or other locality, hardship situations, individually or grouped, such as those involving vandalized signs, or all of a sign owner's signs in a given State or area, or any similar grouping.

(2) A project for sign removal on other than a Federal-aid primary route basis e.g., a countywide project or a project involving only signs owned by one company, should be identified as CAF-000B( ), continuing the numbering sequence which began with the sign inventory project in 1966.

(3) Where it would not interfere with the State's operations, the State should program sign removal projects to minimize disruption of business.

(c) *Valuation and review methods.* (1) *Schedules—formulas.* Schedules, formulas or other methods to simplify valuation of signs and sites are recommended for the purpose of minimizing administrative and legal expenses necessarily involved in determining just compensation by individual appraisals and litigation. They do not purport to be a basis for the determination of just compensation under eminent domain.

(2) *Appraisals.* Where appropriate, the State may use its approved appraisal report forms including those for abbreviated or short form appraisals. Where a sign or site owner does not accept the amount computed under an approved schedule, formula, or other simplified method, an appraisal shall be utilized.

(3) *Leaseholds.* When outdoor advertising signs and sign sites involve a leasehold value, the State's procedures should provide for determining value in the same manner as any other real estate leasehold that has value to the lessee.

(4) *Severance Damages.* The State has the responsibility of justifying the recognition of severance damages pursuant to 23 CFR 710.24, and the law of the State before Federal participation will be allowed. Generally, Federal participation will not be allowed in the payment of severance damages to remaining signs, or other property of a sign company alleged to be due to the taking of certain of the company's signs. Unity of use of the separate properties, as required by applicable principles of eminent domain law, must be shown to exist before participation in severence damages will be allowed. Moreover, the value of the remaining signs or other real property must be diminished by virtue of the taking of such signs. Payments for severance damages to economic plants or loss of business profits are not compensable. Severance damage cases must be submitted to the FHWA for prior concurrence, together with complete legal and appraisal justification for payment of these damages. To assist the FHWA in its evaluation, the following data will accompany any submission regarding severance:

(i) One copy of each appraisal in which this was analyzed. One copy of the State's review appraiser analysis and determination of market value.

(ii) A plan or map showing the location of each sign.

(iii) An opinion by the State highway department's chief legal officer that severance is appropriate in accordance with State law together with a legal opinion that, in the instant case, the damages constitute severance as opposed to consequential damage as a matter of law. The opinion shall include a determination, and the basis therefor, that the specific taking of some of an outdoor advertiser's signs constitutes a distinct economic unit, and that unity of use of the separate properties in conformity with applicable principles of eminent domain law had been satisfactorily established. A legal memorandum must be furnished citing and discussing cases and other authorities supporting the State's position.

(5) *Review of value estimates.* All estimates of value shall be reviewed by a person other than the one who made the estimate. Appraisal reports shall be reviewed and approved prior to initiation of negotiations. All other estimates shall be reviewed before the agreement becomes final.

(d) *Nominal value plan.* (1) This plan may provide for the removal costs of eligible nominal value signs and for payments up to $250 for each nonconforming sign, and up to $100 for each nonconforming sign site.

(2) The State's procedures may provide for negotiations for sign sites and

sign removals to be accomplished simultaneously without prior review.

(3) Releases or agreements executed by the sign and/or site owner should include the identification of the sign, statement of ownership, price to be paid, interest acquired, and removal rights.

(4) It is not expected that salvage value will be a consideration in most acquisitions; however, the State's procedures may provide that the sign may be turned over to the sign owner, site owner, contractor, or individual as all or a part of the consideration for its removal, without any project credits.

(5) Programing and authorizations will be in accord with § 750.308 of this regulation. A detailed estimate of value of each individual sign is not necessary. The project may be programed and authorized as one project.

(e) *Sign removal.* The State's procedural statement should include provision for:

(1) Owner retention.

(2) Salvage value.

(3) State removal.

§ 750.305 Federal participation.

(a) Federal funds may participate in:

(1) Payments made to a sign owner for his right, title and interest in a sign, and where applicable, his leasehold value in a sign site, and to a site owner for his right and interest in a site, which is his right to erect and maintain the existing nonconforming sign on such site.

(2) The cost of relocating a sign to the extent of the cost to acquire the sign, less salvage value if any.

(3) A duplicate payment for the site owner's interest of $2,500 or less because of a bona fide error in ownership, provided the State has followed its title search procedures as set forth in its policy and procedure submission.

(4) The cost of removal of signs, partially completed sign structures, supporting poles, abandoned signs and those which are illegal under State law within the controlled areas, provided such costs are incurred in accordance with State law. Removal may be by State personnel on a force account basis or by contract. Documentation for Federal participation in such removal projects should be in accord with the State's normal force account and contractural reimbursement procedures. The State should maintain a record of the number of signs removed. These data should be retained in project records and reported on the periodic report required under § 750.308 of this regulation.

(5) Signs materially damaged by vandals. Federal funds shall be limited to the Federal pro-rata share of the fair market value of the sign immediately before the vandalism occurred minus the estimated cost of repairing and reerecting the sign. If the State chooses, it may use its FHWA approved nominal value plan procedure to acquire these signs.

(6) The cost of acquiring and removing completed sign structures which have been blank or painted out beyond the period of time established by the State for normal maintenance and change of message, provided the sign owner can establish that his nonconforming use was not abandoned or discontinued, and provided such costs are incurred in accordance with State law, or regulation. The evidence considered by the State as acceptable for establishing or showing that the nonconforming use has not been abandoned or voluntarily discontinued shall be set forth in the State's policy and procedures.

(7) In the event a sign was omitted in the 1966 inventory, and the State supports a determination that the sign was in existence prior to October 22, 1965, the costs are eligible for Federal participation.

(b) Federal funds may not participate in:

(1) Cost of title certificates, title insurance, title opinion or similar evidence or proof of title in connection with the acquisition of a landowner's right to erect and maintain a sign or signs when the amount of payment to the landowner for his interest is $2,500 or less, unless required by State law. However, Federal funds may participate in the costs of securing some lesser evidence or proof of title such as searches and investigations by State highway department personnel to the extent necessary to determine ownership, affidavit of ownership by the owner, bill of sale, etc. The State's procedure for determining evidence of title should be set forth in the State's policy and procedure submission.

(2) Payments to a sign owner where the sign was erected without permission of the property owner unless the sign owner can establish his legal right to erect and maintain the sign. However, such signs may be removed by State personnel on a force account basis or by contract with Federal participation except where the sign owner reimburses the State for removal.

(3) Acquisition costs paid for abandoned or illegal signs, potential sign sites, or signs which were built during a period of time which makes them ineligible for compensation under 23 U.S.C. 131, or for rights in sites on which signs have been abandoned or illegally erected by a sign owner.

(4) The acquisition cost of supporting poles or partially completed sign structures in nonconforming areas which do not have advertising or informative content thereon unless the owner can show to the State's satisfaction he has not abandoned the structure. When the State has determined the sign structure has not been abandoned, Federal funds will participate in the acquisition of the structure, provided the cost are incurred in accordance with State law.

§ 750.306 Documentation for Federal participation.

The following information concerning each sign must be available in the State's files to be eligible for Federal participation.

(a) *Payment to sign owner.* (1) A photograph of the sign in place. Exceptions may be made in cases where in one transaction the State has acquired a number of a company's nominal value signs similar in size, condition and shape. In such cases, only a sample of representative photographs need be provided to document the type and condition of the signs.

(2) Evidence showing the sign was nonconforming as of the date of taking.

(3) Value documentation and proof of obligation of funds.

(4) Satisfactory indication of ownership of the sign and compensable interest therein (e.g., lease or other agreement with the property owner, or an affidavit, certification, or other such evidence of ownership).

(5) Evidence that the sign falls within one of the three categories shown in § 750.302 of this regulation. The specific category should be identified.

(6) Evidence that the right, title, or interest pertaining to the sign has passed to the State, or that the sign has been removed.

(b) *Payment to the site owner.* (1) Evidence that an agreement has been reached between the State and owner.

(2) Value documentation and proof of obligation of funds.

(3) Satisfactory indication of ownership or compensable interest.

§ 750.307 FHWA project approval.

Authorization to proceed with acquisitions on a sign removal project shall not be issued until such time as the State has submitted to FHWA the following:

(a) A general description of the project.

(b) The total number of signs to be acquired.

(c) The total estimated cost of the sign removal project, including a breakdown of incidental, acquisition and removal costs.

§ 750.308 Reports.

Periodic reports on site acquisitions and actual sign removals shall be submitted on FHWA Form 1424 and as prescribed.

Issued on: July 22, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-17186 Filed 7-26-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 242-5]

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

Dimethoate

A petition (PP 4F1462) was filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodities corn fodder and forage at 1 part per million and corn grain at 0.1 part per million (negligible residue).

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 tolerances are being established.

2. The established tolerances are adequate to cover residues in eggs, meat, milk, or poultry, and § 180.6(a)(2) applies.

3. The tolerances 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), § 180.204 is amended by revising the paragraph "1 part per million * * * and by adding the new paragraph "0.1 part per million (negligible residue) * * *", as follows:

§ 180.204 **Dimethoate including its oxygen analog; tolerances for residues.**

* * * * *

1 part per million in or on corn fodder and forage, grapes, and melons.

* * * * *

0.1 part per million (negligible residue) in or on corn grain.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 28, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & 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 issue 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 July 29, 1974.

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

Dated: July 24, 1974.

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

[FR Doc.74-17270 Filed 7-26-74;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

COMMUNITY ACTION PROGRAMS

Miscellaneous Amendments

Background. The following regulations pertaining to the legal services programs are revoked pursuant to the order of Judge Jones in Local 2677, AFGE v. Phillips 358 F. Supp. 60 (1973) that such "rules, regulations, guidelines, instructions, and other communications * * * are unauthorized by law, illegal, and in excess of statutory authority * * *":

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

In 45 CFR Part 1061, "Subpart—Legal Services Program," Sec. 1061.4–1, "Policy" is revoked.

In 45 CFR Part 1061, "Subpart— Goals of Legal Services Program," Sec. 1061.5–1, "Applicability," Sec. 1061.5–2, "References," Sec. 1061.5–3, "Purpose," Sec. 1061.5–4, "Background," Sec. 1061.5–5, "Definitions," and Sec. 1061.5–6, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Group Representation," Sec. 1061.6–1, "Applicability," Sec. 1061.6–2, "References," Sec. 1061.6–3, "Purpose," Sec. 1061.6–4, "Definitions," and Sec. 1061–5, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Maintenance of Attorneys Logs and Record of Authorized Leave," Sec. 1061.7–1, "Applicability," Sec. 1061.7–2, "Purpose," Sec. 1061.7–3, "Policy," and Sec. 1061.7–4, "Forms supply," are revoked.

In 45 CFR Part 1061, "Subpart—Qualifications of Legal Services Attorneys," Sec. 1061.8–1, "Applicability," Sec. 1061.8–2, "Purpose," and Sec. 1061.8–3 "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Economic Development," Sec. 1061.9–1, "Applicability," Sec. 1061.9–2, "References," Sec. 1061.9–3, "Purpose," Sec. 1061.9–4, "Definitions," and Sec. 1061.9–5, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Educational and Public Relations Activities," Sec. 1061.10–1, "Applicability," Sec. 1061.10–2, "References," Sec. 1061.10–3, "Purpose," and Sec. 1061.10–4, "Policy," are revoked.

In 45 CFR Part 1061, "Subpart—Attorney Performance Appraisal," Sec. 1061.11–1, "Applicability," Sec. 1061.11–2, "Purpose," Sec. 1061.11–3, "Board of directors review," Sec. 1061.11–4, "Attorney personnel file," Sec. 1061.11–5, "National Office file copy," Sec. 1061.11–6, "Attorney evaluation schedule," Sec. 1061.11–7, "Attorney appraisal," and Sec. 1061.11–8, "Supply of forms," are revoked.

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

In 45 CFR Part 1068, "Subpart—Allowability of Costs for Organization Dues, Membership Fees, and Donations," Sec. 1068.7–1, "Purpose," Sec. 1068.7–2, "Applicability of this subpart," Sec. 1068.7–3 "Policy," and Sec. 1068.7–4, "Form of request for authorization," are revoked.

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

In 45 CFR Part 1069, "Subpart—Travel Regulations for CAP Grantees and Delegate Agencies," Sec. 1069.3–5, "Restrictions on charging out-of-the-community travel costs to grant funds," and Sec. 1069.3–6, "Approval of travel outside the continental United States," are revoked.

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS

In 45 CFR Part 1070, "Subpart—Use of OEO Grant Funds for the Purpose of Program or Other Involvement in All Communications Media," Sec. 1070.4–1, "Purpose," Sec. 1070.4–2, "Applicability," Sec. 1070.4–3, "Background," Sec. 1070.4–4, "Definitions," and Sec. 1070.4–5 "Policy," are revoked.

This revocation is effective August 1, 1974.

ALVIN J. ARNETT,
Director.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

[FR Doc.74-17231 Filed 7-26-74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–54; Notice No. 74–14]

PART 390—MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Application to Motor Carrier Operations in Hawaii; Revocation of Exemptions

The Director of the Bureau of Motor Carrier Safety is revoking the administrative exemptions which currently make the Federal Motor Carrier Safety Regulations inapplicable to operations of commercial motor carriers engaged in interstate or foreign commerce within the State of Hawaii. The effect of this action is to require once again that Hawaiian motor carriers (except private carriers of passengers) must, when transporting passengers or property in interstate or foreign commerce, conduct their operations in conformity with the rules in Parts 390–397 of Subchapter B in title 49, Code of Federal Regulations.

The Director initiated this proceeding on March 4, 1974, when he issued a Notice of Proposed Rulemaking, inviting interested persons to comment on a proposal to make Hawaiian motor carriers subject to the regulations (39 FR 9545). In that Notice, the Director also announced that public hearings would be held to permit interested persons to express their views orally on the proposal. Public hearings were held in Honolulu, Hawaii on May 1 and 2, 1974. At the hearings, the Director heard the views of, and received written statements from, the Joint Council of Teamsters and Hotel Workers of Hawaii (Teamsters) and the Hawaii Trucking Association (HTA). White Motor Corp. (White) filed a written comment but did not participate in the hearings. The

testimony received, as well as the written comment, has been carefully considered. In addition, the Bureau's staff performed a study of the current status of the regulation of motor carrier safety in Hawaii and an analysis of available Hawaiian motor carrier accident data.

Positions of the Parties

HTA is an association representing 170 active and associate motor carrier members engaged in the common carrier industry in Hawaii. It consists of approximately 75 percent of the operating authorities and approximately 90 percent of the volume of products transported by common carriers. Its membership includes 107 common carriers and 14 private carriers. HTA testified that it supported any program to improve safety on the highways and thereby to reduce fatalities and personal injuries. Adherence to the Federal Motor Carrier Safety Regulations, said HTA, would produce savings to its members in the form of lower insurance rates, less down time on equipment, and a reduction of losses of business. Hence, HTA said that its members "do not oppose the imposition, as a minimum, of Federal Highway Safety standards [*sic.* Federal Motor Carrier Safety Regulations] in Hawaii." Noting that the Hawaii Public Utilities Commission, which is responsible for safety regulation of motor carriers, "has not been capable of close supervision and strict enforcement of the safety provisions of the Hawaii Motor Carrier Law" because of a lack of personnel and funding, HTA pointed out that application of the Federal Motor Carrier Safety Regulations to Hawaii would not wholly fill the gap in viable safety regulation, since "the trucks becoming subject to the Federal regulations would be limited to those engaged in interstate and foreign commerce." To establish a mechanism under which safety standards are applied to all commercial motor vehicles operating in Hawaii, HTA advanced the following proposals:

1. That necessary action be taken at appropriate State and Federal levels to achieve the adoption by the State of Hawaii of the Federal Highway Safety Regulations. [sic.]
2. That a determination be made as to staffing and funding required to support an inspection and compliance agency.
3. That the Bureau of Motor Carrier Safety initially provide support in the form of personnel and a portion of the funding required.
4. That Federal authorities, when assured that the State motor carrier safety agency had reached a required level of proficiency, accreditate that agency. At that point Federal Bureau of Motor Carrier Safety personnel would phase out. This proposal is in line with the procedure adopted in the enforcement of the Occupational, Safety and Health Administration regulations.
5. That necessary monitoring procedures be agreed upon to insure State compliance.
6. That the State Motor Carrier Safety Agency apply the Federal Regulations to all trucks operating over the highways, not making them applicable only to the common carrier industry.

The Teamsters represent over 2,000 member-drivers employed in approximately 85 firms and seven tour and bus companies. The Teamsters expressed vigorous support for removal of the exemptions enjoyed by Hawaii motor carriers from the applications of the Federal Motor Carrier Safety Regulations. Like HTA, the Teamsters were concerned about the lack of an effective State safety enforcement program in Hawaii, pointing out that prior to 1969, the Hawaii Public Utilities Commission was issuing over 500 citations per month to operators of commercial motor vehicles for violations of safety regulations. Major violations consisted of overloading and mechanical defects. About five vehicles a week were grounded for repairs. "It is inconceivable," said the Teamsters, "that the situation has improved since safety enforcement drastically fell off." Instances of unsafe operations reported by drivers were cited by the Teamsters as evidence that more attention to safety regulation is needed in Hawaii.

> Our drivers have a long litany of grievous complaints. They complain of entire instrument panels going on the blink, of horns, gas gauges, and directional signals not working. Bad brakes carry them through red lights. There are rear view mirrors missing and doors tied to keep them shut.
>
> Our drivers will tell you about having to stick their heads out the window to avoid being overcome by fumes seeping into the driver's compartment through holes on the floor of the vehicle. There are drivers who have had to wrap their leg [sic] around the shift to keep it from slipping out of gear.

The Teamsters reported that some drivers have gone to the extent of stopping police officers on the road, asking for citations for operating defective equipment. Hawaiian citizens, the Teamsters testified, are contributing to tax revenues that support the Federal motor carrier safety program; they should be entitled to enjoy the benefits of that program.

White's written comment to the docket said that the company, a manufacturer of commercial motor vehicles, had no substantive views on the advisability of making the Safety Regulations applicable to Hawaii. It pointed out that the Bureau should consider modifying some requirements of the regulations in the event it was decided to apply them to Hawaiian operations. Specifically, White said, the Bureau should consider an exemption from the requirement in § 393.79 of the regulations for a windshield defrosting device on buses, trucks, and truck tractors. White noted that a similar exemption is found in Federal Motor Vehicle Safety Standard No. 103, which provides that requirements for windshield defrosting and defogging devices apply only to motor vehicles manufactured for sale in the continental United States.

Status of Motor Carrier Safety in Hawaii

Hawaii is the only State comprised entirely of islands. It has a land area of 6,425 square miles and ranks 47th in size among the States. The State of Hawaii consists of 8 major islands and 124 minor ones, extending 1,523 statute miles. In 1970, the population was 769,000. By July 1, 1972, the State's population was 808,560. Hawaii is growing at a rate of 2.2 percent per year, and by 1990 it is expected to have over one million residents.

The capital and largest city of Hawaii is Honolulu. Located on the island of Oahu, Honolulu is the commercial and transportation center of Hawaii. The boundaries of the city and county of Honolulu are coextensive with those of the island of Oahu. The overwhelming majority of the State's motor carrier operations are conducted on the island of Oahu. There is substantial traffic in property being transported by motor vehicle in interstate and foreign commerce. Shipments of used household goods and containerized freight make up the largest portion of the interstate movements.

Commercial motor carriers operating in interstate or foreign commerce in Hawaii are not now subject to the Federal Motor Carrier Safety Regulations. This is the case because in 1960, the Interstate Commerce Commission, acting pursuant to section 204(a)(4a) of the Interstate Commerce Act, issued a certificate of exemption which exempted motor carriers operating solely in Hawaii from application of both the economic and safety regulations which the Commission then administered under Part II of the Act. Motor Carrier Operations in the State of Hawaii, 84 MCC 5 (1960). So far as safety is concerned, the Commission's report indicates that it was persuaded to grant the exemption by two considerations: (a) The fact that, as the Commission found, virtually all freight hauling in Hawaii conducted by interstate carriers consisted of local pickup and delivery service performed over very short distances; and (b) the belief that the Hawaii Public Utilities Commission could, under recently-enacted State legislation, exercise adequate surveillance and enforcement powers over the safety of interstate motor carriers. 12 years later, the Commission found that the first of those factors had radically changed. In considering whether to revoke the section 204(a)(4a) exemption as it applied to carriers of household goods, the Commission found that

> Hawaii itself has changed substantially. Our fiftieth State has enjoyed an unprecedented growth in industry and population during the past decade. Hawaii has also experienced a population migration extending outward from Honolulu, to other points on the island of Oahu as well as to the outer islands. Because the Hawaiian population is thus spreading and expanding, the transportation of household goods from and to the port of Honolulu requires longer motor movements and more stable and responsive service. The evidence shows that in 1960, 33 percent of such traffic did not require movements of over 5 miles while 26 percent of such traffic required movements of over 15 miles. In 1969, however, only 12 percent of petitioners' traffic required movements of not more than 5 miles whereas 50 percent of thier [sic] traffic required motor movements of over 15 miles. This significant difference alone would, we believe, require partial revocation of the exemption.

Motor Carrier Operations in the State of Hawaii, 115 MCC 228, 249 (1972). In its 1972 proceeding, the Commission did in fact revoke the section 204(a)(4a) exemption from economic regulation for motor carriers of household goods in Hawaii.

In the interval between the first and second of the above-mentioned decisions of the Commission, Congress enacted the Department of Transportation Act. The Act transferred the Commission's jurisdiction over motor carrier safety matters to the Department of Transportation, 49 U.S.C. 1655. It also provided for the continued existence, after the transfer, of all exemptions from safety regulation which had been issued by the Interstate Commerce Commission until such time as the Department acted to revoke those exemptions. Section 12, Department of Transportation Act, 80 Stat. 931, 949 (1966). Hence, the section 204(a)(4a) exemption from safety regulation remained in effect as to all Hawaiian motor carriers notwithstanding the Commission's 1972 decision.

The Bureau's investigation of the status of motor carrier safety regulation in Hawaii indicates that the second premise upon which the Commission relieved Hawaiian motor carriers from the obligation to comply with Federal safety regulations—the adequacy of State regulatory programs—is today no longer valid.

The Public Utilities Commission of the State of Hawaii's Department of Regulatory Agencies is responsible for regulating both the safety and economic operations of motor carriers in that State. Like many State regulatory agencies, the Commission also regulates electric, telephone, gas, and pipeline companies. Administration of the agency's rules and regulations is the responsibility of the Transportation Administrator, who has a technical staff of 20. The technical staff is deployed among four branches: Investigation, Audit, Rules and Tariffs, and Engineering.

The investigation Branch consists of a supervisor and two investigators. Their duties include checking motor carriers and drivers to ascertain that they have appropriate certificates and permits, investigating accidents, and enforcing applicable rules and regulations of the Public Utilities Commission. Under its General Order No. 2, which became effective on May 1, 1966, the Commission adopted rules and regulations applicable to motor carriers. The Commission's safety regulations for motor carriers are similar to the Motor Carrier Safety Regulations which were in effect in 1966. This indicates that the Commission has not revised or amended its safety regulations since they were initially issued. Jurisdiction over safety in the transportation of explosives and flammables by motor vehicle is in the hands of the State Department of Labor and the State Fire Marshal, respectively. Hawaii has no hazardous materials regulations of its own and has not adopted the Federal Hazardous Materials Regulations. The Hawaiian agencies merely recommend that carriers follow the Federal rules.

The Public Utilities Commission has issued certificates of public convenience and necessity to 225 trucking companies, 215 limousine operators, and 20 bus firms. In addition, it has jurisdiction over some 3,000 private motor carriers. Both certificated and private carriers are subject to the Commission's safety regulations.

There are over 45,000 commercial motor vehicles registered in Hawaii, including 10,000 truck tractors and 1,000 buses. The Public Utilities Commission has approved 125 public and private garages to perform inspections of commercial vehicles. State law requires all motor vehicles to be inspected each year. Vehicles 10 years old or older must be inspected every six months. Until 1969, the Commission had a program of roadside inspections of commercial motor vehicles. The program was discontinued in 1969 because of a lack of manpower. The Commission has sponsored a bill in the State legislature which would transfer its motor carrier safety functions to the county police; Hawaii has neither a State motor vehicle department nor a State police organization.

As of the date of the Bureau's investigation (July 1973), Public Utilities Commission investigators were devoting less than ten percent of their time to motor carrier safety activities.

The Honolulu Police Department also has responsibilities in the area of motor carrier safety. The Department, which employs 1,200 uniformed officers and 400 civilians, has police jurisdiction over all of the island of Oahu. Oahu is 44 miles long and 30 miles wide and has a total area of 608 square miles. Since Hawaii has no State motor vehicle department, the Police Department issues operators' licenses and vehicle registrations. In 1972, there were 356,066 motor vehicles registered in the City and County of Honolulu (which are coextensive), and registrations are increasing at an annual rate of four percent. One of the Police Department's responsibilities is the annual inspection of all passenger-carrying vehicles (except privately owned and operated passenger cars). The Department is responsible for inspection of school buses, tour buses, taxicabs, limousines, and rental automobiles. Sixteen inspectors are assigned to this function. The inspections are performed at the vehicle's domicile.

The State of Hawaii issues classified drivers' licenses. There are seven categories of licenses. A Class 4 license, for example, authorizes the holder to drive a vehicle with a gross weight of 6,000 pounds or more, except a tractor-semitrailer or a truck-trailer combination; a Class 5 license authorizes operation of a bus; a Class 6 license authorizes operation of a tractor-semitrailer combination; and a Class 7 license is needed to operate a truck-trailer combination. The evidence indicates, however, that there has been a lack of an effective program of screening applicants for licenses to operate heavy and articulated vehicles to ensure that they can actually operate vehicles of that type safely. Many of the recent serious accidents involving tractor-trailer combinations have been attributed to inexperienced drivers. An applicant for a license to operate a motor vehicle with a gross weight of 10,000 pounds or more must have received a physical examination certificate, signed by a doctor of medicine or osteopathy, certifying that the applicant meets minimum physical requirements for safe driving. The certificate must be renewed every 24 months for drivers who are less than 40 years old and every 12 months for drivers 40 years old or older.

The Industrial Safety Division of Hawaii's Department of Labor has responsibility for administration of Hawaiian laws relative to the transportation and storage of explosives. The agency has a staff of 21 inspectors. It issues permits for transportation of explosives. A permit is required for the transportation by motor vehicle of 10 or more cases of explosives; permits are issued when the agency determines that the provisions of the Federal Hazardous Materials Regulations with respect to shipping papers, labeling, and placarding will be obeyed. In addition, the vehicle must have an escort from origin to destination. The State Fire Marshal's Office, which has responsibility for the storage and transportation of flammable substances, has no enforcement or surveillance staff other than the Marshal himself and his secretary.

Because Hawaiian motor carriers have not been required to file accident reports with the Bureau of Motor Carrier Safety, precise data as to their accident experience are impossible to obtain. However, the trend of accident data about trucks in general would seem to indicate that the situation in the State of Hawaii is not encouraging. From 1967 to 1973, the number of truck accidents has increased in every year but one. There were a total of 1,342 accidents involving trucks in 1967. Six years later, in 1973, the number of truck accidents rose to 3,091. This upward trend cannot be ascribed wholly to an increase in the number of registered vehicles; during the period 1967–1973, the ratio of accidents per vehicle increased from .036 to .052. The number of accidents resulting in personal injury has also climbed steadily. In 1967, 530 people were injured in Hawaiian truck accidents; in 1973, the number was 1,160.

Discussion and Conclusions

What has been said thus far clearly demonstrates that motor carrier safety in Hawaii warrants greater governmental attention. All parties to this proceeding appear to agree with this conclusion. At present, there is very little monitoring being accomplished to assure that commercial motor vehicles, particularly those operated by trucking companies, are in compliance with safety regulations. The Public Utilities Commission, with a staff of only three people available, including one supervisor, finds almost all of its time and resources taken

up by its other responsibilities and therefore cannot conduct periodic audits and inspections of the State's motor carriers and their equipment. The investigative staff is responsible for investigating illegal motor carrier operations (i.e., those performed without requisite operating authority), telephone service complaints, and power line and pipeline safety. Because of these other duties, the Commission's investigators are devoting an insignificant amount of their time to motor carrier safety. An increase in the Commission's staff appears to be unlikely in the foreseeable future. As an austerity fiscal policy measure, the Governor has declared a moratorium on hiring by State agencies.

The Public Utilities Commission's hours-of-service regulations are, as noted above, similar to the Federal regulations in effect in 1966. As such, they require a motor carrier to file an Hours of Service report when violations of the rules occur during his operations. Virtually no auditing of these reports takes place, and they are seldom examined in conjunction with a carrier's records; accordingly, there is no way to ascertain whether the reports the Commission is receiving are accurate. Similarly, because the Commission rarely conducts an inspection or survey of a carrier's operations, it has no way of knowing whether, and the extent to which, Hawaii's motor carriers are complying with other facets of its safety regulations, such as the rules dealing with accident reporting, driver qualifications, maintenance and maintenance records, and the driving of vehicles transporting hazardous materials.

In short, because of limited resources and other priorities, the Hawaii Public Utilities Commission cannot effectively administer and enforce its safety regulations. If this situation is allowed to continue, the objectives of section 204 of the Interstate Commerce Act could well be frustrated.

While all parties have agreed that Hawaii faces a severe problem which should be remedied by more governmental attention to motor carrier safety, they disagree somewhat on the question of the optimum solution to the problem. The Teamsters call for immediate institution of a Federal motor carrier safety program in Hawaii, operating as it does in other States. HTA argues that, because the jurisdiction of the Bureau of Motor Carrier Safety is limited to the segment of the motor carrier industry that operates in interstate and foreign commerce, the Bureau should confine itself to a limited "start up" program to initiate more stringent regulation of Hawaiian motor carriers and to encourage creation of a greater capability on the part of the Public Utilities Commission. The program HTA proposes would include Federal funding and personnel support for the Commission. Once the Commission is able to operate a motor carrier program that is at least as effective as a Federally-controlled program, HTA, says, the Federal agency should "accreditate" the Commission's program and withdraw from the State.

There are a number of difficulties with HTA's position. In the first place, there is at present no legal authority for a program of financial or manpower support of State motor carrier safety programs by the Department of Transportation. The only extant statutory authority relative to cooperation by the Federal Government with State agencies in the area of motor carrier safety provides for cooperative agreements relating to exchange of information, records, facilities, and similar matters, but it does not authorize the expenditure of Federal money to fund the activities of State agencies. See Pub. L. 89–170, 49 U.S.C. 305(f). Secondly, unlike section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667, Part II of the Interstate Commerce Act does not authorize a program of "accreditation" of State programs and the consequent elimination of the Federal regulatory program in the State. Thus, HTA's proposed solution is basically a long-term program for the future rather than a practical remedy for current problems.

Taking all factors into account, it appears that the Bureau can most effectively assist the Hawaii Public Utilities Commission to carry out its motor carrier safety responsibilities by establishing a Federal program in Hawaii. The Commission would then have the opportunity to have its personnel work in close cooperation with Federal Motor Carrier Safety Investigators, to the extent their resources allow, and the resultant cross-fertilization would be beneficial to both agencies. Moreover, the existence of a Federal program in Hawaii can enable the State Commission to concentrate its efforts on intrastate motor carriers, instead of having its meager resources spread over the entire motor carrier industry. The evidence available to the Director makes it clear beyond reasonable doubt that the interests of highway safety in Hawaii require the application of the Federal Motor Carrier Safety Regulations to Hawaii and the implementation of a Federal motor carrier safety program in that State. Unnecessary delay in taking the steps which will make Hawaiian motor carriers who operate in interstate or foreign commerce subject to the Federal regulatory scheme would only exacerbate the existing problem, and given the fact that the population and urbanization of Hawaii promise to grow at a rapid pace in the future, might lead to a terrible toll of needless accidents, deaths, and injuries.

Section 204(a)(4a) of the Interstate Commerce Act authorizes revocation of the certificate of exemption held by Hawaiian motor carriers upon a finding that the transportation in interstate or foreign commerce performed by those carriers "shall be, or shall have become, or is reasonably likely to become, of such nature, character, or quantity as in fact substantially to affect or impair uniform regulation * * * of interstate or foreign transportation by motor carriers in effectuating the national transportation policy declared in this Act." As applied to regulation of qualifications and maximum hours of service of employees and safety of operation and equipment, a function vested in the Department of Transportation, the term "uniform regulation" of motor carriers operating in interstate or foreign commerce implies more than merely the prevention of highway collisions between vehicles operated by motor carriers holding a single-State certificate of exemption and vehicles operated by other motor carriers. It extends also to the concept that the cost of protecting the public from the effects of unsafe motor carrier operations should be imposed equally upon all motor carriers subject to the Act, regardless of where their operations take place. By introducing into the national transportation policy the notion that Federal agencies charged with carrying out the Act should strive "to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers" (49 U.S.C. note preceding section 301; emphasis added), Congress proclaimed that motor carriers throughout the country must pay the cost of compliance with safety regulations, and that the public is willing to absorb that cost in the price it pays for transportation of commodities and passengers. It would be a gross violation of that policy, and an impairment of uniform regulation, to absolve motor carriers operating in Hawaii of the duty to comply with a viable, operative safety regulatory program and, at the same time, to impose that duty on motor carriers elsewhere.

For these reasons, the Director finds that continued exemption of motor carriers operating in interstate or foreign commerce in Hawaii from application of the Federal Motor Carrier Safety Regulations would impair uniform regulation by the Department of Transportation of the safety of operation of interstate or foreign transportation by commercial motor carriers. The Director further finds that revocation of that exemption, insofar as motor carrier safety is concerned, will best effectuate the National Transportation Policy.

So much of the certificate of exemption found in 49 CFR Part 1050 as applies to compliance with the Federal Motor Carrier Safety Regulations by common carriers by motor vehicle operating within the State of Hawaii, contract carriers by motor vehicle operating in the State of Hawaii, and private carriers of property by motor vehicle operating in the State of Hawaii is hereby revoked, effective on the dates specified below.

As the Notice of Proposed Rulemaking indicated, meaningful application of the Federal Motor Carrier Safety Regulations to Hawaiian motor carrier operations cannot be accomplished unless the present administratively-generated exemption for certain motor carrier operations which take place wholly within

a municipality or its commercial zone (see 49 CFR 390.16, 390.33) is made inapplicable to Hawaiian operations. This is the case because the overwhelming majority of those operations occur wholly within the City of Honolulu. For this reason, the Director is amending the provisions of the regulations which deal with the exemption for operations wholly within a municipality or its commercial zone to specify that the exemption does not apply to motor carriers and drivers operating in Hawaii. The Director does not regard this step as working an invidious discrimination with respect to the State of Hawaii or its citizens, because Hawaii's geography and governmental structure are unique. In addition, the fact that, as the Director has found, the absence of a municipality-or-its-commercial-zone exemption for Hawaii is necessary to achieve the end of promoting motor carrier safety makes it clear that Hawaiian motor carriers may rationally be considered a class separate from other motor carriers who conduct operations wholly within a municipality or its commercial zone. Compare Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949).

White's written comments in this proceeding asked the Director to consider amending § 393.79 of the regulations to exempt motor vehicles operating in Hawaii from the requirement for a defrosting device. No such amendment is warranted. Section 393.79 requires a commercial motor vehicle to be equipped with a defrosting device "when operating under conditions such that ice, snow, or frost would be likely to collect on the outside of the windshield or condensation on the inside of the windshield". It is true that, under the climatic conditions found in Hawaii, ice, snow, or frost would not be likely to collect on the outside of a vehicle's windshield. However, the Bureau's investigation establishes that the Hawaiian climate is such that a driver can expect condensation to collect on the inside of the vehicle's windshield frequently. Therefore, a defogger is a needed item of safety equipment on commercial motor vehicles being operated in Hawaii. For this reason, the Director is not amending § 393.79. In this connection, the Director notes that there is no need to consider amending § 393.77 of the regulations in light of the action he is this day taking. Section 393.77 specifies criteria for heaters installed on commercial motor vehicles for the purpose of heating the interiors of the vehicles. But it does not impose a requirement for the installation of a heater on any vehicle.

Effective date

Effective date. Although the Teamsters have requested immediate application of the Federal Motor Carrier Safety Regulations to Hawaiian operations, it is neither practicable nor equitable to accede to that request. Reinstitution of a comprehensive and complex regulatory scheme in a segment of industry that has not recently been subject to regulation requires an adequate phase-in period. Personnel policies and procedures must be revised. Forms must be secured, and files must be set up. Systematic inspection and maintenance procedures must be established. Managers, drivers, and other employees must be schooled in the purport of the rules and their duties to comply with them. The agency must be given sufficient time to get the program into motion. This is particularly true with respect to the Federal motor carrier safety program—a program which emphasizes education of, and voluntary compliance by, persons subject to the regulations.

Accordingly, the Director has decided to adopt a phased schedule under which the regulations will be made applicable to motor carriers operating in interstate or foreign commerce in Hawaii. Generally, the rules which do not require extensive recordkeeping or filing systems and which can readily be implemented on an operating basis will be effective on October 1, 1974. The rules which may require motor carriers to secure forms that are readily obtainable, as well as the rules relating to parts and accessories of motor vehicles (which may impose retrofitting requirements) will become effective on January 1, 1975. Rules which require motor carriers to generate their own extensive recordkeeping systems tailored to their own enterprises will become effective on April 1, 1975. No effective date is specified for the rules in Part 398 of the regulations (Transportation of Migrant Workers) since by statute (section 204 (a) (3a) of the Interstate Commerce Act, 49 U.S.C. 304(a)(3a)) those rules apply only when transportation by motor vehicle takes place over a distance of more than 75 miles and across a State boundary line—a situation that would never occur in Hawaii.

For the foregoing reasons, the rules in the Federal Motor Carrier Safety Regulations, Subchapter B of 49 CFR Chapter III amended as set forth below, are effective and applicable to motor carriers, except private carriers of passengers, operating in interstate or foreign commerce within the State of Hawaii in accordance with the following schedule:

Effective date	*Provisions applicable*
Oct. 1, 1974	Part 390, Part 392 (except § 392.22), Part 395 (except § 395.8), §§ 396.1, 396.4, 396.5, and 396.6, Part 397 (except §§ 397.9 (b), 397.19, and 397.21), and Appendices A and B.
Jan. 1, 1975	§ 392.22, Part 393, Part 394, § 395.8, first two sentences of § 396.2, §§ 396.3 and 396.8, and §§ 397.9 (b), 397.19, and 397.21.
Apr. 1, 1975	Part 391, last three sentences of § 396.2, §§ 396.7 and 396.9, and Appendix C.

In consideration of the foregoing, Part 390 in Subchapter B of 49 CFR Chapter III is amended as follows:

1. § 390.16 in Part 390 is revised to read as follows:

§ 390.16 Exempt intracity operation.

The term "exempt intracity operation" means a vehicle or driver used wholly within a municipality, or the commercial zone thereof, as defined by the Interstate Commerce Commission, and transporting—

(a) Passengers or property, or both, for which no placard or other special marking is required under § 177.823 of this title; or

(b) Property consisting of hazardous materials of a type and quantity that require the vehicle to be marked or placarded under § 177.823 of this title and that weigh less than 2,500 pounds, in the case of one dangerous article, or less than 5,000 pounds, in the case of more than one dangerous article.

However, the term "exempt intracity operation" does not include a vehicle or driver used wholly within the State of Hawaii.

2. § 390.33 in Part 390 is revised to read as follows:

§ 390.33 Applicability of regulations.

(a) The rules in Parts 390–397 of this subchapter apply to common carriers, contract carriers, and private carriers of property subject to the Department of Transportation Act (49 U.S.C. 1651 et seq.) in accordance with the following table:

	Applicable parts of regulations						
	391	392	393	394	395	396	397
A. Vehicles and drivers used wholly within a municipality or the commercial zone thereof as defined by the Interstate Commerce Commission:							
1. When transporting property consisting of hazardous materials of a type and quantity that requires the vehicle to be marked or placarded under § 177.823 of the Hazardous Materials Regulations (§ 177.823 of this title) and that weighs 2,500 lb or more, in the case of 1 dangerous article, or 5,000 lb or more in the case of more than one dangerous article.	Yes	Yes	Yes	Yes	Yes	Yes	Yes.
2. When operating in the State of Hawaii.	do	do	do	do	do	do	Do.
3. When operating under conditions other than those specified in par. A 1 and 2 of this table.	No	No	No	do	do	No	No.
B. Vehicles and drivers used beyond a municipality or the commercial zone thereof as defined by the Interstate Commerce Commission:							
1. When transporting explosives or other dangerous articles.	Yes	Yes	Yes	do	do	Yes	Yes.
2. When not transporting explosives or other dangerous articles.	do	do	do	do	do	do	No.

NOTE: The operations described in paragraphs A and B of this table include certain transportation activities which are or may be exempt from economic regulation by the Interstate Commerce Commission under section 203(b) of the Interstate Commerce Act. In general, those activities include (1) operation of school buses; (2) operation of taxicabs; (3) operation of hotel buses; (4) operation of motor vehicles under authorization, regulation, and control of the Secretary of the Interior; (5) operation of motor vehicles of certain agricultural cooperative associations; (6) operation of motor vehicles used to carry ordinary livestock, fish, or agricultural commodities; (7) operation of motor vehicles used exclusively in distribution of newspapers; (7a) transportation incidental to transportation by aircraft; (8) transportation wholly within a municipality, between contiguous municipalities, or within a zone adjacent to and commercially a part of such municipality or municipalities; and (9) emergency transportation of an accidentally wrecked or disabled motor vehicle. The casual, occasional, or reciprocal transportation of passengers (when arranged for by brokers or other persons for compensation) and of property consisting of explosives or other dangerous articles is subject to the rules in Parts 390–397 of this subchapter. Other casual, occasional, or reciprocal transportation of passengers or property is subject to the rules in Part 395 of this subchapter.

(b) Private carriers of property by motor vehicle are subject to the rules in Parts 390–397 of this subchapter. The term "private carrier of property by motor vehicle" is defined in section 203 (a) (17) of the Interstate Commerce Act as any person not included in the terms "common carrier by motor vehicle" or "contract carrier by motor vehicle", who or which transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or in furtherance of any commercial enterprise.

(c) Except as otherwise specifically provided, a motor vehicle controlled and operated by a farmer, when used in the transportation of agricultural commodities and products thereof from his farm, or in the transportation of supplies to his farm, is subject to the same regulations as are applicable to private carriers of property.

Authority. These amendments are issued, and the single-State certificate of exemption for motor carriers engaged in operation solely within the State of Hawaii is, to the extent it pertains to qualifications and maximum hours of service of employees and safety of operation and equipment, revoked, under the authority of section 204(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 304(a), section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on July 19, 1974.

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

[FR Doc.74–17188 Filed 7–26–74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 280]

PART 1311—SPECIAL PROCEDURES FOR TARIFF FILINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

Special Procedures for Tariff Filings Under the Wage and Price Stabilization Program

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 17th day of July, 1974.

It appearing, That on November 19, 1971, the Interstate Commerce Commission instituted a proceeding under the authority of Parts I, II, III and IV of the Interstate Commerce Act (49 U.S.C., sections 6(6), 31(a), 318(a), 906(b), 906 (c) and 1005(b)) and the Administrative Procedure Act, for the purpose of promulgating rules prescribing special procedures for tariff filing under the Wage and Price Stabilization Program;

It further appearing, That the Commission, by order dated January 19, 1972, in the titled proceeding revised the rules and regulations adopted by the order dated November 19, 1971, in order to conform to, and to implement, § 300.16 of the regulations of the Price Commission, as revised January 12, 1972, 37 FR 652, January 14, 1972;

It further appearing, That the Price Commission notified this Commission that it approved the revised rules and regulations in the order of January 19, 1972;

It further appearing, That the Commission by order dated July 13, 1972, implemented the revised rules and regulations which appear in Title 49 of the Code of Federal Regulations, Parts 1311.0 through 1311.5;

It further appearing, That the Commission in connection with its order concerning Phase IV of the Economic Stabilization Program dated August 8, 1973, issued a Policy Statement, on the same date, which provided with respect to general increase proceedings that proponents thereof are required to comply with existing Ex Parte No. 280 regulations (49 CFR 1311.5). Additionally, in all other proposals where increases result, proponents thereof were required to take into account the goals of the Economic Stabilization Program and that any resulting increase will not be inflationary;

It further appearing, That at midnight on April 30, 1974, the authority contained in the Economic Stabilization Act of 1970, as amended, to impose a system of mandatory controls expired;

And it further appearing, That, although the Commission remains cognizant of the need to control inflation, maintenance of regulations based on the Economic Stabilization Act of 1970, a law which is no longer in effect, would serve no useful purpose, therefore:

It is ordered, That the rules and regulations in 49 CFR 1311.0 through 1311.5, be and they are hereby cancelled thirty days from the service date of this order, and that the proceeding in Ex Parte No. 280 be, and it is hereby, discontinued.

And it is further ordered, That notice of this order be given to the general public by depositing a copy of the order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, 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.

This is not a major Federal action having a significant effect on the quality of the human environment.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–17248 Filed 7–26–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that one position of Secretary to the Assistant to the Vice President for Defense Affairs is excepted under Schedule C.

Effective July 29, 1974, § 213.3307(b) (1) is added as set out below.

§ 213.3307 Department of the Army.

* * * * *

(b) *General.* * * *

(1) One Secretary to the Assistant to the Vice President for Defense Affairs.

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

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

[FR Doc.74–17173 Filed 7–26–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Confidential Assistant (Private Secretary) to the Assistant Attorney General, Civil Division, is reestablished under Schedule C.

Effective July 29, 1974, § 213.3310(e) (2) is added as set out below.

§ 213.3310 Department of Justice.

* * * * *

(e) *Civil Division.* * * *

(2) One position of Confidential Assistant (Private Secretary) to the Assistant Attorney General.

* * * * *

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

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

[FR Doc.74–17168 Filed 7–26–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that an additional position of Confidential Assistant to the Assistant Secretary for Management is excepted under Schedule C.

Effective July 29, 1974, § 213.3312 (a) (31) is amended as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(a) *Office of the Secretary.* * * *

(31) Two Confidential Assistants to the Assistant Secretary for Management.

* * * * *

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

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

[FR Doc.74–17172 Filed 7–26–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to reflect the following title change from: Confidential Secretary to the Assistant Secretary for Legislation to Confidential Assistant to the Assistant Secretary for Legislation.

Effective July 29, 1974, § 213.3316 (f) (3) is amended and (f) (12) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(f) Office of the Assistant Secretary for Legislation. * * *

(3) One Confidential Secretary to the Assistant Secretary.

* * * * *

(12) One Confidential Assistant to the Assistant Secretary.

* * * * *

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

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

[FR Doc.74–17175 Filed 7–26–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Assistant Administrator for Development, St. Lawrence Seaway Development Corporation, is excepted under Schedule C.

Effective July 29, 1974, § 213.3394(g) (3) is added as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(g) *St. Lawrence Seaway Development Corporation.* * * *

(3) One Confidential Secretary to the Assistant Administrator.

* * * * *

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

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

[FR Doc.74–17174 Filed 7–26–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 102—PUBLIC ACCESS TO RECORDS

CLC–2 and CLC–22 Public Disclosure Amendments

On January 11, 1974, the Temporary Emergency Court of Appeals in the case of Consumers Union of United States v. Cost of Living Council, 491 F. 2d 1396 (1974), held that the Cost of Living Council's regulations governing disclosure of CLC quarterly reports unlawfully defined as proprietary certain information which under section 205(b)(3) of the Economic Stabilization Act could not be defined as proprietary. A petition for rehearing submitted by the Council to TECA was denied on February 5, 1974, and a petition to the Supreme Court for a writ of certiorari filed by The Business Roundtable (which had joined in the suit as defendant-intervenor) was denied on May 13, 1974. Thereupon the case was remanded to the U.S. District Court for the District of Columbia for further disposition, and on June 14, 1974, Civil Action 1426–73, that court ordered the issuance of new regulations to conform with the TECA decision. The Council was ordered to issue final regulations by July 24, 1974.

Accordingly, on June 24, 1974, the Cost of Living Council issued for public comment a notice of proposed amendment to the Phase IV public disclosure regulations applicable to CLC–2 and CLC–22 quarterly reports. The Office of Economic Stabilization (OES), as successor to the Council, has reviewed the comments received and has prepared the present final amendments.

Many requests for further time to provide comment were received. Since only 10 comments were received by the closing date specified in the preamble to the proposed amendments (i.e., July 8), the OES decided to consider all comments received through July 12, 1974. A total of 38 written submissions were received by that date. In view of the court-ordered deadline of July 24 for promulgation of the final regulations, the OES could not further extend the time for submitting comments as requested by some firms. All comments received by July 12 were taken into account in promulgating the final version of the amendments and the final amendments reflect some of the changes suggested in these comments.

In order to explain the changes which have been adopted and to discuss those which have not, the OES has listed below the significant questions or issues which were commented on and has indicated in each case the extent to which the OES has revised the proposed version of the present amendments.

1. *Authority.* Several firms raised the preliminary objection that, not withstanding the court order of June 14, 1974, requiring the OES "to issue new regulations, to be applied retroactively," neither the Cost of Living Council, after April 30, 1974, nor the Office of Economic Stabilization as the successor agency had any authority to issue any regulations whatsoever in view of the expiration of the Economic Stabilization Act. This position was based primarily on the language of the first clause of section 218 of the Act. Section 218 reads as follows:

> The authority to issue and enforce orders and regulations under this title expires at midnight April 30, 1974, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to May 1, 1974.

For the reasons given below, it is the opinion of the OES that no authority survives under section 218 to issue regulations or orders which would impose or reimpose any mandatory wage or price controls applicable to post-April 30 wage or price behavior. However, by virtue of the saving clause of section 218, authority to issue regulations and orders survives after April 30 with respect to matters relating to acts committed prior to May 1, 1974.

The purpose of section 218 is to terminate wage and price controls on April 30 without at the same time cutting off authority after April 30 to decide, determine or otherwise dispose of "action" and "proceedings" which were either pending at the date of termination of controls or which might arise thereafter based on an act or acts committed before the termination of controls. This continuing authority applies to litigation and other compliance activities relating to acts committed prior to May 1, 1974, in violation of the rules of the Economic Stabilization Program. It also extends to other matters. Thus, OES Order No. 1, issued under authority of Executive Order 11788 and Treasury Department Order 233, delegates to various section heads within the OES such authority as, for example, the authority to make decisions and issue orders with respect to requests for exceptions and with respect to requests for reconsideration of adverse actions; to decide appeals from adverse determinations by the IRS; to issue legal opinions and interpretations of the regulations, decisions and orders issued under the Economic Stabilization regulations and of the laws relating thereto; to issue notices of probable violation and remedial orders; and to conduct hearings and request information with respect to these and other functions with respect to which authority continues.

Because it has explicit continuing authority to dispose of pending business, including the business of interpreting, enforcing, penalizing infringement of, and granting exceptions from the regulations which applied and continue to

apply to acts committed prior to May 1, 1974, the OES retains continuing authority to issue amendments to regulations (whether substantive or procedural) which continue to apply or relate to acts committed prior to May 1, 1974, if necessary to cure some defect or omission in those regulations. This is consistent with the position the Cost of Living Council took with respect to its post-April 30 authority when on May 3, 1974, it issued amendments to Subpart H of the Phase IV price regulations and to the instructions to Subpart H of the Phase IV price regulations and to the instructions to the Form CLC–22 in order to provide rules governing the submission of the final quarterly report under the program.

In the present instance, "acts committed prior to May 1, 1974," refers to pricing behavior as reflected in the quarterly reports concerned which cover periods prior to that date. The present amendments, which are designed to cure what have been judicially determined to be defects in the public disclosure regulations applicable to those reports, concern only the extent to which the public shall have access to those reports. To dispose of this issue and to make appropriate disclosure are among the "actions" based on acts committed prior to termination of the controls program which section 218 of the Act continues to authorize.

In addition, the present amendments relate directly to and implement obligations imposed on all federal agencies by the Freedom of Information Act—obligations which unquestionably survive expiration of the Economic Stabilization Act. Under this view of the case, authority to issue the present regulations is available to the OES pursuant to 5 U.S.C. 552, quite apart from authority derived from the saving clause of section 218 of the Economic Stabilization Act.

2. *Applicability*—a. *General Applicability.* Several firms expressed concern that the proposed amendments appeared to present the public disclosure requirements as though they applied to all quarterly reports submitted. The confusion evidently arose from the fact that the proposed amendments applied to only two sections of Subpart F of Part 102 of the Phase IV regulations (§§ 102.55 and 102.56) leaving the scope section of Subpart F (§ 102.51) unchanged and therefore unrepublished in the proposed amendments. Section 102.51 continues unchanged (except as otherwise provided herein) and sets forth all of the technical restrictions limiting application of the disclosure requirements pertaining to CLC forms. These requirements are limited to CLC quarterly reports submitted pursuant to § 130.21(b) or § 150.161 by firms with $250 million or more of annual sales or revenues which charged a price for a product line which exceeded by more than 1.5 percent the price lawfully in effect for that product line on January 10, 1973, or on the date 12 months preceding the end of the quarterly reporting period, whichever is later. The firm itself identifies applicability of public disclosure by submitting extra copies of reports specifically marked and prepared for disclosure purposes (see § 102.54).

b. *Applicability in Phase IV.* The question was raised as to why the requirement to disclose certain CLC quarterly reports was extended by the Phase IV regulations to Phase IV reports (CLC–22s) as well as Phase III reports (CLC–2s), inasmuch as the disclosure requirement as set forth in section 205 of the Economic Stabilization Act, as amended, relates only to "the reporting requirements under § 130.21(b) of the regulations of the Cost of Living Council in effect on January 11, 1973 * * *."

In the petition filed by the Cost of Living Council with the Temporary Emergency Court of Appeals requesting a rehearing with respect to TECA's decision in Consumers Union of United States v. Cost of Living Council, the Council expanded on the argument, previously mentioned in the case, that the public disclosure required by section 205 of the Act during Phase III was not required with respect to Phase IV reports. The petition for rehearing was denied, as mentioned above. In addition, the district court's order of June 14, 1974, required, in accordance with the specific guidance of the appeals court, that the "information or data required on lines 7 through 18, line 24 (column C), lines 27 through 33, and lines 35 through 39 of the Council's form CLC–22 and the analogous lines of form CLC–2" be defined in the new regulations as non-proprietary. For these reasons, the OES believes it may not now revise the Phase IV public disclosure regulations to restrict application of the requirements for public disclosure of quarterly reports to Phase III reports only.

c. *Applicability to the Health, Food, and Construction Industries.* Section 205 of the Act applies the public disclosure requirements to any firm "subject to the reporting requirements under § 130.21(b) * * * in effect on January 11, 1973 * * *." Section 130.21(b) is found in Subpart C of the Phase III regulations, and the provision which governs the scope of Subpart C (§ 130.20) states that Subpart C did "not apply to price adjustments in the food industry or in the health services industry, to rate increases by public utilities, or to pay adjustments affecting employees of firms in the food industry, the health services industry, or the construction industry." It did not apply to the sectors mentioned because in all those sectors (except public utilities) mandatory controls continued to apply and § 130.21(b) provided for quarterly reporting only in the so-called "voluntary" sector. A firm meeting the requirements of a food firm reported in Phase III pursuant to §§ 130.52 or 130.54 and a provider of health services reported in Phase III pursuant to § 130.61.

The Cost of Living Council did not, therefore, apply its reports disclosure regulations in Phase III to reports submitted by food firms or providers of health services. This is demonstrated by the fact that § 102.50, effective June 14, 1973, limited application of the reports disclosure regulations to firms subject to the quarterly reporting requirements of § 130.21(b), and by the fact that those regulations provided no guidance as to the proprietary or non-proprietary nature of the information on the forms used by providers of health services (Forms S–52 and S–53) as was provided in the case of the CLC–2. The fact that the CLC–2 was used for reporting purposes by food firms in Phase III as well as by firms in the "voluntary" sector generally does not alter the fact that the food reporting requirement was imposed by § 130.52 or § 130.54, not by § 130.21(b).

In Phase IV, the reference in the reports disclosure regulations to the quarterly reporting requirements of § 130.21(b) was replaced by a reference to §§ 150.1(c) and 150.161. Section 150.1(c) provided that unfiled reports required under Phase III still had to be filed with the Council in Phase IV. Section 150.161, found in Subpart H, contained the Phase IV quarterly reporting requirement of general applicability. In Phase IV, providers of health services did not report pursuant to § 150.161 but reported pursuant to Subparts O and R. Similarly, food manufacturers reported pursuant to Subpart Q and food wholesalers/retailers pursuant to Subpart K. To this extent, therefore, it is clear that neither the reports disclosure requirements of Phase III nor those of Phase IV apply to the health or food industry.

Food service organizations, on the other hand, did report pursuant to § 150.161 in Phase IV. In order that the Phase IV reports disclosure regulations be consistent with those of Phase III, § 102.51 is amended to provide that the reports disclosure regulations apply in Phase IV only to those categories of firms to which they applied in Phase III under § 130.21(b). Food service organizations (if any) which filed CLC–22s for public disclosure purposes should advise OES immediately. OES cannot assume responsibility for cleansing its reports disclosure files of reports unnecessarily submitted and will not delay disclosure to await clarification by food service organizations.

Under the Phase IV rules governing food manufacturers, a firm which both derived less than 20 percent of its annual sales or revenues from food manufacturing and less than $50 million of annual sales or revenues from food manufacturing activities could elect to price with respect to those activities either in accordance with Subpart E (general manufacturing) or Subpart Q (food manufacturing). Such a firm was classified as a non-food or general manufacturing firm because its food manufacturing activities were minimal. It reported, therefore, pursuant to § 150.161.

If such a firm elected to price with respect to its food manufacturing activities in accordance with Subpart E, it was not required to file the Schedule F

(the form applicable to food manufacturing activities). However, if it chose the other option available to it, the firm was required to file a Schedule F along with its CLC–22 filed pursuant to § 150.161. For this reason, the proprietary/non-proprietary breakdown of Schedule F data which is provided in § 102.56(d) is needed but it applies only to those essentially non-food firms (if any) which use the Schedule F for food manufacturing activities and which are required to disclose their quarterly reports.

With respect to the construction industry, it seems clear that the above-quoted statement in § 130.20 as to the non-applicability of Subpart C of the Phase III rules to "pay adjustments affecting employees of firms in * * * the construction industry" meant that the quarterly reporting requirements of § 130.121(b) applied at the start of Phase III to price adjustments in the construction industry.

On June 13, 1973, separate reporting requirements for Phase III applicable to construction firms were placed in effect under § 130.73, as part of the re-imposition of mandatory price controls in the construction industry which occurred at that time. Under § 130.73, the requirement to report was made an annual requirement, as opposed to the quarterly reporting requirement found in § 130.21, and that reporting requirement was imposed on all firms with annual sales or revenues of $50 million or more from construction operations, unlike the level of $250 million or more of annual sales or revenues which applied to firms subject to § 130.21(b). The reports submitted under Subpart H of Part 130 were not subject, therefore, to the reports disclosure regulations of the Council. The reports disclosure requirement was also not imposed on construction firms in Phase IV since the reporting requirement continued to be limited to the submission of annual reports and that requirement was imposed by a special reporting section (§ 150.457) rather than the general reporting section (§ 150.161) of the Phase IV rules.

On the other hand, to the limited extent that construction firms submitted CLC–2 quarterly reports under the Phase III rules as in effect prior to the change to annual reporting, the reports disclosure requirements apply.

d. *Applicability to Privately-Held Firms.* A number of firms commented that the proposed regulations should be revised to provide that the reports disclosure regulations do not apply to privately-held firms which are not required to file reports with the Securities and Exchange Commission. This suggestion was based on the view that the requirement imposed by section 205 of the Economic Stabilization Act to disclose CLC reports presupposed that the firms concerned had to file with the SEC. Under this view, the change wrought by paragraph (b)(3) of section 205 was to require public disclosure, on a product line basis, of the same information already reported in more consolidated form to the SEC.

The Internal Revenue Service and the Cost of Living Council both interpreted section 205 to apply to all firms, whether publicly or privately held, and none of the public disclosure regulations under the Economic Stabilization Program have ever made any exception with respect to CLC forms submitted by privately-held firms.

Section 205(b)(1) of the Economic Stabilization Act of 1970, as amended, states that "any business enterprise subject to the reporting requirements" of the Economic Stabilization Program "shall make public any reports so required" which covers a period during which prices were increased by a certain amount. No exceptions are stated.

Section 205 further states the terms and conditions under which certain information on the CLC quarterly reports may be defined as proprietary and therefore withheld from public disclosure. Paragraph (b)(3) of section 205 provides that information or data may not be defined as proprietary if it "cannot currently be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934 by a business enterprise exclusively engaged in the manufacture or sale of a substantial product * * *."

The purpose of paragraph (b)(3) is to provide guidance to the Economic Stabilization Program as to what must be disclosed in any event. It does not alter the applicability of the public disclosure requirement to all firms subject to quarterly reporting, as provided in paragraph (b)(1) of section 205. Paragraph (b)(3) appears to mean that if the information cannot be excluded from SEC "public annual reports" generally it cannot be excluded from the public disclosure requirements applicable to all CLC quarterly reports. Therefore the public disclosure requirements should apply regardless of whether the particular firm concerned was required to file a particular report with the SEC.

In addition, this view of the language of section 205 is in accord with the general purpose of section 205, as amended, which was essentially to provide a public check on the extent of compliance by firms in the "voluntary" sector as defined in Phase III. It is totally irrelevant to this purpose whether a firm was publicly owned or privately held.

Finally, the OES position is consistent with the general tenor of the decision in Consumers Union of the United States v. Cost of Living Council, previously mentioned. Although that decision did not touch directly upon the present issue, the principle laid down by that decision was that data on CLC forms was not to be withheld from public disclosure on the basis of technical distinctions unless clearly required by section 205. It is not appropriate to carve out a new area of exclusion from public disclosure, subsequent to the judicial determination in this matter and contrary to the position previously taken by the Economic Stabilization Program. OES has therefore not provided any exception in these amendments with respect to firms which do not report to the SEC.

3. *Procedures*—a. *Revision of Reports.* Some firms asked that they be given an opportunity, in view of the broadened disclosure requirements, to refile public disclosure reports already submitted in order to delete certain material or otherwise to revise their submissions. Some firms suggested that they may have submitted information that was not actually required by the CLC form, either by design (to aid review of the form by the Council) or through inadvertence. Other firms, stating that they would have aggregated their product lines in a somewhat different manner had they known of the greater degree of public disclosure which eventually would be required, asked for an opportunity to refile now using a higher level of aggregation for their product lines.

The level of aggregation for product line purposes was not a matter of choice in Phase IV (except that a firm could choose to report on a product-by-product basis instead of a product-line basis). The definition of "product line" in Phase IV always required that the level of aggregation used reflect the firm's "customary pricing unit (e.g., cost or profit center)." In fact, the "customary pricing unit" requirement was adopted in Phase III in connection with the CLC–2 and was re-adopted for Phase IV. It was the customary organization of cost or profit centers within the firm therefore, which always determined the firm's product lines from the time the CLC reports disclosure requirement was first promulgated in June 1973. Consequently there is no basis for the suggestion that in Phase IV firms were permitted freely to select or change the level of product-line aggregation on the CLC–22.

To permit firms now to refile using a different product-line aggregation or otherwise to revise quarterly reports previously submitted for disclosure purposes would open the door to widespread evasion of the public disclosure requirements since such revision would be motivated by a desire to avoid disclosure of information to the extent possible. Such revision, if permitted, might also unsettle much of the Phase IV compliance program since compliance with the price regulations was tested largely upon the basis of the quarterly reports as submitted. Finally, to allow revision of previously-submitted reports would result in an intolerable additional administrative burden.

For these reasons, the reports disclosure amendments do not authorize the submission of revised reports for public disclosure purposes.

b. *Return of Proprietary Information.* Because of concern about the possibility of administrative error on the part of the OES in disclosing portions of quarterly reports not required to be disclosed, it was proposed by some firms that all proprietary information be returned to a firm if the firm requests it. Federal law prohibits and authorizes penalties for the destruction or removal of documents and records received by an agency pursuant to law (18 U.S.C. 2071, 44 U.S.C.

3105). Reports submitted under the Economic Stabilization Program will not be returned to submitting firms.

c. *Materials to be Disclosed; Filing Extra Copies.* As mentioned in the preamble to the proposed regulations, the effect of the judicial determination in this matter is to require full disclosure of the entire unaltered CLC–2 or CLC–22 proper as originally submitted. However, for the reasons stated in that preamble, the supporting schedules (C, F, R, and/or T) can still be disclosed in their altered form (in the form previously submitted for disclosure purposes in accordance with the Phase IV regulations prior to these amendments). It was proposed, therefore, that the simplest procedure would be to disclose (1) a copy of the entire altered report (CLC–2 or CLC–22 with attachments and schedules) as previously submitted for disclosure purposes in accordance with pre-existing regulations, plus (2) a copy of the original CLC–2 or CLC–22 proper, in unaltered form.

In comments received it was suggested that firms be permitted to submit for disclosure purposes copies of the unaltered CLC–2 or CLC–22 proper, as originally submitted, as an aid in avoiding administrative error. This would permit the OES to make full public disclosure without opening the file containing the original or proprietary copy of the quarterly report to make a copy of the form. The OES believes this is a useful proposal and invites all firms to do this if they wish to do so. Extra copies of the CLC–2 or CLC–22 proper (i.e., the form itself with no attachments) may be filed, but they must be accompanied by a certification as to the authenticity of the copies signed by an authorized individual as defined in the CLC–2 and CLC–22 instructions. However, the OES will not delay disclosure procedures to await receipt of copies of CLC–2s or CLC–22s to be supplied by firms.

The OES hereby confirms its intention to disclose, in accordance with these amendments, the following materials: (1) the entire "disclosure" copy of the CLC–2 or CLC–22 report (i.e., the form with schedules and other attachments as specially prepared and previously submitted for disclosure purposes in accordance with the reports disclosure regulations as in effect prior to these amendments); plus (2) a copy of the unaltered version of the CLC–2 or CLC–22 proper (i.e., the form itself, as originally submitted for reporting purposes, without any supporting schedules or attachments).

d. *Notification of Disclosure Request.* The OES received comments requesting that advance notice of disclosure requests be given to firms, to provide an opportunity for firms to be heard and to review submitted disclosure reports before disclosure is made, or to file suit against the OES to prevent disclosure. The OES believes these procedures are not required and are administratively unfeasible.

However, the OES plans to provide notification by mail to each firm whose quarterly report is the subject of a request for public disclosure. This will be done the first time disclosure is made with respect to a particular report.

e. *Method of Disclosure.* The OES shares the concern expressed by many firms that proprietary information may be inadvertently disclosed. The OES has established internal procedurces designed to avoid such error and to assure orderly processing of disclosure requests. As part of this effort, the OES plans, at least initially, to process requests for disclosure of quarterly reports by mail only. Written requests for disclosure may be submitted in person or by mail, but disclosure will be made by mail only.

Requests for public disclosure of CLC–2 or CLC–22 reports must be clearly labeled as such on the envelope and must specify both the firm and the quarter concerned. The reports disclosure regulations have been amended to establish fees for copies of reports made available. Billings will be included with reports when mailed by OES.

In consideration of the foregoing, Subpart F of Part 102 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective July 24, 1974.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11788, 39 FR 22113; Treasury Department Order No. 233, 39 FR 24501.)

Issued in Washington, D.C., July 24, 1974.

ANDREW T. H. MUNROE,
Director, Office of Economic Stabilization, Department of the Treasury.

1. Section 102.51 is amended to read as follows:

§ 102.51 Purpose and scope.

(a) The purpose of this subpart is to define, pursuant to section 205(b)(3) of the Economic Stabilization Act of 1970, as amended, what information or data contained in quarterly reports submitted to the Cost of Living Council or Office of Economic Stabilization pursuant to § 130.21(b) or § 150.161 of this title is proprietary in nature and therefore excludable from public disclosure and, conversely, what information or data contained in those quarterly reports is nonproprietary in nature and therefore available to the public.

(b) This subpart applies to:

(1) A business enterprise which—

(i) Has annual sales or revenues of $250 million or more;

(ii) Is subject to the quarterly reporting requirements of § 130.21(b) or the quarterly reporting requirements of both § 130.21(b) and § 150.161 of this title; and

(iii) Charges a price for a substantial product which exceeds by more than 1.5 percent the price lawfully in effect for that product on January 10, 1973, or on the date 12 months preceding the end of the quarterly reporting period, whichever is later; and

(2) A council form submitted pursuant to the quarterly reporting requirement of § 130.21(b) or § 150.161 of this title, and any schedule or supporting information or document attached thereto in accordance with the instructions to the form.

2. Section 102.54 is amended by adding at the end thereof a new paragraph (e) to read as follows:

§ 102.54 Disclosure procedure.

* * * * *

(e) Notwithstanding the provisions of § 102.31, there will be a fee for making quarterly reports available pursuant to this subpart as follows: for each report, (1) $1.00 to cover cost of search and handling, plus (2) 10 cents per page to cover cost of reproduction.

3. Section 102.55(a) is amended to read as follows:

§ 102.55 Form CLC–2 data.

(a) *Form CLC–2 Proper*—(1) *Part I (Identification information).* The information called for in Part I (and in the spaces provided above Part I) serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm, is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (line 5) is also nonproprietary because it has been judicially determined to be SEC data.

(2) *Parts II and III (Profit margin calculations).* All information called for in Parts II and III has been judicially determined to be nonproprietary.

(3) *Parts IV and V (Other information).* Parts IV and V call for names, titles, addresses and similar nonfinancial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(4) *Part VI (Price/cost information).* The information required at the top of the page—the name of the firm, the reporting period dates and the cumulative period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(i) All of the information required in Columns (a) and (b) on lines 1 through 19 and on any continuation schedules is nonproprietary data because only the names of product lines or service lines and related Standard Industrial Classification Codes are required. These are neither trade data nor general financial data other than SEC data and are generally available to the public elsewhere.

(ii) The general financial data required in Columns (c) and (h), lines 1 through 19 (and any continuation schedule) concerns sales by product or service line. Because the CLC definition of "sales" for these columns excludes sales

from public utilities activities, farming, exempt items, health service activities, custom products and food operations, the Column (c) or (h) sales entry does not coincide entirely with the equivalent information on the SEC Form 10–K prepared as though the firm were a single-product-line firm. However, the data in Columns (c) and (h) has been judicially determined to be sufficiently similar to SEC data to be considered nonproprietary data.

(iii) The data required in Columns (c) and (h), lines 20 through 26, except line 23, has been judicially determined to be nonproprietary data. The entries required on line 23, columns (c) and (h) (Sales of or from Foreign Operations), were not judicially determined to disclose nonproprietary data and were previously determined by the Council to be proprietary items. However, because lines 20 through 25 add, and the total is provided on line 26 (nonproprietary), the effect of the judicial determination with respect to this section is to render the data required on line 23 nonproprietary. The Council therefore deems the information required on line 23 to be nonproprietary data.

(iv) Columns (d), (e), (g) and (i) all call for price data. All information required is, therefore, nonproprietary data.

(v) The data required in Column (f) is a percentage figure representing "cost justification" for each product or service line entered in lines 1–19 and on any continuation schedule for which a price increase is indicated in Column (e). The general financial data required in Column (f), line 22, is the cost justification supporting the weighted average price increase for the combined product or service lines. These are calculations unique to the Form CLC–2 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purpose of § 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in Column (f), lines 1–19, inclusive, line 22, and on any continuation schedule, as nonproprietary CLC data.

* * * * *

4. Section 102.56 is amended in paragraphs (a) and (e)(6) as follows:

§ 102.56 Form CLC–22 data.

(a) *Form CLC–22 Proper*—(1) *Part I (Identification data)*. The information called for in Part I serves to identify or describe the firm, the type of filing, the reporting or fiscal periods in question, and the total sales or revenues of the firm for the last fiscal year. All of the information required, other than the annual sales or revenues of the firm, is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere. The annual sales or revenues of the firm (item 7) is nonproprietary because it has been judicially determined to be SEC data.

(2) *Parts II and III (Profit Margin Calculations)*. All information called for in Parts II and III has been judicially determined to be nonproprietary.

(3) *Parts IV and V (Additional Information)*. Parts IV and V call for names, titles, addresses, and similar nonfinancial information, including signature and date. Everything required in these parts is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(4) *Part VI (Price/Cost Information)*. The information required in items 22 and 23—the name of the firm, and the reporting period dates—is nonproprietary data because it does not include either trade data or general financial data other than SEC data, and is generally available to the public elsewhere.

(i) All of the information required in Columns (a) and (b) for item 24 and on any continuation schedule is nonproprietary data because only the names of product lines or service lines and related Standard Industrial Classification Codes are required. These are neither trade data nor general financial data other than SEC data, and are generally available to the public elsewhere.

(ii) The general financial data required in Column (c), item 24 (and any continuation schedule) concerns sales by product line or service line. Because the CLC definition of "sales" for this column excludes sales from public utility operations, foreign operations, insurance operations, agricultural products, and, where required, construction operations, the Column (c) sales entry does not coincide entirely with the equivalent information on the SEC Form 10–K prepared as though the firm were a single-product-line firm. However, the data in Column (c), item 24 has been judicially determined to be sufficiently similar to SEC data to be considered nonproprietary data.

(iii) The data required in Column (c), lines 25 through 39, except line 34, has been judicially determined to be nonproprietary data. The entry required on line 34 ("Foreign Operations") was not judicially determined to disclose nonproprietary data and was previously determined by the Council to be a proprietary item. However, because lines 26 through 38 add, and the total is provided in line 39 (nonproprietary), the effect of the judicial determination with respect to this section is to render the data required on line 34 nonproprietary. The Council therefore deems the information required on line 23 to be nonproprietary data.

(iv) Column (d) is used only for prenotification purposes and is not filled out when the CLC–22 is used as a quarterly report. Columns (e) and (g) both call for price data. All information required is, therefore, nonproprietary data.

(v) The data required in Column (f) is a percentage figure representing "cost justification" for each product line or service line entered in item 24 and on any continuation schedule for which a price increase is indicated in Column (e). These are calculations unique to the Form CLC–22 and find no counterpart on the SEC Form 10–K. However, in order to fulfill the general purpose of section 205 of the Economic Stabilization Act of 1970, as amended, and in exercise of the authority granted thereunder, the Council defines the data required in Column (f), item 24, and on any continuation schedule, as nonproprietary CLC data.

* * * * *

(e) *Schedule R (Reconciliation of Forms 10–K, 10–Q or other Financial Statements to Form CLC–22)*.

* * * * *

(6) Lines 12 (Net sales) and 13 (Operating income) are already defined in Parts II and III of the Form CLC–22 as nonproprietary data.

* * * * *

[FR Doc.74–17268 Filed 7–26–74;8:45 am]

Title 7—Agriculture

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

[Valencia Orange Reg. 474, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 19–25, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of the Valencia Orange Regulation 474 (39 FR 26289). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a

sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges 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 thereof 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 Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.774 (Valencia Orange Regulation 474 (39 FR 26289)) are hereby amended to read as follows:

"(i) District 1: 357,000 cartons;

"(ii) District 2: 293,000 cartons."

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

Dated: July 24, 1974.

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

[FR Doc.74-17263 Filed 7-26-74;8:45 am]

[Bartlett Pear Reg. 9]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

This regulation specifies grade, size, pack, and container requirements applicable to the handling of Bartlett pears during the period August 1 through September 15, 1974.

This regulation is issued pursuant to the applicable provisions of the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was recommended by the Fresh Bartlett Pear Marketing Committee established under the said Marketing Agreement and Order. It is hereby found that the regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

This action reflects the Department's appraisal of the need for regulation based on current and prospective market conditions. The Washington-Oregon Bartlett pear crop is estimated at 199,000 tons, compared with last season's production of 193,000 tons. Total fresh shipments are expected to begin on or about August 1, 1974. The regulation, as hereinafter set forth, is designed to prevent the handling on and after August 1, 1974, of lower quality and smaller size Bartlett pears and provide for orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provisions which provide for less stringent size regulations for certain containers recognize the fact that: (1) Pears packed in the "western lug" are sold primarily to markets in the Northwestern States mostly for home canning, and (2) pears packed in "14 to 15 pound containers" are sold primarily in markets in the Midwestern States mostly for home canning. Conversely, the application of more stringent regulations for pears packed in the "standard western pear box", the "L. A. lug", or their carton equivalents, the half-carton or in "tight-filled" containers, recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The special inspection requirement for minimum quantities, which exempts shipments up to an equivalent of 200 "standard western pear boxes" on any single conveyance from inspection requirements, except for spot check inspection, if certain reporting requirements are met, reflects the fact that such minimum quantity shipments are often shipped on the same conveyance as apples; that mandatory inspection of such minimum quantities would be unduly expensive and in some instances difficult to obtain; and that, the total of such shipments is relatively inconsequential when compared with the total supply handled. The exemption of pears in gift packages from assessment, inspection, and certification, reflects the fact that pears so handled are generally of high quality because they are sold in a market which demands high quality fruit. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impracticable to regulate the handling of such shipments due to the nearness of markets to the source of supply. The addition of master containers containing overwrapped retail size containers of pears recognizes changing trade preferences. Retail chain buyers, particularly in East Coast markets, prefer purchasing pears packed in retail consumer size containers with a stretch overwrap.

Bartlett Pear Regulation 8 (38 FR 20235) is terminated on August 1, 1974, because certain of its provisions differ from Bartlett Pear Regulation 9, which becomes effective August 1. (The 1974 Bartlett Pear season is anticipated to start around August 1, which will necessitate the new regulation becoming effective then.)

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1974.

§ 931.309 Bartlett Pear Regulation 9.

(a) Order. Bartlett Pear Regulation 8 (38 FR 20234, 22885) is hereby terminated on August 1, 1974.

(b) During the period August 1, 1974, through September 15, 1974, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraph (4) or (5) of this paragraph:

(1) Minimum Grade and Size. (i) Bartlett Pears, of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalent, in half-cartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1, *Provided*, That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1, *Provided*, That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size.

(ii) Bartlett Pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2, and be not less than 2¼ inches in diameter;

(iii) Bartlett Pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds, net weight, shall grade at least Washington C grade, and measure not less than 2⅛ inches in diameter.

(2) Pack and Container Requirements. Bartlett Pears of any variety shall be packed in one of the following types of containers:

(i) "Standard western pear box" or "L.A. lug", or their carton equivalents;

(ii) "Western lug" or contaners having a capacity equal to or greater than said lug;

(iii) "Half-carton" containers;

(iv) Containers of at least 14 pounds but not more than 15 pounds, net weight;

(v) "Tight-filled" containers; or,

(vi) Master containers containing overwrapped consumer packages.

(3) Special inspection requirements for minimum quantities. During the aforesaid period any handler may ship on any conveyance up to but not in excess of an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) Special purpose shipments. Notwithstanding any other provisions of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, and of §§ 931.41 and 931.55.

(5) Notwithstanding any other provisions of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, and of §§ 931.41 and 931.55:

(i) The shipment consists of pears sold for home use not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) 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.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "Washington C Grade" shall have the same meaning as when used in Permanent Order 1033 (November 10, 1966) issued by the Washington State Department of Agriculture; "150 size", "165 size", and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches long by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods, and the term "master container" shall mean those containers containing overwrapped consumer packages of pears.

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

Dated: July 24, 1974.

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

[FR Doc.74-17262 Filed 7-26-74;8:45 am]

[Docket No. AO-192 A 5]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Amendment of Marketing Agreement, as Amended, and Order, as Amended; Decision and Referendum Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900, 38 FR 29717), a public hearing was held in San Francisco, CA, on January 15–17, 1974, after notice thereof was published in the FEDERAL REGISTER on December 27, 1973 (38 FR 35321), on proposals to amend the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington (hereinafter collectively referred to as the "order"). The order is effective pursuant to to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act".

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed with the Hearing Clerk, U.S. Department of Agriculture. Notice thereof, affording opportunity to file written exceptions thereto was published June 3, 1974, in the FEDERAL REGISTER (FR Doc. 74–12668; 39 FR 19486). No exception to the recommended decision was received.

Material issues, findings and conclusions, rulings, and general findings. The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (FR Doc. 74–12668; 39 FR 19486), are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and the amended order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Walnuts Grown in California, Oregon, and Washington", and "Order Amending the Order, as Amended, Regulating the Handling of Walnuts Grown in California, Oregon, and Washington", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1973, through July 31, 1974 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged, in the States of California, Oregon, or Washington, in the production of walnuts for market to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

Dower T. Mohun, Martin J. Kelly, and Wililam J. Higgins, of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900; 38 FR 29717).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot, or other necessary information will be able to obtain the same from any appropriate County Director of Agricultural Extension, or from Dower T. Mohun, San Francisco Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 835, San Francisco, CA 94111.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement,[1] as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: July 23, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

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[1] Filed as part of the original document.

ORDER[1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

§ 984.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition to the previous findings and determinations which were made in connection with the issuance of the marketing order and each previously issued amendment thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 13 FR 4344; 19 FR 4214; 20 FR 5387; 22 FR 7885; 22 FR 8775; 27 FR 9094).

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900; 38 FR 29717), a public hearing was held in San Francisco, CA, on January 15–17, 1974, on a proposed amendment of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended and as hereby further amended, regulates the handling of walnuts grown in California, Oregon, and Washington, in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as amended and as hereby further amended, prescribes, so far as is practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to differences in the production and marketing of walnuts covered thereby; and

(5) All handling of walnuts grown in California, Oregon, and Washington, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of walnuts grown in California, Oregon, and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Revise § 984.4 to read:

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon and Washington.

2. Revise § 984.6 to read:

§ 984.6 Board.

"Board" means the Walnut Marketing Board established pursuant to § 984.35.

3. Revise paragraph (a) of § 984.11 to read:

§ 984.11 Merchantable walnuts.

(a) *Inshell.* "Merchantable inshell walnuts" means all inshell walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

* * * * *

4. Revise § 984.13 to read:

§ 984.13 To handle.

"To handle" means to sell, consign, transport, or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include (a) sales and deliveries within the area of production by growers to handlers, or (b) the authorized disposition of surplus or substandard walnuts.

5. Revise § 984.14 to read:

§ 984.14 Handler.

"Handler" means any person who handles inshell or shelled walnuts, categorized as either:

(a) "Cooperative handler" meaning any handler who is a cooperative marketing association of growers; or

(b) "Independent handler" meaning any handler who is not a cooperative marketing association of growers.

6. Revise § 984.15 to read:

§ 984.15 Pack.

"Pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as inshell walnuts.

§§ 984.16, 984.17 and 984.18 [Deleted]

7. Delete §§ 984.16, 984.17, and 984.18.

8. Revise § 984.20 to read:

§ 984.20 Kernelweight.

"Kernelweight" means the determined weight of the kernels in a quantity of walnuts regardless of their quality.

9. Revise § 984.21 to read:

§ 984.21 Handler carryover.

"Handler carryover" as of any date means all the merchantable walnuts (except those held in satisfaction of a surplus obligation) wherever located, then held by a handler or for his account (whether or not sold), plus (a) the estimated quantity of merchantable inshell walnuts in lots then held by that handler for packing as merchantable inshell walnuts, and (b) the estimated quantity of merchantable shelled walnuts to be produced from shelling stock and unsorted material then held by that handler.

§ 984.22 [Amended]

10. Revise § 984.22 by deleting paragraph (c).

11. Revise § 984.23 to read:

§ 984.23 Free walnuts.

"Free walnuts" means walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

§§ 984.24 and 984.25 [Deleted]

12. Delete §§ 984.24 and 984.25.

13. Revise § 984.26 to read:

§ 984.26 Surplus walnuts.

"Surplus walnuts" means those walnuts which are held to meet a surplus obligation.

§§ 984.27, 984.28, 984.29 and 984.30 [Deleted].

14. Delete §§ 984.27, 984.28, 984.29, and 984.30.

15. Add a new § 984.32 to read:

§ 984.32 Withholding factor.

"Withholding factor" means the quotient, expressed as a percentage rounded to the nearest one-tenth, resulting from dividing the surplus percentage by the free percentage and established by the Secretary pursuant to § 984.49.

16. Add a new § 984.33 to read:

§ 984.33 Hold.

"Hold" means to maintain possession or keep control of, in proper storage, at all times, the quantity of walnuts necessary to meet a surplus obligation.

17. Revise § 984.35 to read:

§ 984.35 Walnut Marketing Board.

(a) A Walnut Marketing Board is hereby established consisting of ten members and one nonvoting delegate, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member or the nonvoting delegate. The members and nonvoting delegate and their alternates shall be selected by the Secretary from nominees submitted by each

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders have been met.

of the following groups or from other eligible persons belonging to such groups:

(1) Two members to represent cooperative handlers in California;

(2) Two members to represent independent handlers in California;

(3) Two members to represent growers who market their walnuts through cooperative handlers in California;

(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers in California whichever category of such handlers handled more than 50 percent of the walnuts handled by all handlers during the two marketing years preceding the year in which nominations were made—the member representing growers who market their walnuts through independent handlers shall be nominated at large in the State of California;

(5) One member to represent growers from District 1 who market their walnuts through independent handlers in California, and those who market their walnuts through independent or cooperative handlers in Oregon and Washington;

(6) One member to represent growers from District 2 who market their walnuts through independent handlers; and

(7) One nonvoting delegate to represent independent and cooperative handlers whose plants are located in the States of Oregon and Washington.

(b) The tenth member and alternate shall be selected after the selection of the nine voting members from the groups specified in paragraph (a) of this section and after opportunity for such voting members to nominate the tenth member and alternate. The tenth member and his alternate shall be neither a walnut grower nor a handler.

(c) Grower districts:

(1) *District 1.* District 1 encompasses the States of Oregon and Washington and counties in the State of California that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties.

(2) *District 2.* District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line set forth in subparagraph (1) of this paragraph.

(3) The Secretary on the basis of a recommendation of the Board or other information may establish different districts within the area of production.

18. Revise § 984.36 to read:

§ 984.36 Term of Office.

The term of office of Board members, nonvoting delegate, and their alternates shall be for a period of two years ending on June 30 of odd-numbered years, but they shall serve until their respective successors are selected and have qualified.

19. Revise § 984.37 to read:

§ 984.37 Nominations.

(a) Nominations on behalf of growers who market their walnuts through cooperative handlers in California shall be submitted on a ballot cast by each such handler for its growers. The vote of each such cooperative handler shall be weighted by the quantity of the kernelweight of the merchantable walnuts handled during the preceding marketing year by each such handler. The person receiving the highest number of votes for the cooperative grower position shall be the nominee.

(b) Nominations on behalf of independent growers in Group 4, whenever such group represents independent growers and Groups 5 and 6, shall be submitted after ballot by such growers pursuant to an announcement by press releases of the Board to the news media in the walnut producing areas. Such releases shall provide pertinent voting information, including the names of candidates and the location where ballots may be obtained. Ballots shall be accompanied by full instructions as to their markings and mailing and shall include the names of incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board with the approval of the Secretary. Each grower in Group 4, whenever such group represents independent growers, and Groups 5 and 6, regardless of the number and location of his walnut orchard(s) shall be entitled to cast only one ballot in the nomination and each vote shall be given equal weight. If the independent grower has orchard(s) in both grower districts he shall advise the Board of the district in which he desires to vote. The person receiving the highest number of votes for an independent grower position shall be the nominee.

(c) Nominations for all handler members and the nonvoting delegate shall be submitted on ballots mailed by the Board to all handlers in their respective groups. All handlers' votes shall be weighted by the quantity of the kernelweight of merchantable walnuts handled by each handler during the preceding marketing year. Each independent handler in California may vote for the independent handler member nominees and their alternates. However, no independent handler shall have more than one person on the Board either as member or alternate member. The person receiving the highest number of votes for an independent and cooperative handler member position shall be the nominee for that position.

(d) The nine voting members shall nominate one person as member and one person as alternate for the tenth member position. The tenth member and alternate shall be nominated by not less than 6 votes cast by the nine voting members of the Board.

(e) Nominations in the foregoing manner received by the Board shall be reported to the Secretary on or before June 15 of each odd-numbered year, together with a certified summary of the results of the nominations. If the Board fails to report nominations to the Secretary in the manner herein specified by June 15 of each odd-numbered year, the Secretary may select the members without nomination. If nominations for the tenth member are not submitted by August 1 of any such year, the Secretary may select such member without nomination.

(f) The Board, with the approval of the Secretary, may change these nomination procedures should the Board determine that a revision is necessary.

(g) To provide a transition from the membership of the Walnut Control Board to the membership of the Walnut Marketing Board, the members of the Walnut Control Board serving on the effective date of this subpart shall, subject to the limitations described in § 984.38, continue serving on the Walnut Marketing Board until their terms expire June 30, 1975, and the new membership has been selected and qualified. The new grower and handler members and nonvoting delegate shall be nominated, reported to the Secretary by June 15, 1975, and selected by the Secretary to serve on the Walnut Marketing Board for the term of office beginning July 1, 1975.

20. Revise § 984.38 to read:

§ 984.38 Eligibility.

No person shall be selected or continue to serve as a member, nonvoting delegate, or alternate, to represent one of the groups specified in § 984.35(a) (1) through (7), unless he is engaged in the business he is to represent, or represents, either in his own behalf or as an officer or employee of the business unit engaged in such business. Also, each member or alternate member representing growers in District 1 or District 2 shall be a grower, or officer or employee of the group in the district he is to represent.

21. Revise § 984.39 to read:

§ 984.39 Qualify by acceptance.

Each person selected by the Secretary as a member, nonvoting delegate, or alternate of the Board shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practical after being notified of such selection.

22. Revise § 984.40(a) to read:

§ 984.40 Alternate.

(a) An alternate for a member or an alternate for the nonvoting delegate of the Board shall act in the place and stead of such member or nonvoting delegate as the case may be in his absence or in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

* * * * *

23. Revise § 984.41 to read:

§ 984.41 Vacancy.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, nonvoting delegate, or alternate, or any need to select a successor through failure of any person selected as a member, nonvoting delegate or alternate to qualify, shall be

recognized by the Board causing a nomination to be made by the appropriate group and certifying to the Secretary a new nominee within 60 calendar days.

24. Revise § 984.42 to read:

§ 984.42 Expenses.

The members, nonvoting delegate and their alternates of the Board shall serve without compensation, but shall be allowed their necessary expenses.

25. Revise paragraph (c) of § 984.45 to read:

§ 984.45 Procedure.

* * * * *

(c) The Board may vote by mail or telegram upon due notice to all members. When any proposition is to be voted on by either of these methods, one dissenting vote shall prevent its adoption. The Board, with the approval of the Secretary, shall prescribe the minimum number of votes which must be cast when voting is by either of these methods, and any other procedures necessary to carry out the objectives of this paragraph.

26. Revise § 984.46 to read:

§ 984.46 Research and development.

The Board, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects, designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of walnuts. The expenses of such projects shall be paid from funds collected pursuant to § 984.69.

27. Revise § 984.48 to read:

§ 984.48 Marketing estimates and recommendations.

(a) Each marketing year the Board shall hold a meeting, prior to September 20, for the purpose of recommending to the Secretary a marketing policy for such year. Each year such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following, and where applicable, on a kernelweight basis:

(1) Its estimate of the orchard-run production in the area of production for the marketing year;

(2) Its estimate of the handler carryover on August 1 of inshell and shelled walnuts;

(3) Its estimate of the merchantable and substandard walnuts in the production;

(4) Its estimate of the trade demand for such marketing year for shelled and inshell walnuts, taking into consideration trade carryover, imports, prices, competing nut supplies, and other factors;

(5) Its recommendation for desirable handler carryover of inshell and shelled walnuts on July 31 of such marketing year;

(6) Its recommendation as to the free and surplus percentages to be fixed for walnuts produced in California and Oregon and Washington, but the surplus percentage recommended for walnuts produced in Oregon and Washington shall be one-half of the surplus percentage in California;

(7) Its opinion as to whether grower prices are likely to exceed parity; and

(8) Its recommendation for change, if any, in grade and size regulations.

28. Revise § 984.49 to read:

§ 984.49 Volume regulation.

(a) *Free and surplus percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the act, he shall establish for California a free percentage to prescribe the portion of such walnuts which may be handled in normal markets and a surplus percentage to prescribe the portion that must be withheld from such handling, and similarly for Oregon and Washington except that the surplus percentage shall be one-half that of California.

(b) *Establishment of withholding factors.* The Secretary shall establish withholding factors for California, Oregon and Washington when surplus percentages of other than zero are established.

(c) *Revision of percentages and withholding factors.* Prior to February 15 of the marketing year the Board may recommend that the free percentages be increased, the surplus percentages be decreased, and the withholding factors modified. On the basis of the Board's recommendation or other information the Secretary may establish such revisions and modifications. Upon revision, all surplus obligations theretofore accrued on walnuts handled or declared for handling during such year on the basis of previously effective percentages shall be adjusted accordingly.

§ 984.50 [Amended]

29. Revise paragraph (a) of § 984.50 by deleting "U.S. No. 3" in the first sentence and substituting "U.S. No. 2" in lieu thereof.

30. Revise paragraph (d) of § 984.50 to read:

* * * * *

(d) *Additional grade and size regulation.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in this section. If the Secretary finds on the basis of such recommendation or other information that such additional grade and size regulations would tend to effectuate the declared policy of the act, he shall establish such regulation.

* * * * *

31. Revise § 984.51 to read:

§ 984.51 Inspection and certification of inshell and shelled walnuts.

(a) Before or upon handling any walnuts or disposing of any surplus walnuts each handler at his own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations. Such inspections shall be performed by the inspection service designated by the Board with the approval of the Secretary. Handlers shall obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. Each certificate shall show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts the grade and size of such walnuts set forth in the United States Standards for Walnuts (Juglans regia) in the Shell. Certificates covering surplus shelled walnuts for export shall also show the grade, size, and color of such walnuts as set forth in the United States Standards for Shelled Walnuts (Juglans regia). The Board may prescribe such additional information to be shown on the inspection certificates as it deems necesary for the proper administration of this part.

(b) Merchantable inshell walnuts kernelweight. The weight of merchantable walnuts handled or disposed of as surplus shall be converted to the kernelweight equivalent at 45 percent of their inshell weight. This conversion percentage may be changed by the Board with the approval of the Secretary.

(c) Upon inspection, all merchantable and surplus walnuts shall be identified by seals, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or of a designated inspector and such identification shall not be altered or removed except as directed by the Board. The Board may, with the approval of the Secretary, establish such other requirements as may be necessary to insure adequate identification of such merchantable and surplus walnuts.

(d) Whenever the Board determines that the length of time in storage or conditions of storage of any lot of merchantable walnuts which has been previously inspected have been or are such as normally to cause deterioration, such lot of walnuts shall be reinspected at the handler's expense and recertified as merchantable prior to shipment.

32. Revise the center heading "Controlled Walnuts" to "Surplus Walnuts" and revise § 984.54 to read:

SURPLUS WALNUTS

§ 984.54 Establishment of obligation.

(a) *Surplus obligation.* Whenever free and surplus percentages are in effect for a marketing year, each handler shall withhold from handling the quantity of walnuts equal to the application of the withholding factor to the quantity of kernelweight handled or declared for handling. The quantity of walnuts hereby required to be withheld from handling shall constitute, and may be referred to as, the "surplus obligation" of a handler. The walnuts handled as free walnuts by any handler in accordance with the provisions of the part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8(a)(5) of the act.

(b) *Holding requirements.* Each handler shall at all times hold in his possession or under his control in proper storage the quantity of walnuts necessary to meet his surplus obligation less: (1) Any quantity which was disposed of by him pursuant to § 984.56; and (2) any quantity for which he is otherwise relieved by the Board of responsibility to so hold walnuts.

§ 984.55 [Deleted]

33. Delete § 984.55.

34. Revise § 984.56 to read:

§ 984.56 Disposition of surplus walnuts.

(a) *Crediting.* The kernelweight of surplus walnuts disposed of in accordance with this section shall be credited against the applicable handler's surplus obligation established pursuant to § 984.54.

(b) *Board through agents.* Sale or shipment of merchantable surplus walnuts (1) in export to destinations outside of the United States, Puerto Rico, and the Canal Zone, (2) to Government agencies, or (3) to charitable institutions shall be made only by the Board. The Board shall be obligated to dispose of only such quantities for which it is able to find satisfactory outlets. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for such sales or shipments. The Board, with the approval of the Secretary, may designate other outlets which are noncompetitive with normal market outlets for walnuts. The kernelweight of merchantable surplus walnuts disposed of in accordance with this paragraph shall be credited against the applicable handler's surplus obligation: *Provided,* That the disposition "intention" is filed with the Board by August 31 of the succeeding marketing year and shipment from the area of production is completed by the following September 15. Donations of surplus walnuts in the foregoing outlets by handlers as agents of the Board shall also be credited against the applicable handler's surplus obligation. Surplus dispositions shall be made with proper safeguards to prevent such walnuts from thereafter entering the channels of trade in normal markets.

(c) *Pooling during the marketing year.* Surplus walnuts which are accepted for pooling by the Board during the marketing year and disposed of by the Board in eligible surplus pool outlets, shall be credited against the applicable handler's surplus obligation. The Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's surplus obligation which may be accepted for pooling and disposition prior to February 15 of such year. Pooled walnuts shall be disposed of by the Board upon the best terms and best prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following condition: No surplus walnuts shall be sold in the United States, Puerto Rico, and the Canal Zone, other than to Government agencies or to charitable institutions for charitable purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be noncompetitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets. The Board may rent and operate or arrange the use of facilities for storage and disposition of surplus walnuts delivered to it.

(d) *Disposition after August 31.* Any surplus walnuts remaining unsold as of August 31, or for which a handler is not relieved by the Board of the responsibility to hold shall be pooled and disposed of by the Board as soon as practicable through the most readily available surplus outlets. Upon demand of the Board, surplus walnuts shall be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Board shall not make such demand upon a handler with respect to surplus walnuts for which the handler has agreed to undertake disposition pursuant to Board authority.

(e) *Expenses.* Expenses incurred by the Board in receiving, holding, and disposing of pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts.

(f) *Distribution of proceeds.* Remaining proceeds from the disposition of pooled surplus walnuts shall be distributed pro rata by the Board to each handler in proportion to his contribution thereto, measured in kernelweight, or such other basis as the Board may adopt with the approval of the Secretary.

35. Add a new § 948.57 to read:

§ 984.57 Declaration of privilege.

Any handler may at any time prior to the end of the marketing year satisfy his surplus obligation with respect to a specified quantity of merchantable walnuts which it then owns and has on hand and on which it declares to the Board its intention to handle, by holding a quantity of walnuts sufficient to meet the surplus obligation on the walnuts so declared for handling.

36. Add a new § 984.58 to read:

§ 984.58 Excess surplus credits.

(a) *Transfer of credits.* At any time during a marketing year, upon a handler's written request, the Board shall transfer part or all of the handler's credit for disposition of surplus walnuts in excess of his surplus obligation to any handler designated by the requesting handler. Any such excess surplus credit not transferred by August 1 shall be transferred by the Board upon the handler's written request so long as the Board receives the request no later than September 15. The credit shall be applied to the transferee handler's surplus obligation of the marketing year just ended.

(b) *Post marketing year credits.* Credit earned by a handler from the disposition of surplus walnuts during the period August 1 to September 15 may be (1) applied to the handler's surplus obligation of the preceding marketing year, (2) applied to the handler's surplus obligation during the current marketing year, or (3) transferred to another handler as provided in paragraph (a) of this section and applied to that handler's surplus obligation during the current marketing year.

37. Add a new § 984.59 to read:

§ 984.59 Interhandler transfers.

(a) Within the area of production inshell walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving handler shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

(b) A handler may, for the purpose of meeting his surplus obligation, acquire walnuts from another handler, and any assessments, surplus obligation, and inspection requirements with respect to walnuts so transferred, shall be waived insofar as the seller is concerned. The Board, with the approval of the Secretary, may establish methods and procedures including necessary reports for such transfers.

(c) Except as provided in paragraphs (a) and (b) of this section, whenever transfers of walnuts are made from one handler to another, the first handler thereof shall comply with all of the regulations effective pursuant to this part.

§§ 984.60–984.63 [Deleted]

38. Delete the center heading "Disposition of Controlled Walnuts", and §§ 984.60, 984.61, 984.62, and 984.63.

39. Revise § 984.66 to read:

§ 984.66 Assistance of Board in meeting surplus obligation.

The Board, on written request, may assist any handler in accounting for his surplus obligation and may aid any handler in acquiring walnuts to meet any deficiency in a handler's surplus obligation, or in accounting for and disposing of surplus walnuts.

§ 984.67 [Amended]

40. Revise paragraph (a) of § 984.67 by substituting "regulation" in lieu of "regulations" and "Surplus" in lieu of "Control".

41. Revise § 984.71 to read:

§ 984.71 Reports of handler carryover.

Each handler shall submit to the Board in such form and on such dates as the Board may prescribe, reports showing his carryover of inshell and shelled walnuts.

42. Revise § 984.73 to read:

§ 984.73 Reports of walnut receipts.

Each handler shall file such reports of his walnut receipts from growers in such form and at such times as may be requested by the Board.

43. Revise § 984.74 to read:

§ 984.74 Reports of intraproduction area shipments of walnuts.

Any shipment of walnuts between the States of California, Oregon, and Washington for sale or delivery to a handler shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

44. Revise § 984.76 to read:

§ 984.76 Other reports.

Upon request of the Board made with the approval of the Secretary each handler shall furnish such other reports and information as are needed to enable the Board to perform its duties and exercise its powers under this subpart.

45. Revise § 984.84 to read:

§ 984.84 Personal liability.

No member, nonvoting delegate, or alternate of the Board, nor any employee or agent thereof shall be held personally responsible either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, nonvoting delegate, alternate, employee or agent, except for acts of dishonesty.

[FR Doc.74-17227 Filed 7-26-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1974—Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1974 Crop Wheat Loan and Purchase Program

Correction

In FR Doc. 74-16248, appearing at page 26139 in the issue for Wednesday, July 17, 1974, make the following corrections:

1. On page 26140 under the listing for Colorado, the name of the county that appears immediately after the county of Prowers should read: "Pueblo".

2. On page 26140 under the listing for Indiana, the rate per bushel for the county of Warrick should read: "1.39".

3. On page 26143 under the listing for Washington, insert the following entry immedately under the entry for Skagit county: "Skamania.....1.54"

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

SUBCHAPTER B—INTERNATIONAL MAIL

Miscellaneous Amendments to Subchapter

This document primarily updates the existing codification of international postage rates and fees in Subchapter B, by revising provisions therein to reflect changes in those rates and fees announced at 38 FR 33345 on December 3, 1973. The changes were to be effective on January 5, 1974, according to an announcement at 38 FR 35056, on December 21, 1973, but pursuant to an order of the Cost of Living Council dated December 21, 1973, the Postal Service stated at 39 FR 1125, January 4, 1974, that the effective date of the changes would be postponed to March 2, 1974. On the last mentioned date, the changes became effective.

Amendments herein also constitute a substantial revision of Subchapter B, updating addresses and titles, substituting a form, clarifying requirements for mailing containers, noting the institution of an experimental business reply mail service, and reflecting changes in the regulations of the Department of Commerce and the Bureau of Customs that affect international mail. Other revisions, including clarifications of instructions, corrections of section and form references, and amendments of an editorial nature, also appear.

In particular, the following amendments are introduced:

Regulations codified under Part 13 Official Correspondence are amended as follows:

(1) Section 13.1 is amended to update addresses.

(2) Section 13.2 is amended to allow regional chief postal inspectors to correspond directly with postal officials in other countries.

Regulations codified under Part 21 Conditions Applicable to All Classes are amended to clarify requirements concerning mailing containers. Also § 21.2 (b)(2) is amended to delete the requirement that permit imprints show the amount of postage paid. Section 21.2(d)(5) is revised to remove the names of surviving spouses of former Presidents and to substitute a general statement that "surviving spouses of former Presidents" may mail under the Postage and Fees Paid indicia. Section 21.2(e) is amended to reflect the January 5, 1974, selling price of 26 cents for U.S. issued international reply coupons, and the increase to 18 cents in the exchange value of all foreign issued coupons. A reference to restrictions on mailing of radioactive materials in § 21.3(b)(6) is updated.

Regulations codified under Part 22 Rates and Conditions for Specific Classes are revised to reflect the new international rates that were effective March 2, 1974.

Regulations codified under Part 23 Treatment of Outgoing Postal Union Mail are amended as follows:

(1) Section 23.3(b)(1) is amended to provide that oversized cards will be returned to senders, deleting the exception to this rule for cards paid at letter rates.

(2) Section 23.3(b)(2) is amended to add a note on the experimental international business reply mail service with Great Britain and the Netherlands implemented on February 1, 1974.

The phrase "International Mail Classification Branch" is added to the address of the Mail Classification Division wherever it appears in Subchapter B as amended herein.

Regulations codified under Part 24 Treatment of Incoming Postal Union Mail are amended as follows:

(1) Section 24.1(a)(1) is amended to reflect the new customs clearance and delivery fees.

(2) Section 24.1(b)(1) is amended to update references to rates, reflecting changes herein made to Part 22.

(3) Section 24.1(f) is revised to update references to rates, reflecting changes herein made to Part 22, and to add the requirement that charges must be collected on all returned second-class publications and on all other returned printed matter on which the sender requested return.

Regulations codified under Part 31 Outgoing Parcels are amended as follows:

(1) Section 31.2 is revised to reflect new Department of Transportation definitions for flammable liquids.

(2) Section 31.3(b) is revised to clarify requirements concerning mailing containers.

(3) Section 31.3(f) is revised to reflect new parcel post rates.

(4) Section 31.4 is revised to delete Form 2922 and to add instructions for using, and a facsimile of, new Form 2966-A. Form 2966-A provides for disclosure of the same information as did Form 2922, which is discontinued.

(5) Section 31.7 is amended to instruct post offices to request forwarding instructions from the adjusting exchange offices rather than from Postal Service Headquarters.

Regulations codified under Part 32 Incoming Parcels are amended in § 32.1(c) to add a new provision prescribing that storage charges are not collected on parcels from overseas U.S. military post offices. Sections 32.4(c) and 32.5(a) are also amended to instruct post offices to request forwarding instructions from the adjusting exchange offices rather than from Postal Service Headquarters.

Regulations codified under Part 41 Air Service are revised in § 41.5(a) to reflect the new 18 cent aerogramme rate.

Regulations codified under Part 42 Registration are revised in § 42.7(a)(3) to increase from $100 to $400 the value of registered articles requiring special marking after the registry number.

Regulations codified under Part 43 Insurance are revised in § 43.5(b)(1) to update the factor for converting U.S. currency to gold francs and to revise marking requirements to reflect the use of new Form 2966-A.

Regulations codified under Part 46 Recall and Change of Address are revised in § 46.3 to reflect the new 75 cent charge for request for recall and change of address, and in § 46.5 to reflect the change in the name of British Honduras to Belize.

Regulations codified under Part 51 Shipper's Export Declaration are

amended in § 51.1 to add a new provision describing the procedure of companies submitting magnetic tapes to the Census Bureau in lieu of filing a Shipper's Export Declaration.

Regulations codified under Part 52 Commerce Department Regulations (Commodities and Technical Data) are amended to update the names of certain foreign nations, the title of a publication, and the titles and addresses of certain offices of the Department of Commerce. Section 52.2 is amended to add a new provision reflecting a Department of Commerce requirement of an export declaration under certain specified circumstances.

Regulations codified under Part 54 Treasury Department Regulations (Gold and Gold Certificates) are revised in § 54.3(c) to reflect the change of the factor from $35 to $42 by which is computed the value of gold content per fine Troy ounce of gold.

Regulations codified under Part 61 Customs are amended as follows:

(1) Section 61.3(c) and 61.5(a) are revised to reflect the change in the endorsements that packages will bear after receiving customs treatment.

(2) Sections 61.3(d) and 61.5(d)(6) are amended, and § 61.5(b) is deleted, to reflect the change in procedures whereby, under the use of the new customs adhesive mail entry (Form 3419) provided herein, the Bureau of Customs is no longer concerned with missing mail entries. Section 61.3(d) is also amended to add an address.

(3) Section 61.5(d)(5) is deleted to discontinue a procedure under which postmasters could be authorized not to collect certain customs duties.

(4) Section 61.5(i)(1) is amended to require that Form 3814 be mailed to a new address.

Regulations codified under Part 71 Inquiries and Complaints are amended in § 71.4(a) to reflect the new 35 cent inquiry fee.

Regulations codified under Part 72 Indemnity Claims and Payments are amended in § 72.2 to reflect the new $15.76 maximum indemnity for registered postal union articles and to update the names of certain foreign nations.

Accordingly, the following amendments are effective immediately:

PART 13—OFFICIAL CORRESPONDENCE

§ 13.1 [Amended]

(1) In § 13.1 the address phrase "Engineering and Logistics Department" is deleted and the words "Logistic Department" are inserted in lieu thereof, and the address phrase "Money Order Branch, Finance Department, U.S. Postal Service, 1822 General Accounting Office Building, Washington, D.C. 20260" is deleted and the phrase "Money Order Division, Postal Data Center, U.S. Postal Service, Box 14964, St. Louis, MO 63182" is inserted in lieu thereof.

§ 13.2 [Amended]

(2) In § 13.2 the words "exchange offices, postal inspectors in charge" are deleted and the words "exchange offices, regional chief postal inspectors, postal inspectors in charge" are inserted in lieu thereof.

§ 13.3 [Amended]

(3) In § 13.3 the section reference is changed from "§ 21.2(d)(5)" to "§ 21.2(d)(4)."

PART 21—CONDITIONS APPLICABLE TO ALL CLASSES

§ 21.1 [Amended]

(4) In paragraph (a)(1) of § 21.1 the words "other wrappings" are deleted and the words "durable packaging material" are inserted in lieu thereof.

(5) In paragraph (a)(2) of § 21.1 the words "must not measure less than 3 inches in width (height) and 4¼ inches in length. (Effective October 1, 1973), envelopes must" are deleted, and the parenthetical mark following the words "5½ inches in length" is deleted.

(6) In paragraph (a)(4)(i) of § 21.1 the phrase "so as not to hinder" in the first sentence is deleted, and the word "contents" at the end of the first sentence is deleted and the words "contents is not hindered" are inserted in lieu thereof.

(7) Paragraph (b) of § 21.1 is revised to read as follows:

(b) *Packing requirements for certain articles.* (1) *Fragile items.* Articles of glass or other fragile materials must be securely packed in boxes of metal, wood, or fiberboard, minimum 275 pound test board, with adequate cushioning material that prevents the articles from moving about or coming in contact with each other or with the sides of the box in course of transmission.

(2) *Liquids, oils, etc.* Liquids, oils and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood, or fiberboard, minimum 275 pound test board containing enough cushioning material to absorb the liquid in the event of leakage of the receptacle. The cover of the box must be fastened in such a way that it cannot become easily detached.

(3) *Fatty substances.* Fatty substances which do not easily liquefy, such as ointments, soft soap, resins, etc., as well as silkworm eggs, must be enclosed in an inside cover (box, bag of cloth, plastic, etc.), which must itself be placed in a second box of wood, metal, or stout, thick material.

(4) *Powders.* Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes placed, in turn, inside wooden boxes, with cushioning between the two containers. Dry noncoloring powders must be placed in boxes of metal, wood, or fiberboard. These boxes themselves must be enclosed in a sift-proof container.

(5) *Live organisms.* Live bees, leeches, silkworm eggs, and otherwise acceptable parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies shall be enclosed in boxes so constructed as to avoid all danger.

(6) *Perishable biological materials.* See § 21.3(b)(5)(iii).

(7) *Radioactive materials.* See § 21.3(b)(6).

(8) In paragraph (d) of § 21.1 the words "and is to be" are deleted.

§ 21.2 [Amended]

(9) In paragraph (b)(2) of § 21.2 the sentence "Permit imprints must show the amount of postage paid on each article and may be of any color." is deleted.

(10) In paragraph (d)(4) of § 21.2. the word "Berne" is deleted and the word "Bern" is inserted in lieu thereof.

(11) Paragraph (d)(5) of § 21.2 is revised to read as follows:

(5) *Mail of widows of Presidents.* All mail bearing the written or facsimile signature of surviving spouses of former Presidents and the words *Postage and Fees Paid* shall be given the service indicated on its cover, subject to the conditions indicated in paragraph (d)(1)(i) of this section.

(12) In paragraph (e)(1) of § 21.2 the numeral "22" is deleted and the numeral "26" is inserted in lieu thereof.

(13) In paragraph (e)(4) of § 21.2 the numeral "15" is deleted and the numeral "18" is inserted in lieu thereof.

(14) In paragraph (e)(5) of § 21.2 the phrase "It is suggested that customers possessing any of these coupons return them" is deleted and the phrase "Customers possessing any of these coupons should return them" is inserted in lieu thereof.

§ 21.3 [Amended]

(15) Paragraph (a)(3) of § 21.3 is revised to read as follows:

(3) Poisons, including controlled substances (opium, morphine, cocaine, etc.), explosives and flammable articles (see § 31.2(a)(8) of this chapter), and all other articles excluded from the domestic mail, which either from their nature or packing are likely to soil or damage the mail or are injurious to health, life, or property. Articles containing gas or liquid under pressure, except that products incorporating compressed gas are acceptable if the mist produced is nonflammable. The quantity of contents are not more than a pint, and not more than one container per outside package. These restrictions as to quantity do not apply to aerosol containers holding mailable liquid and gas under pressure less than 40 pounds per square inch absolute (25 pounds gage pressure) at 70° F. Liquids with flash point below 200° F. are restricted (see § 31.2(b)(1)). The container must be completely surrounded with absorbent cushioning material sufficient to take up all the liquid contents.

(16) In paragraph (a)(5) of § 21.3 the following material is inserted after the words "recognized agencies": "which are otherwise acceptable in the domestic mails."

(17) Paragraph (b)(5)(iii)(*b*) of § 21.3 is revised to read as follows:

(*b*) Perishable biological material of a pathogenic nature must be packed in a tightly closed nonpermeable container in absorbent material, sufficient in quantity to absorb all the liquid and must be placed in a strong well-closed metal container constructed to prevent any contamination outside of it. This metal container must be wrapped in cushioning material and placed in an outer protective box where it should fit tightly to avoid shifting. The outer container must consist of a wood, metal, or other equally strong material with a tight lid so fitted that it cannot open during transportation.

(18) In paragraph (b)(6) of § 21.3 the section reference is changed from "§ 124.2 (e)" to "Part 124 of this chapter."

PART 22—RATES AND CONDITIONS FOR SPECIFIC CLASSES

(19) Section 22.1 is revised to read as follows:

§ 22.1 Letters and letter packages.

(a) *Postage rates.*—(1) *Surface.* The surface rates for letters and letter packages are as follows:

(i) *Canada and Mexico.* 10 cents per ounce up to 12 ounces; eighth zone priority mail rates for weights over 12 ounces.

(ii) *Countries other than Canada and Mexico.*

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	1	$0.18	0	8	$0.92	2	0	$2.89
0	2	.31	1	0	1.74	4	0	4.62
0	4	.41						

(2) *Airmail.* The air rates for letters and letter packages are as follows:

(i) *Canada and Mexico.* 13 cents per ounce or fraction.

(ii) *Central America, South America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon; also airmail letters from American Samoa to Western Samoa and from Guam to the Philippines.* 21 cents per half ounce up to and including 2 ounces; 17 cents each additional half ounce.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.21	0	7½	$2.71	0	14½	$5.09
0	1	.42	0	8	2.88	0	15	5.26
0	1½	.63	0	8½	3.05	0	15½	5.43
0	2	.84	0	9	3.22	1	0	5.60
0	2½	1.10	0	9½	3.39	1	½	5.77
0	3	1.18	0	10	3.56	1	1	5.94
0	3½	1.35	0	10½	3.73	1	1½	6.11
0	4	1.52	0	11	3.90	1	2	6.28
0	4½	1.69	0	11½	4.07	1	2½	6.45
0	5	1.86	0	12	4.24	1	3	6.62
0	5½	2.03	0	12½	4.41	1	3½	6.79
0	6	2.20	0	13	4.58	1	4	6.96
0	6½	2.37	0	13½	4.75			
0	7	2.54	0	14	4.92			

For letters or letter packages over 20 ounces, add 17 cents per half ounce or fraction.

(iii) *All other countries.* 26 cents per half ounce up to and including 2 ounces; 21 cents each additional half ounce.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	½	$0.26	0	7½	$3.35	0	14½	$6.29
0	1	.52	0	8	3.56	0	15	6.50
0	1½	.78	0	8½	3.77	0	15½	6.71
0	2	1.04	0	9	3.98	1	0	6.92
0	2½	1.25	0	9½	4.19	1	½	7.13
0	3	1.46	0	10	4.40	1	1	7.34
0	3½	1.67	0	10½	4.61	1	1½	7.55
0	4	1.88	0	11	4.82	1	2	7.76
0	4½	2.09	0	11½	5.03	1	2½	7.97
0	5	2.30	0	12	5.24	1	3	8.18
0	5½	2.51	0	12½	5.45	1	3½	8.39
0	6	2.72	0	13	5.66	1	4	8.60
0	6½	2.93	0	13½	5.87			
0	7	3.14	0	14	6.08			

For letters or letterpackages over 20 ounces, add 21 cents per half ounce or fraction.

(b) *Weight limits.* The weight limit for letters and letter packages to all countries except Canada is 4 pounds; for Canada, 60 pounds.

(c) Dimensions—(1) *Maximum dimensions.* Maximum length is 24 inches. Maximum length, breadth, and thickness combined is 36 inches. When sent in the form of a roll, the length (the maximum of which may not exceed 36 inches) plus twice the diameter may not exceed 42 inches.

(2) *Minimum dimensions.* The address side must measure at least 5½ inches in length and 3½ inches in width. For articles in the form of a roll, the length may not be less than 4 inches, or the length plus twice the diameter may not be less than 6¾ inches. Articles having lesser dimensions are accepted on condition that a rectangular address tag with dimensions of not less than 4 by 2¾ inches is attached.

(d) *Restrictions.* Letters and letter packages may not contain current communications exchanged between persons other than the sender and the addressee or person living with them.

(e) *Merchandise in letters*—(1) *Dutiable merchandise.* Letters or letter packages may contain merchandise which is dutiable in the country of destination unless the country is unwilling to accept such mailings. If a country prohibits dutiable merchandise in letters, this is shown under *Prohibitions* in the country item in the appendix. The postal service is not able to inform customers whether or not any items are dutiable in other countries. When mailing articles which may be dutiable, senders must comply with the provisions concerning documentation shown in § 21.4.

(2) *Nondutiable merchandise.* Articles which the senders know are not dutiable may be mailed to countries which do not accept dutiable merchandise, but only at the risk of the senders. The U.S. Postal Service assumes no responsibility for the treatment which such articles may be given by the foreign postal or customs authorities. As the presence of the green label (Form 2976) mentioned in § 21.4(a) generally denotes dutiable contents, it should be omitted from letter-mail articles when the sender knows the contents are not dutiable.

(f) *Endorsement.* Senders should add the words *Letter (lettre)* on the address side of letters and letter packages which, because of their size or manner of preparation, may be mistaken for matter of another class.

(g) *Preparation and addressing.* See § 21.1.

§ 22.2 [Amended]

(20) Paragraphs (a) and (b) of § 22.2 are revised to read as follows:

(a) *Rates*—(1) *Surface.* Canada and Mexico, 8 cents each. All other countries, 12 cents each.

(2) *Airmail.* Canada and Mexico, 11 cents each. All other countries, 18 cents each.

(3) *Other rates.* The letter rate (surface or air), or the surface printed matter rate if the card conforms to printed matter requirements, applies to cards exceeding 6 by 4¼ inches. Cards exceeding 6 by 4¼ inches are not mailable unless enclosed in envelopes.

(b) *Dimensions.* Maximum dimensions, 6 by 4¼ inches. Minimum dimensions, 5½ by 3½ inches.

NOTE: For Canada and Mexico postal and post cards measuring at least 5½ by 3¼ inches are acceptable.

(21) Section 22.3 is revised to read as follows:

§ 22.3 Printed matter.

(a) *Postage rates.* (1) *Surface Rates.* Separate rates of postage are provided for each of the following types of printed matter:

(i) *Regular Printed Matter.* Regular printed matter comprises all printed matter other than books, sheet music, publishers' second-class and publishers' controlled circulation publications described in § 22.3(a)(2), (3), and (4). The surface rates are—

(*a*) Canada and Mexico:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.10	0	8	$0.32	0	14	$0.56
0	4	.16	0	10	.40	1	0	.64
0	6	.24	0	12	.48			

Over 1 pound but not over 2 pounds	$0.85
Over 2 pounds but not over 4 pounds	1.16
Each additional 2 pounds or fraction [1]	.58

[1] Weight limits in § 22.3(b) apply.

(*b*) Countries other than Canada and Mexico:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.10	0	8	$0.32	2	0	$0.85
0	4	.16	1	0	.56	4	0	1.16

Each additional 2 pounds or fraction [1]	.58

[1] Weight limits in § 22.3(b) apply.

(ii) *Books and sheet music.* These consist of books, including books issued to supplement other books, of 24 pages or more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of

books, and printed sheet music. The surface rates are—

(a) Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
1		$0.20	6		$0.72	12		$1.44
2		0.28	8		.96			
4		.48	10		1.20			

Each additional 2 pounds or fraction [1] 24

[1] Weight limits in § 22.3(b) apply.

(b) All other countries:

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
1	$0.20	6	$0.86	10 [2]	$1.44
2	0.34	8	1.15	11	1.73
4	.57				

[2] Charge 29¢ for each additional 2 pounds or fraction on packages for Spain and Spanish possessions (see § 11.2) weighing over 10 and up to 22 pounds.

(iii) *Second-class publications.* The rates on publications entered domestically as second-class, when mailed by the publishers or by registered news agents, are:

(a) PUAS countries except Canada (see § 11.2):

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.04	0	8	$0.10	2	0	$0.28
0	4	.06	1	0	.17	4	0	.48

Each additional 2 pounds or fraction (weights in § 22.3(b) apply) ..... .24

(b) All other countries including Canada:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.04	0	8	$0.11	2	0	$0.34
0	4	.07	1	0	.20	4	0	.57

Each additional 2 pounds or fraction (weights in § 22.3(b) apply) ..... .29

(c) No separate rates are provided for nonprofit publications or for classroom publications. These second-class publications are subject to the rates stated in (a) and (b) above. Complete sample copies may also be mailed at those rates, whether or not the number of such sample copies exceeds 10 percent of the subscriber copies. Copies mailed by the public are subject to the regular printed matter rates stated in 23.3(a) (1) (i).

(iv) *Controlled circulation publications.* The rates on periodicals that are approved domestically as controlled circulation publications, when mailed by the publishers to all countries, are—

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.06	0	8	$0.13	2	0	$0.41
0	4	.08	1	0	.24	4	0	.69

Each additional 2 pounds or fraction (weights in § 22.3(b) apply) ..... .34

(v) *Direct sacks of prints for one addressee.* See § 22.3(f) (2) concerning rates of postage to be applied to the contents of direct sacks for one addressee.

(2) *Airmail.* AO (other articles) air rates apply to all types of prints, as follows:

(i) *Mexico, Central America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon; also from American Samoa to Western Samoa, and from Guam to the Philippines.* 50 cents for the first 2 ounces and 13 cents for each additional 2 ounces or fraction.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.50	3	14	$4.40	7	10	$8.30
0	4	.63	4	0	4.53	7	12	8.43
0	6	.76	4	2	4.66	7	14	8.56
0	8	.89	4	4	4.79	8	0	8.69
0	10	1.02	4	6	4.92	8	2	8.82
0	12	1.15	4	8	5.05	8	4	8.95
0	14	1.28	4	10	5.18	8	6	9.08
1	0	1.41	4	12	5.31	8	8	9.21
1	2	1.54	4	14	5.44	8	10	9.34
1	4	1.67	5	0	5.57	8	12	9.47
1	6	1.80	5	2	5.70	8	14	9.60
1	8	1.93	5	4	5.83	9	0	9.73
1	10	2.06	5	6	5.96	9	2	9.86
1	12	2.19	5	8	6.09	9	4	9.99
1	14	2.32	5	10	6.22	9	6	10.12
2	0	2.45	5	12	6.35	9	8	10.25
2	2	2.58	5	14	6.48	9	10	10.38
2	4	2.71	6	0	6.61	9	12	10.51
2	6	2.84	6	2	6.74	9	14	10.64
2	8	2.97	6	4	6.87	10	0	10.77
2	10	3.10	6	6	7.00	10	2	10.90
2	12	3.23	6	8	7.13	10	4	11.03
2	14	3.36	6	10	7.26	10	6	11.16
3	0	3.49	6	12	7.39	10	8	11.29
3	2	3.62	6	14	7.52	10	10	11.42
3	4	3.75	7	0	7.65	10	12	11.55
3	6	3.88	7	2	7.78	10	14	11.68
3	8	4.01	7	4	7.91	11	0	11.81
3	10	4.14	7	6	8.04			
3	12	4.27	7	8	8.17			

To determine the postage for packages over 11 pounds, compute the rate for the pounds alone at $1.04 cents per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 37 cents to the rate at $1.04 cents per pound.

(ii) *South America, Europe (except Estonia, Latvia, Lithuania and U.S.S.R.) and Mediterranean Africa.* 60 cents for the first 2 ounces and 24 cents for each additional 2 ounces or fraction.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.60	3	14	$7.80	7	10	$15.00
0	4	.84	4	0	8.04	7	12	15.24
0	6	1.08	4	2	8.28	7	14	15.48
0	8	1.32	4	4	8.52	8	0	15.72
0	10	1.56	4	6	8.76	8	2	15.96
0	12	1.80	4	8	9.00	8	4	16.20
0	14	2.04	4	10	9.24	8	6	16.44
1	0	2.28	4	12	9.48	8	8	16.68
1	2	2.52	4	14	9.72	8	10	16.92
1	4	2.76	5	0	9.96	8	12	17.16
1	6	3.00	5	2	10.20	8	14	17.40
1	8	3.24	5	4	10.44	9	0	17.64
1	10	3.48	5	6	10.68	9	2	17.88
1	12	3.72	5	8	10.92	9	4	18.12
1	14	3.96	5	10	11.16	9	6	18.36
2	0	4.20	5	12	11.40	9	8	18.60
2	2	4.44	5	14	11.64	9	10	18.84
2	4	4.68	6	0	11.88	9	12	19.08
2	6	4.92	6	2	12.12	9	14	19.32
2	8	5.16	6	4	12.36	10	0	19.56
2	10	5.40	6	6	12.60	10	2	19.80
2	12	5.64	6	8	12.84	10	4	20.04
2	14	5.88	6	10	13.08	10	6	20.28
3	0	6.12	6	12	13.32	10	8	20.52
3	2	6.36	6	14	13.56	10	10	20.76
3	4	6.60	7	0	13.80	10	12	21.00
3	6	6.84	7	2	14.04	10	14	21.24
3	8	7.08	7	4	14.28	11	0	21.48
3	10	7.32	7	6	14.52			
3	12	7.56	7	8	14.76			

To determine the postage for packages over 11 pounds, compute the rate for the pounds alone at $1.92 per pound, and add the rate for the ounces as shown in the table. If there are no ounces, add 36 cents to the rate at $1.92 per pound.

(iii) *Estonia, Latvia, Lithuania, U.S.S.R., Asia, the Pacific, and Africa (other than Mediterranean).* 70 cents for the first 2 ounces and 35 cents for each additional 2 ounces or fraction.

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.70	3	14	$11.20	7	10	$21.70
0	4	1.05	4	0	11.55	7	12	22.05
0	6	1.40	4	2	11.90	7	14	22.40
0	8	1.75	4	4	12.25	8	0	22.75
0	10	2.10	4	6	12.60	8	2	23.10
0	12	2.45	4	8	12.95	8	4	23.45
0	14	2.80	4	10	13.30	8	6	23.80
1	0	3.15	4	12	13.65	8	8	24.15
1	2	3.50	4	14	14.00	8	10	24.50
1	4	3.85	5	0	14.35	8	12	24.85
1	6	4.20	5	2	14.70	8	14	25.20
1	8	4.55	5	4	15.05	9	0	25.55
1	10	4.90	5	6	15.40	9	2	25.90
1	12	5.25	5	8	15.75	9	4	26.25
1	14	5.60	5	10	16.10	9	6	26.60
2	0	5.95	5	12	16.45	9	8	26.95
2	2	6.30	5	14	16.80	9	10	27.30
2	4	6.65	6	0	17.15	9	12	27.65
2	6	7.00	6	2	17.50	9	14	28.00
2	8	7.35	6	4	17.85	10	0	28.35
2	10	7.70	6	6	18.20	10	2	28.70
2	12	8.05	6	8	18.55	10	4	29.05
2	14	8.40	6	10	18.90	10	6	29.40
3	0	8.75	6	12	19.25	10	8	29.75
3	2	9.10	6	14	19.60	10	10	30.10
3	4	9.45	7	0	19.95	10	12	30.45
3	6	9.80	7	2	20.30	10	14	30.80
3	8	10.15	7	4	20.65	11	0	31.15
3	10	10.50	7	6	21.00			
3	12	10.85	7	8	21.35			

(iv) *Canada.* Letter rate of 13 cents per ounce or fraction applies.

(b) *Weight limits.* (1) The following weight limits apply to individual packages of printed matter:

Countries	Books (See 223.11b)	All other prints
For countries not listed below	11 pounds	4 pounds.[1]
Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Republic of Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa), Spanish Sahara, Uruguay and Venezuela.	22 pounds	22 pounds.

[1] Packages of catalogs and directories may weigh up to 11 pounds, but are subject to the postage rates for regular prints (§ 22.3 (a)(1) (i)).

(2) Packages or bundles of second-class and controlled circulation publications mailed to Canada by publishers or registered news agents may weigh up to 30 pounds. When mailed by other than publishers or news agents, the weight limit is 4 pounds.

(3) See § 22.3(f) concerning use of direct sacks for mailing large quantities of prints to one addressee.

(c) *Dimensions.* Prints in envelopes or in package form are subject to the same maximum and minimum dimensions that apply to letter mail. See § 22.1 (c). Prints in the form of single cards must not measure more than 6 by 4¼ inches nor less than 5½ by 3½ inches. See § 22.3 (f) (1) (i) concerning packages of printed matter enclosed in sacks addressed directly to one addressee.

(d) *Description.* (1) *General Definitions.* The term *printed matter* applies to reproductions on paper, cardboard or other materials commonly used in printing, produced in several identical copies by means of a mechanical or photographic process involving use of a plate, stencil, or negative. Several copies of printed matter items may be sent together in a single package, but they must not bear names and addresses of different senders or addressees.

(2) *Articles specially admitted.* The following may be mailed as printed matter if they otherwise conform to the prescribed conditions of form and makeup, even though they may be wholly or partly handwritten or typed:

(i) Communications (including those in the form of sound recordings) exchanged between students in schools, provided they are sent through the intermediary of the heads of the schools.

(ii) Original and corrected exercises of students, without any notes not relating directly to the execution of the work.

(iii) Manuscripts of literary works or of newspapers, and musical scores or sheets of music in manuscript.

(3) *Items not admissible.* The following are not admitted as printed matter:

(i) Reproductions obtained by means of a typewriter of any kind.

(ii) Copies obtained by tracing, by handwriting or by typewriting on any type of machine.

(iii) Copies obtained by means of stamps with or without movable type.

(iv) Stamps or forms of prepayment, canceled or not, including internal revenue strip stamps, and any printed paper representing a monetary value.

(v) Articles of stationery in quantities of more than one article per package. This includes letterheads, billheads, unused cards, diaries, checkbooks, memo pads, and other similar items having some printing on them but on which additional entries are intended to be made.

(vi) Films, negatives or slides.

(vii) Sound recordings.

(viii) Punched paper tapes and ADP cards.

(ix) Framed photographs and certificates.

(x) Playing cards.

(4) *Permitted additions.* The following additions may be made by hand or by any other process on condition that the additions must have a direct bearing on the printed matter on which they are placed and must not give the text the character of personal correspondence:

(i) Name and address of sender and addressee, with or without showing the status, profession, and style.

(ii) Place and date of mailing of the item.

(iii) Serial or registration number referring solely to the item.

(iv) Correction of printing errors.

(v) Deletion, marking, or underlining of certain words or certain parts of the printed text.

(vi) On notices concerning the departure and arrival of ships and planes: the dates and time of such departures and arrivals, as well as the names of the ships, planes, and ports of departure, call, and arrival.

(vii) On travelers' announcements: the name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.

(viii) On order, subscription, or offer forms for publications, books, newspapers, engravings, and musical scores: the publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broche" (stitched or paperbound), "cartonné" (boards) or "relié" (bound).

(ix) On forms used in connection with loans from libraries: the titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, other brief indications relating to the books in question.

(x) On illustrated cards, on printed visiting cards and on printed cards expressing felicitations or condolences: conventional expressions of courtesy stated in five words or five initials at the most.

(xi) On printing proofs: such changes and additions as relate to the correction, form and printing, notes such as "Ready for printing," "O.K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.

(xii) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: figures and any other annotations, representing essential price factors.

(xiii) On literary or artistic productions, a dedication consisting of a simple expression of regard.

(xiv) On passages cut from newspapers and periodicals: the name, date, number, and address of the publication from which the article is taken.

(xv) An order or entry number relating exclusively to the articles contained in the package.

(xvi) On notices of change of address: the old and the new address and the date of the change.

(xvii) On photographs: captions describing them and identifying persons, places and time taken may be added on the photographs or on slips attached.

(5) *Permitted enclosures.* Articles sent as prints may have the following enclosures:

(i) *With all types of prints.* A card, envelope or wrapper bearing the printed United States address of the sender or his agent. The enclosure may bear appropriate foreign postage to mail it back to the United States. U.S. business reply items may not be enclosed.

(ii) *With all types of prints to the Netherlands.* A card, envelope or wrapper bearing either the printed United States or Netherlands address of the sender or his agent. The enclosure may bear the appropriate foreign postage to mail it to its destination in either the United States or the Netherlands. U.S. business reply items may not be enclosed.

(iii) *With all types of prints to Ireland (Eire).* Same conditions as to the Netherlands.

(iv) *With literary or artistic printed works.* A simple invoice relating to the works.

(v) *With fashion publications.* Cut-out patterns that are marked to show they are an integral part of the copy of the publication with which they are mailed.

(e) *Preparation and mailing.* (1) *Wrapping and closing.* Articles mailed at printed matter rates must not be sealed. The general provisions of § 21.1 (a) (4) apply, subject to the following exceptional methods of preparation:

(i) Prints of the shape and consistency of a single card may be mailed without wrapper or envelope. These cards must conform to the dimensions of post cards (maximum, 6 by 4¼ inches; minimum, 5½ by 3½ inches). See § 22.2(a) (3) concerning cards that do not conform to the dimensions stated.

(ii) Single copies of second-class or controlled circulation publications mailed by publishers and addressed for delivery in Canada need not be enclosed

in envelopes or wrappers when they are included in bundles as provided in § 22.3 (e)(4)(iii). Copies for all other countries, including those for delivery at Canadian overseas military post offices (CFPOs), even when tied in bundles, must be enclosed in envelopes or wrappers.

(iii) Use of steel bands or wire is permitted at the risk of the sender, except to Belgium, Great Britain and Northern Ireland, Portugal (including Madeira and Azores), and the Union of Soviet Socialist Republics which object to their use.

(iv) Envelopes having the main flap sealed and the side flap closed with a spot of glue (two spots may be used to close the flaps of large envelopes) are accepted at the risk of the sender, except to Switzerland which has objected to the use of this type of envelope.

(v) Padded envelopes closed by means of staples are accepted at the risk of the sender. These may be closed with one, two, or three staples, depending upon the size of the envelopes.

(2) *Marking.* Senders must see that an endorsement appears on the address side of all cards, envelopes, wrappers, or packages to be mailed at printed matter rates, as follows:

(i) Mark "Printed Matter" when postage is paid at regular printed matter rates. (See § 22.3(a)(1)(i).)

(ii) Mark "Printed Matter—Books" or "Printed Matter—Sheet Music" on packages of books or sheet music to be mailed at the rates stated in § 22.3(a)(1)(ii).

(iii) Mark "Printed Matter—Directories" or "Printed Matter—Catalogs" when necessary to identify packages as containing directories or catalogs subject to regular printed matter rates but entitled to the exceptional weight limits prescribed in § 22.3(b).

(iv) Mark "Printed Matter—Second-Class" or "Printed Matter—Controlled Circulation Publication" on the envelopes or wrappers of second-class and controlled circulation publications on which the postage rates stated in § 22.3(a)(1)(iii) or (iv) are paid by stamps affixed. When the postage on second-class and controlled circulation publications is paid in cash or by advance deposit, as permitted in § 22.3(e)(3)(ii), the envelopes or wrappers must bear the imprint "Second-class postage paid at ————," or "Controlled circulation postage paid at ————," in the upper right corner. The imprint serves as an indication of postage payment and identifies the publications as second-class or controlled circulation. Use imprints prescribed in § 132.2(e)(8) and § 133.3(g) for mailings made pursuant to § 22.3(e)(3)(iii). See § 22.3(e)(4)(iii) concerning special provisions applicable to bundled mailings to Canada.

(3) *Payment of postage.* (i) Postage on printed matter, other than second-class and controlled circulation publications mailed by the publisher or by a registered news agent under the conditions stated in § 22.3(e)(3)(ii), must be paid by means of postage stamps, meter stamps, or permit imprints.

(ii) Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, Computation of Second-Class or Controlled Circulation Postage, from reports filed by the publisher or news agent on Form 3542, Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed.

(iii) Accept deposits of money to cover postage at regular printed matter rates (§ 22.3(a)(1)(i)) on mailings of publications for which application for second-class or controlled circulation privilege is pending. When application is approved, adjust postage charges on reported mailings based on rates stated in § 22.3(a)(1)(iii) and (iv) and according to general procedure in § 132.3(b) and § 133.2(c).

(iv) Postage at the per copy rate must be charged on all individually addressed copies of second-class and controlled circulation publications. All copies reported on Form 3542, addressed or unaddressed are subject to a per copy rate. If a publisher or registered news agent prefers, he may pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

(4) *Mailing.* (i) Printed matter that is fully prepaid with postage or meter stamps and is properly prepared as required in paragraphs (e)(1) and (2) of this section may be presented for mailing at post office windows or deposited in post office drops or street collection boxes.

(ii) Printed matter on which the postage is paid by permit imprints and all second-class and controlled circulation publications to be mailed at the rates stated in paragraph (a)(1)(iii) and (iv) of this section must be made up in accordance with paragraph (e)(4)(iii) and (iv) of this section and taken to the post office or such other places as may be designated by the postmaster.

(iii) Publishers mailing at the rates stated in paragraph (a)(1)(iii) and (iv) of this section having five or more individually addressed copies to subscribers at the same post office must place them in bundles with a conspicuous label attached showing the post office and country of destination. Mail not made up to direct cities must be separated into State (province, county, etc.) bundles. All bundles must be secured with string or rubber bands. When there is a sufficient quantity of copies for one city, one State (province, county, etc.) or for one country to fill approximately one third of a sack, the publisher shall insert the prepared bundles in a sack appropriately labeled to identify the destination. Mail for countries that have a postal code sort system may be made into bundles and sacks based on the postal code.

(iv) *Canada only.* In addition to presorting as covered in subdivision (iii) above, single copies addressed for delivery in Canada that are not enclosed in wrappers or envelopes, as permitted in subparagraph (1)(ii) above, must be included in bundles protected with sections of cardboard, fiberboard, or other protective covering that will prevent the copies from being damaged in transit. The labels on these protected bundles must bear the notation OPEN AND DISTRIBUTE and the words "Second-class postage paid at _____" or "Controlled circulation postage paid at _____."

(5) *Return request.* Ordinary (unregistered) prints, other than books, are not returned if undeliverable unless return has been requested by the sender. Therefore, senders desiring that undeliverable ordinary prints be returned must place a "Return Requested" notation on the article, preferably immediately below the return address and in a language known in the country of destination. Books and registered prints that are undeliverable must always be returned to origin.

(6) *Dutiable prints.* Prints known to be dutiable in the country to which they are addressed must have a green customs label, Form 2976, fixed to the address side of the article. (See § 21.4(a)).

(f) *Direct sacks to one addressee.*—(1) *Requirements.* Ordinary (unregistered) printed matter being mailed in quantity to one addressee may be transmitted in direct sacks (except to Ethiopia) if the sender complies with the following conditions:

(i) The minimum amount that may be mailed in a direct sack (by either surface or air) is 22 pounds; the maximum is 66 pounds (sack and contents). The weight and size limits prescribed in § 22.3(b) and (c) do not apply to the individual packages included in the sack.

(ii) Obtain sacks from local post office, which will furnish airmail sacks, if available, when material is to be sent by airmail.

(iii) Place printed matter in one or more individual, unsealed packages bearing the name and address of sender and addressee. Mark each package *Postage Paid.*

(iv) Attach to the neck of the sack a tie-on tag bearing the name and address of sender and addressee. The tag must be of substantial quality, with reinforced eyelets to prevent it from being torn off, and of such size as to permit the stamps in payment of the postage to be placed on it. Use heavy twine to tie on the tag. When sending several sacks for the same addressee, mark tag with an identifying fractional number, for example ⅓, ⅔, and ⅗, if the shipment consists of three sacks.

(2) *Postage.* (i) Postage is calculated only on the weight of the contents of the sack, and is paid by means of postage

stamps or meter stamps affixed to the address tag. Calculate airmail postage at the applicable AO air rates shown under individual country items in the appendix. Calculate surface postage, according to the type of printed matter being mailed, as follows:

(a) *For regular printed matter.* At 58 cents each 2 pounds or fraction to all countries.

(b) *For books, sheet music.* (1) At 24 cents each 2 pounds or fraction to PUAS countries except Canada (see § 11.2 of this chapter), Spain and Spanish possessions.

(2) At 29 cents each 2 pounds or fraction to all other countries, including Canada, Spain and Spanish possessions.

(c) *For publishers' second-class.* (1) At 24 cents each 2 pounds or fraction to PUAS countries except Canada (see § 11.2 of this chapter).

(2) At 29 cents each 2 pounds or fraction to all other countries including Canada.

(d) *For publishers' controlled-circulation publications.* At 29 cents each 2 pounds or fraction to all countries.

(ii) If a publisher or registered news agent prepares a direct sack of second-class or controlled circulation copies for one addressee and desires to pay the postage in cash or from money on deposit with the postmaster, the postage computation will be made on the basis of report on Form 3542. The address tag attached to the neck of the sack must then bear the second-class or controlled circulation imprint instead of stamps.

(3) *Labeling sacks.* The post office will label the sack with the name of the country of destination in large letters and the name of the United States dispatching exchange office in small letters (for example *GREAT BRITAIN—via New York*) and send it to the exchange office for dispatch to destination.

§ 22.5 [Amended]

(22) Paragraph (d)(1) of § 22.5 is revised to read as follows:

(1) *Surface.* Canada and Mexico — Same as for regular printed matter to the respective country. See § 22.3(a)(1)(i). All other countries—18 cents up to 4 ounces, 35 cents over 4 but not over 8 ounces, 58 cents over 8 ounces but not over 1 pound and $1.04 over 1 but not over 2 pounds.

PART 23—TREATMENT OF OUTGOING POSTAL UNION MAIL

§ 23.3 [Amended]

(23) In paragraph (b)(1) of § 23.3 the phrase "unless they are paid at letter rates" is deleted.

(24) Paragraph (b)(2) of § 23.3 is revised to read as follows:

(2) *Foreign reply-paid cards.* Reply-paid cards are not acceptable in international mail. Any reply-paid cards bearing foreign postage found in the mail shall be returned to the sender for proper U.S. postage to be affixed, or sent to the dead letter office if the name and address of the sender are not shown.

NOTE: Exception, on February 1, 1974 a two year experimental international business reply mail service between the United States, Great Britain, and the Netherlands was implemented. Business reply mail addressed to, or received from these countries is acceptable.

(25) In paragraph (d) of § 23.3 the words "are to be allowed to go" are deleted and the words "may go" are inserted in lieu thereof.

PART 24—TREATMENT OF INCOMING POSTAL UNION MAIL

§ 24.1 [Amended]

(26) In paragraph (a)(1) of § 24.1 the numeral "35" is deleted and the numeral "50" is inserted in lieu thereof, the numeral "70" is deleted and the numeral "80" is inserted in lieu thereof, and the words "for each packet" in the second sentence are deleted.

(27) In paragraph (a)(5)(ii) of § 24.1 the words "delivery employee" in the second sentence are deleted and the words "delivering employee" are inserted in lieu thereof.

(28) In paragraph (b)(1) of § 24.1 the numeral "15" is deleted and the numeral "18" is inserted in lieu thereof, and the numeral "8" is deleted and the numeral "10" is inserted in lieu thereof.

(29) In paragraph (c) of § 24.1 the words "the Mail Classification Division" are deleted and the words "the International Mail Classification Branch, Mail Classification Division" are inserted in lieu thereof.

(30) In paragraph (f)(1) of § 24.1 the numeral "6" is deleted and the numeral "8" is inserted in lieu thereof.

(31) Paragraph (f)(5) of § 24.1 is revised to add the following:

(5) On all printed matter endorsed "Return Requested", all registered printed matter, and all books and small packets, the applicable surface rate which would be paid from the United States to the returning country.

§ 24.3 [Amended]

(32) Section 24.3 is amended by adding paragraph (d):

(d) *Postage-due matter*—If an article being forwarded to another post office in the United States or to another country bears postage-due stamps, follow the procedure prescribed in § 146.5 (e) and (f) of this chapter.

PART 25—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

(33) Section 25.1 is revised to read as follows:

§ 25.1 U.S. Postage rates required.

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than the domestic third-class single-piece rate. The articles may be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are mailed. These limitations apply to mailings made in such quantities within a 30-day period.

§ 25.2 [Amended]

(34) In § 25.2 the words "the Mail Classification Division" are deleted and the words "the International Mail Classification Branch, Mail Classification Division" are inserted in lieu thereof.

§ 25.3 [Amended]

(35) In § 25.3 the phrase "it will be returned" in the last sentence is deleted and the phrase "it may be returned" is inserted in lieu thereof.

PART 31—OUTGOING PARCELS

§ 31.2 [Amended]

(36) In paragraph (a)(1) of § 31.2 the section reference is changed from "§ 12.3" to "Parts 123 and 124 of this chapter".

(37) In paragraph (a)(9) of § 31.2 the numeral "150" is deleted and the numeral "200" is inserted in lieu thereof.

(38) Paragraph (b)(1) of § 31.2 is revised to read as follows:

(b) *Restricted articles.* (1) *Flammable liquids.* Liquids having a flash point of 100° F. or lower are nonmailable. Liquids having a flash point above 100° F. to 200° F., inclusive are mailable to foreign countries in quantities up to 1 gallon in any one parcel. Liquids having a flash point in excess of 200° F., have no quantity restrictions within allowed weight limits with consideration given to proper packaging. Each container of liquid must be surrounded with sufficient absorbent cushioning material within another sealed container, e.g. plastic bag, to completely absorb the contents in case of leakage. Containers with only friction top closures are not acceptable. Screw caps, soldering, clips or other means must be employed to effect closure. Each parcel containing a combustible liquid must be marked to indicate that the flash point is above 100° F.

(39) In paragraph (c)(1) of § 31.2 the words "Customers inquire" are deleted and the words "Customers should inquire" are inserted in lieu thereof.

§ 31.3 [Amended]

(40) Paragraphs (b) (1) and (2) of § 31.3 are revised to read as follows:

(b) *Packing.* (1) *In general.* (i) The responsibility of properly enclosing, packaging, and sealing parcels in the international mail rests with the sender. The Postal Service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of mailing.

(ii) Every parcel shall be securely and substantially packed, having regard to the nature of the contents and climatic

conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route.

(iii) Packages must be packed in canvas or similar material, double-faced corrugated or solid fiber boxes or cases, minimum 275 pound test board, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary paperboard containers are wholly inadequate. Although it is permissible to use heavy wrapping paper or waterproof paper as the outside covering of a carton, such paper shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by sewing may be used provided they conform to other conditions prescribed. Heavy objects such as cans of food must be surrounded with other contents or packing material so that they cannot shift within the parcel.

(iv) For illustrations regarding recommended packaging and closures, see Part 121 of this chapter.

(2) *Specific articles.* (i) Fragile articles for overseas destinations shall be packed in a strong (preferably wooden) box. Strong solid fiberboard or double-faced corrugated fiberboard boxes of not less than 275-pound test if enclosed in strong wooden boxes, or 350-pound test if used without boxes, are acceptable. A space of at least 2 inches must be left between the articles and the top, bottom, and sides of the box, to be filled with sufficient cushioning material to protect the articles.

(ii) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, wood, 275 pound test fiberboard, or receptacle of equal strength) there shall be left a space to be filled with absorbent material in sufficient quantity to absorb all the liquid contents in case of breakage. Excelsior does not possess the necessary absorbent quality to meet this requirement. In the case of Ireland, Leeward Islands, Malaysia, and Windward Islands, the outer receptacle shall be of wood or metal. Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(iii) Dry noncoloring powders must be enclosed in boxes of metal, wood, or fiberboard, minimum 275 pound test board, placed in turn in a closely woven cloth bag or heavy kraft paper sack. Powder dyes must be enclosed in strong metal boxes, securely closed, and placed in turn in another box of wood or fiberboard, minimum 275 pound test board, with protective material between the inner and outer containers.

(iv) Eggs addressed for delivery in all countries other than Canada must be placed in a metal egg container. Each egg in the square pockets must be surrounded with paper, excelsior, cotton, straw, or other similar material. The metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(v) Eggs destined for delivery in Canada may be packed either in the manner prescribed in d or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end. The vacant space in the box must be filled with newspaper or other packing material to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(41) Paragraph (f)(1) of § 31.3 is revised to read as follows:

(f) Rates, computation, and postage payment.

(1) Surface parcels. Surface parcel post rates are based on an initial weight unit of 2 pounds and succeeding units of 1 pound. They are as follows:

(i) Canada, Mexico, Central America, the Caribbean Islands, Bahamas, Bermuda, and Sts. Pierre and Miquelon. $1.40 for first 2 pounds; 40 cents each additional pound.

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.40	17	$7.40	32	$13.40
3	1.80	18	7.80	33	13.80
4	2.20	19	8.20	34	14.20
5	2.60	20	8.60	35	14.60
6	3.00	21	9.00	36	15.00
7	3.40	22	9.40	37	15.40
8	3.80	23	9.80	38	15.80
9	4.20	24	10.20	39	16.20
10	4.60	25	10.60	40	16.60
11	5.00	26	11.00	41	17.00
12	5.40	27	11.40	42	17.40
13	5.80	28	11.80	43	17.80
14	6.20	29	12.20	44	18.20
15	6.60	30	12.60		
16	7.00	31	13.00		

For parcels addressed to Panama weighing over 44 pounds but not over 70 pounds, charge $16.00 for the first 40 pounds plus the rate given above for the remaining pounds.

(ii) b. *To all other countries.* $1.55 for first 2 pounds; 45 cents each additional pound.

Lbs.	Rate	Lbs.	Rate	Lbs.	Rate
2	$1.55	17	$8.30	32	$15.05
3	2.00	18	8.75	33	15.50
4	2.45	19	9.20	34	15.95
5	2.90	20	9.65	35	16.40
6	3.35	21	10.10	36	16.85
7	3.80	22	10.55	37	17.30
8	4.25	23	11.00	38	17.75
9	4.70	24	11.45	39	18.20
10	5.15	25	11.90	40	18.65
11	5.60	26	12.35	41	19.10
12	6.05	27	12.80	42	19.55
13	6.50	28	13.25	43	20.00
14	6.95	29	13.70	44	20.45
15	7.40	30	14.15		
16	7.85	31	14.60		

(42) Section 31.4 is revised as follows:

§ 31.4 Documentation.

(a) *Customs Declaration, Form 2966 and 2966-A—(1) Preparation by accepting clerk.* The accepting clerk will give the sender the number of forms required for the country concerned, and will see that he fills them out in accordance with § 31.4(a)(2). If a parcel is addressed to a country that requires one customs declaration, the sender must complete one Form 2966-A. If the country requires two customs declarations, the sender must complete one Form 2966-A and one Form 2966. For parcels too small to accommodate Form 2966-A, the sender must complete Form 2966. Request senders to fill out declarations in ink or by typewriter. However, if packages are presented with declarations completed in ordinary pencil do not reject them for that reason. Enter weight of the parcel and insurance number if insured. Postmark form in the space provided and return it to the sender to be attached to the parcel as described in § 31.4(a)(3).

(2) *Preparation by sender.* Complete declarations in ink or by typewriter. The Postal Service assumes no responsibility for accuracy of the indications shown by the sender. Show the following data on each declaration:

(i) Name and address of sender and addressee.

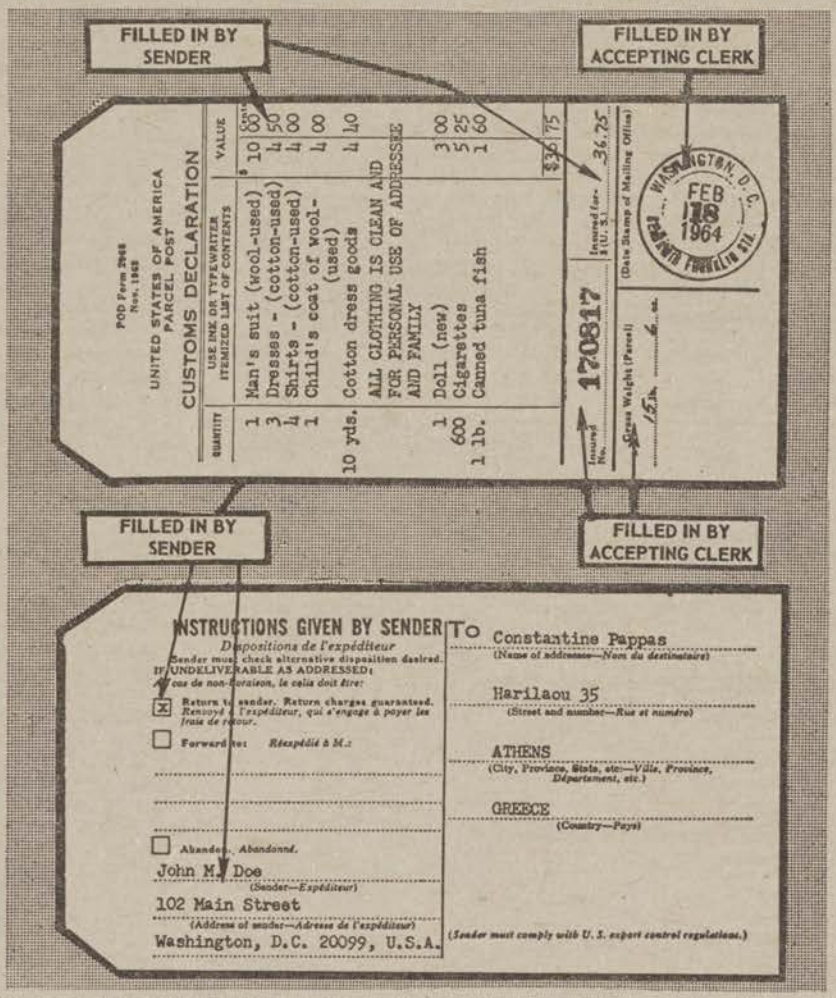
(ii) Disposal to be made of parcel if it proves to be undeliverable as addressed. If an alternative addressee is given, the sender should also indicate whether he wishes to have the parcel returned or treated as abandoned if it proves to be undeliverable to both the original and alternate addresses. This is done by checking the ultimate disposal in addition to the one showing the alternate addressee. (See illustration in § 31.4(a) (4) and (5)). Senders should give instructions for abandonment of any parcels on which they are not willing to pay the return charges mentioned in § 32.5(a).

(iii) A complete and accurate description of the contents in the English language. An interlineation in another language is permitted, and in some cases is required (see the appendix). For parcels containing more than one article, or articles of different kinds, state the exact quantity and value of each kind of article. A sender is permitted to declare that the contents of a parcel have *No value*. Also, it is not sufficient to use simply such words as *coat*, or *stockings*, instead the materials of which the articles are composed must be shown, as *fur coat, nylon stockings*. General terms such as *worn clothing, groceries, presents, merchandise, samples*, and the like, will not suffice, although in the case of quantity shipments of items such as mechanical or electrical parts, and the like, general descriptions will be accepted. If the customs declaration does not furnish enough space on which to give a complete list of the contents, an additional declaration form may be used, or the list may be placed on the wrapper making reference to the fact on the declaration itself.

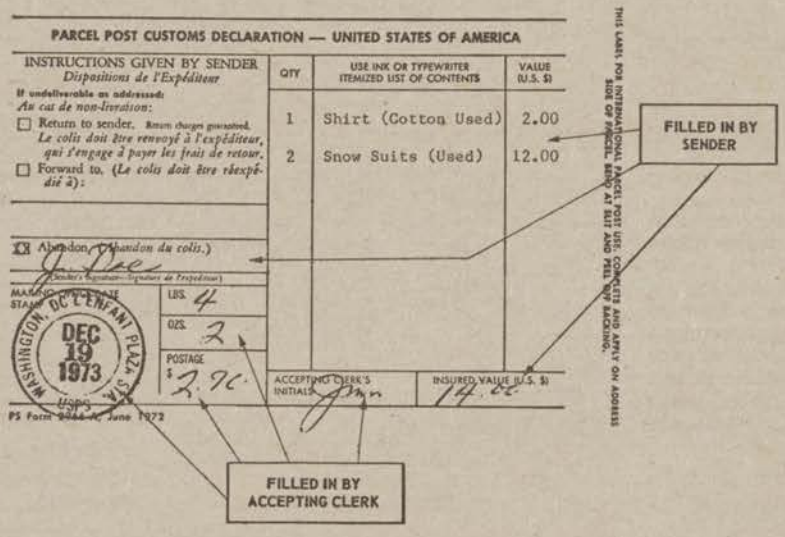
(iv) If the parcel is to be insured, show in the space provided the amount for which it is insured. (See §§ 43.4 and 43.5(a)(2)).

(3) *Affixing by sender.* Form 2966 must be tied by means of a strong cord passed through the eyelets. The tag must be bound to the parcel so that it lies flat and cannot be used as a handle to lift the parcel. Following the instructions that appear on Form 2966–A, senders must peel off the back and apply the form on the address side of the parcel.

(4) *Facsimile of Form 2966.* The following facsimile illustrates the information the sender and the accepting clerk will add to complete the form:



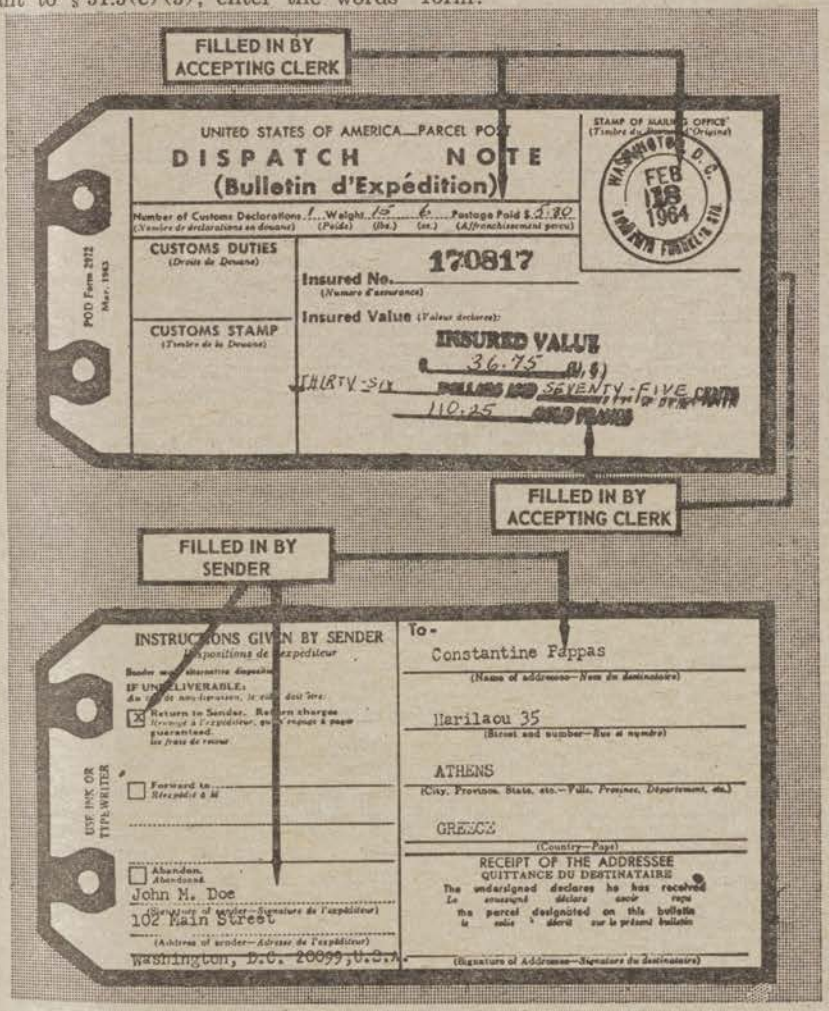
(5) *Facsimile of Form 2966–A.* The following facsimile illustrates the information the sender and the accepting clerk will add to complete the form:



(b) *Dispatch Note, Form 2972*—(1) *Preparation by accepting clerk.* The accepting clerk will give the sender a dispatch note if required for the country concerned and see that he fills it out in accordance with § 31.4(b)(2). Request senders to fill out the dispatch note in ink or by typewriter. However if packages are presented with the forms completed in ordinary pencil do not reject them for that reason. Enter in the appropriate spaces the weight of the parcel, amount of postage paid, number of customs declarations and, if insured, the insurance number and amount of insurance (see § 43.5(b)(1)). For parcels mailed by Government agencies pursuant to § 31.3(e)(3), enter the words *Official Paid* or the abbreviation *Off. Pd.* in lieu of the amount of postage. Post mark the form in the space provided and return it to the sender to be attached to the parcel.

(2) *Preparation and affixing by sender.* Complete the dispatch note in ink or on the typewriter. Fill in the name and address of the sender and addressee, and indicate alternate disposition to be made of the parcel. Attach the form to the parcel in the same manner as the customs declaration. (See § 31.4(a)(3)).

(3) *Facsimile.* The following facsimile illustrates the information which the sender must supply and which the accepting clerk will add to complete the form:



(c) *Furnishing to public.* Customers requesting them may be furnished a reasonable supply of Forms 2966–A, 2966, and 2972 for preparation at their homes or business establishments.

(d) *Airmail Label 19.* See § 41.4(b).

(e) *Forms found loose in the mail.* Customs declarations and dispatch notes found loose in the mail and apparently lost from parcels in transit must be sent by airmail to the appropriate exchange office to be again attached if possible to the parcels before dispatch.

(f) *Nonpostal documentation.* Parcel post packages may require one or more of the forms described in Parts 51–57.

§ 31.7 [Amended]

(43) Paragraph (b) of § 31.7 is revised to read as follows:

(b) *Domestic.* If the addressee of a domestic parcel has moved to another country do not forward the parcel. Treat it as undeliverable. If the *sender* of an undeliverable domestic parcel has moved to another country, or if the parcel bears a return address in another country, hold the parcel and request instructions from the international adjusting exchange office that handles international inquiries for the country in which the sender or addressee of the parcel is located. Requests should be sent to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f). Indicate the sender's new address, the weight of the parcel, whether ordinary or insured, and, if known, the nature of the contents.

PART 32—INCOMING PARCELS

§ 32.1 [Amended]

(44) In paragraph (a)(1) of § 32.1 the numeral "70" is deleted and the numeral "80" is inserted in lieu thereof.

(45) Paragraph (c)(7) of § 32.1 is added as set forth below:

(7) Do not collect storage charges on parcels from overseas United States Military Post Offices.

§ 32.4 [Amended]

(46) Paragraph (c) of § 32.4 is revised to read as follows:

(c) *To third country.* If the addressee has moved to another country (other than the country of parcel's origin), or if the parcel bears instructions to deliver it to an alternate addressee in a third country, the post office will hold the parcel and request instructions from the international adjusting exchange office that handles international inquiries for the country in which the sender or addressee of the parcel is located. Requests should be sent to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f). The request should include the names and addresses of the sender and the addressee, or the alternate addressee, the weight of the parcel, whether ordinary, registered, or insured, and nature and value of the contents as shown on the customs declaration, so that the exchange office may communicate with the foreign postal administration to secure forwarding postage. If the sender has indicated that the parcel is to be treated as abandoned if undeliverable as addressed, dispose of it as prescribed in § 32.5(b)(3). See § 31.7(b) concerning domestic third- and fourth-class parcels addressed to persons who have moved to another country.

§ 32.5 [Amended]

(47) Paragraph (a) of § 32.5 is revised to read as follows:

(a) *United States origin.* Returned parcels are subject on delivery to the sender to collection of return postage and any other charges assessed by the foreign postal authorities. The amount of such charges will be indicated by the exchange office. If the sender refuses the parcel, it shall be disposed of as dead parcel post. If the sender has moved to another address in the United States the parcel may be redirected, subject to forwarding postage at the United States domestic zone rate. If the sender has moved

to another country, the post office will hold the parcel and request instructions from the international adjusting exchange office that handles international inquiries for the country in which the sender or addressee of the parcel is located. Requests should be sent to the postmaster at the appropriate adjusting exchange office shown in § 72.2(f). Indicate the new address of the sender, the amount of return charges due on the parcel, weight, whether ordinary, registered, or insured, and the nature of the contents as shown on the customs declaration.

PART 41—AIR SERVICE

§ 41.5 [Amended]

(48) In paragraph (a) of § 41.5 the numeral "15" is deleted and the numeral "18" is inserted in lieu thereof.

(49) In paragraph (b) of § 41.5 the words "the Mail Classification Division" in the second sentence are deleted and the words "the International Mail Classification Branch, Mail Classification Division" are inserted in lieu thereof, and the words "Mail Classification Division" in the third sentence are deleted and the words "International Mail Classification Branch" are inserted in lieu thereof.

PART 42—REGISTRATION

§ 42.6 [Amended]

(50) In paragraph (a)(1) of § 42.6 the words "China (Taiwan only)" are deleted and the words "China (Taiwan)" are inserted in lieu thereof.

§ 42.7 [Amended]

(51) In paragraph (a)(3) of § 42.7 the numeral "100" is deleted and the numeral "400" is inserted in lieu thereof.

PART 43—INSURANCE

§ 43.5 [Amended]

(52) In paragraph (a)(2) of § 43.5 the numeral "2966" is deleted and the numeral "2966–A" is inserted in lieu thereof.

(53) In paragraph (b)(1)(iii) of § 43.5 the numeral "33" is deleted and the numeral "40" is inserted in lieu thereof, the numeral "3" at the end of the sixth sentence is deleted and the numeral "2.5" is inserted in lieu thereof, and the numeral "15.75" is deleted and the numeral "13.12" is inserted in lieu thereof.

(54) Paragraph (b)(1)(iv) of § 43.5 is revised to read as follows:

(iv) Place the insured value in the appropriate space on the customs declaration (Form 2966–A) and the insurance number and value on the dispatch note (Form 2972) when the latter form is required.

PART 46—RECALL AND CHANGE OF ADDRESS

§ 46.3 [Amended]

(55) In § 46.3 the numeral "60" is deleted wherever it appears and the numeral "75" is inserted in lieu thereof.

§ 46.5 [Amended]

(56) In § 46.5 the words "British Honduras" are deleted wherever they appear and the word "Belize" is inserted in lieu thereof.

§ 46.6 [Amended]

(57) In paragraph (a)(1)(iii) of § 46.6 the words "exchange office, if known." at the end of the second sentence are deleted and the words "exchange office." are inserted in lieu thereof.

(58) In § 46.6 of the words "the Mail Classification Division" are deleted wherever they appear and the words "the International Mail Classification Branch, Mail Classification Division" are inserted in lieu thereof.

(59) In paragraph (b) of § 46.6 the word "the" immediately preceding the word "Headquarters" in the first sentence is deleted.

PART 51—SHIPPER'S EXPORT DECLARATION

§ 51.1 [Amended]

(60) Section 51.1 is amended by adding paragraph (d) as follows:

(d) The Department of Commerce authorizes some companies to submit magnetic tapes to the Census Buerau in lieu of filing Shipper's Export Declarations. Parcels presented for mailing by authorized companies, will bear an endorsement like "NO SED REQUIRED, SECT. 30.39 FTSR, S.A.S.–SM." Parcels bearing this endorsement may be accepted for mailing without the sender having to complete Form 7525–V.

PART 52—COMMERCE DEPARTMENT REGULATIONS (COMMODITIES AND TECHNICAL DATA)

(61) Paragraph (a) of § 52.1 is revised to read as follows:

§ 52.1 Scope and applicability.

(a) The Bureau of East-West Trade, Department of Commerce, controls all exportations, except for certain commodities and technical data licensed for export by other United States Government agencies, to all countries other than Canada (with the exception that validated export licenses are required for a few types of commodities and technical data to Canada). Mailers must inform themselves as to the regulations and comply with them in making any exportations of commodities and technical data as parcel post or postal union mail. A brief summary of the regulations as they apply to mail shipments is given in this part. Additional information is available from a Commerce Department bulletin entitled "Exports by Mail—Export License Requirements for Exports By Mail" on bulletin boards in first-, second-, and third-class post offices and in classified stations and branches. Mailers desiring further information may make inquiry of the Exporters' Service and Procedures Branch, Department of Commerce, Washington, DC 20230 or of any district office of that department. A list of field offices is included in the abovementioned international release.

§ 52.2 [Amended]

(62) In paragraph (a) of § 52.2 the words "International Commerce" in the first sentence are deleted and the words "East-West Trade" are inserted in lieu thereof, and the phrase "general licenses G–DEST, GTDA, GTDR." in the last sentence is deleted and the phrase "general licenses GTDA and GTDR." is inserted in lieu thereof.

(63) Paragraph (b) of § 52.2 is revised to read as follows:

(b) *Restricted destinations.* The Commerce Department imposes particular restrictions on exports to Rhodesia; Cuba; North Korea; North Vietnam; the following Eastern European Countries: Albania, Bulgaria, Czechoslovakia, Estonia, East Germany (Soviet Zone including Soviet Sector of Berlin), Hungary, Latvia, Lithuania, Mongolia, Poland, Romania, the U.S.S.R.; and the People's Republic of China. Packages for those areas may not bear any general license symbol except as follows:

Destination	*General License Symbols Permitted*[3]
Cuba[1]	GIFT,[2] G–DEST, GUS, BAGGAGE.
North Korea and North Vietnam[1]	G–DEST,[2] GUS, BAGGAGE.
Eastern European Countries (see above), and the People's Republic of China.	GIFT, G–DEST, GUS, BAGGAGE.
Rhodesia	GIFT,[1] G–DEST, GUS, BAGGAGE.
Poland	GIFT, G–DEST, GUS, BAGGAGE.
Romania	GLV, GIFT, G–DEST, GUS, BAGGAGE.

[1] Parcel post and postal union packages of merchandise not accepted.

[2] For Cuba, North Korea and the Communist-controlled areas of Vietnam, general license G–DEST may be used only for unclassified printed matter and developed motion picture film. For Rhodesia it may be used only for specified printed matter and silent and sound, exposed and developed motion picture film of a news and documentary nature only. All other commodities require a license and it is Commerce's general policy to deny most license requests.

[3] When in doubt as to whether specific articles are exportable, consult the Department of Commerce's "Exports by Mail" on post office bulletin boards, or inquire of the Office of Export Administration, Department of Commerce, Washington, D.C. 20230, or any Commerce Department District Office. (This should apply to all general licenses.)

General License GTDA may be used for all destinations named above; and GTDR for all destinations except Rhodesia, North Korea, Vietnam, and Cuba.

(64) In paragraph (d) of § 52.2 the words "Export Control Regulations" in the third sentence are deleted and the words "Export Administration Regulations" are inserted in lieu thereof.

(65) In paragraph (e) of § 52.2 the words "technical data under licenses" are deleted and the words "technical data exported under general licenses" are inserted in lieu thereof.

(66) In paragraph (g) of § 52.2 the words "export control regulations." are deleted and the words "Export Administration Regulations." are inserted in lieu thereof.

(67) Section 52.2 is amended to add the following paragraph (h):

(h) *Export declaration required.* An export declaration is required for a commercial shipment valued at more than $250 unless otherwise excepted by the Commerce Department Export Administration Regulations. Noncommercial exports under general license do not require an export declaration.

§ 52.3 [Amended]

(68) In paragraph (c) of § 52.3 the words "Control (Attn: 854)" in the last sentence are deleted and the words "Administration, Room 1617M" are inserted in lieu thereof.

§ 52.4 [Amended]

(69) In § 52.4 the word "Control" in the first sentence is deleted and the word "Administration" is inserted in lieu thereof.

PART 53—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

§§ 53.3 and 53.4 [Amended]

(70) In §§ 53.3 and 53.4, the numeral "125.30" is deleted wherever it appears and the numeral "125.03" is inserted in lieu thereof.

PART 54—TREASURY DEPARTMENT REGULATIONS (GOLD AND GOLD CERTIFICATES)

§ 54.3 [Amended]

(71) In paragraph (c) of § 54.3 the numeral "35" is deleted and the numeral "42" is inserted in lieu thereof.

PART 61—CUSTOMS

§ 61.3 [Amended]

(72) In paragraph (c) of § 61.3 the material following the end of the first sentence is revised to read as follows:

(c) Packages that have received customs treatment will bear an endorsement such as "Passed Free U.S. Customs" or the red adhesive U.S. Customs Service envelope that contains Customs Mail Entry, Form 3419. The U.S. Customs Service does not endorse "Passed Free of Duty" on printed matter (magazines, newspapers, circulars, and books). If printed matter is dutiable it will bear the red adhesive envelope that contains Customs Mail Entry, Form 3419. * * *

(73) In paragraph (d) of § 61.3 the phrase "to reprocess dutiable packages which reach the office of address with the customs mail entries missing (§ 61.5 (b))," is deleted, the address phrase "Morehead 28557" under "North Carolina" is deleted and the address phrase "Morehead City 28557" is inserted in lieu thereof, and the following material is inserted between the phrase "Nebraska: Omaha 68102" and the phrase "New Mexico: Columbus 88029":

Nevada:
Las Vegas 89101
Reno 89501

§ 61.4 [Amended]

(74) In paragraph (a) of § 61.4 the sentence "Employees may be held responsible when damage occurs as a result of negligence or improper handling." is deleted.

§ 61.5 [Amended]

(75) Paragraph (a) of § 61.5 is revised to read as follows:

(a) *Detecting dutiable importations.* Postal employees will promptly examine all incoming mail to detect dutiable importations. These packages will bear an *"Original"* and *"Addressee Receipt"* copy of Customs Form 3419, *"Mail Entry,"* enclosed in a Treasury Department envelope securely attached to the package.

(76) Paragraph (b) of § 61.5 is deleted.

(77) In § 61.5 paragraphs (c)–(i) are redesignated (b)–(h).

(78) In redesignated paragraph (c) (4) (i) of § 61.5 the section reference is changed from "§ 61.5(d) (2)" to "§ 61.5 (c) (2)".

(79) Subparagraph (5) of redesignated paragraph (c) of § 61.5 is deleted.

(80) In redesigated paragraph (c) of § 61.5 subparagraph (6) is redesignated (5).

(81) In redesignated paragraph (c) (5) (ii) (b) of § 61.5 the words "and/or Lost Mail Entries" in the title of Form 2937 are deleted.

(82) In redesignated paragraph (c) (5) (ii) (c) of § 61.5 the section reference is changed from "§§ 61.5(f) and (i)" to "§ 61.5(e) and (h)".

(83) In redesignated paragraph (c) (5) (ii) (d) of § 61.5 the section reference in the second sentence is changed from "§ 61.5(e)" to "§ 61.5(d)", and the section reference in the third sentence is changed from "§ 61.5(f) (2)" to "§ 61.5 (e) (2)".

(84) In redesignated paragraph (c) (5) (iii) of § 61.5 the section reference is changed from "§ 61.5(f)" to "§ 61.5(e)".

(85) In redesignated paragraph (e) (1) of § 61.5 the section reference in the second sentence is changed from "§ 61.5 (f) (2)" to "§ 61.5(e) (2)".

(86) In redesignated paragraph (f) (1) of § 61.5 the word "therefor" in the second sentence is deleted.

(87) In redesignated paragraph (h) (1) of § 61.5 the words "Regional Commissioner of Customs, Attention: Cashier, New York, NY 10004" are deleted and the words "Director, Data Processing Services Division, 7981 Eastern Avenue, Silver Spring, MD 20910" are inserted in lieu thereof.

(88) In subparagraphs (2) and (3) of redesignated paragraph (h) of § 61.5 the section reference is changed from "§ 61.5(f) (2)" to "§ 61.5(e) (2)".

PART 71—INQUIRIES AND COMPLAINTS

§ 71.3 [Amended]

(89) In § 71.3 the words "the Mail Classification Division" are deleted and the words "the International Mail Classification Branch, Mail Classification Division" are inserted in lieu thereof.

§ 71.4 [Amended]

numeral "30" is deleted and the numeral "35" is inserted in lieu thereof.

PART 72—INDEMNITY CLAIMS AND PAYMENTS

§ 72.2 [Amended]

(91) In paragraph (a) of § 72.2 the numeral "13.07" is deleted wherever it appears and the numeral "15.76" is inserted in lieu thereof.

(92) Paragraph (b) (3) of § 72.2 is revised to read as follows:

(3) *Other countries.* Although parcels may be registered to Bermuda, Belize, Jamaica, Turks Islands, and Zaire there is no provision for payment of indemnity in case of loss, rifling, or damage of such parcels.

PART 73—POSTAGE REFUNDS

§ 73.2 [Amended]

(93) In § 73.2 the words "the Mail Classification Division" are deleted and the words "the International Mail Classification Branch, Mail Classification Division" are inserted in lieu thereof.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-14923 Filed 7-26-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SW-31]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Midland, Tex., transition area.

On June 12, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 20615) stating the Federal Aviation Administration proposed to alter the Midland, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, October 10, 1974, as hereinafter set forth.

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

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) and within a 5-mile radius of Mabee Ranch Airport (latitude 32°12'57" N., longitude 102°09'46" W.).

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

Issued in Fort Worth, Tex., on July 18, 1974.

JOHN A. DUFFICY,
Acting Director,
Southwest Region.

[FR Doc.74-14923 Filed 7-26-74;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Part 128]

TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Proposed Supplemental Reporting Requirements; Extension of Time for Comments

The June 27, 1974, issue of the FEDERAL REGISTER (39 FR 23830) contained notices of proposed rulemaking and reporting forms containing proposed amendments to various provisions of this Part. In accordance with these notices, interested persons were afforded an opportunity to submit written views or arguments on the proposed amendments to the General Counsel, Department of the Treasury, Washington, D.C. 20220, to be received no later than July 29, 1974 (39 FR 23831, 23832).

Upon request of counsel for interested parties, the date for receiving views or arguments is hereby extended to August 12, 1974.

Dated: July 25, 1974.

[SEAL] DONALD L. E. RITGER,
Acting General Counsel.

SAM Y. CROSS,
Acting Assistant Secretary.

[FR Doc.74-17295 Filed 7-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Oregon-California potatoes, would require inspection of fresh market shipments to keep undesirable low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). This program regulates the handling of Irish potatoes grown in the designated production area and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Oregon-California Potato Committee and other available information. The recommendations of the committee reflect its appraisal of the composition of the 1974 crop in the production area and of the marketing prospects for this season.

The grade, size, quality, maturity and pack requirements as provided herein would be necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop, and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes would be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments would be permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed would not be exempted from the safeguard provisions when shipped from the district where grown because the great bulk of certified seed is no longer inspected as it is packed.

Shipments for use as livestock feed within the production area or to specified adjacent areas would likewise be exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing would be exempt; a limit to the destinations of two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipment are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets. Smaller sizes are more acceptable in foreign markets. Therefore, different requirements for export shipments are provided.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than August 12, 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)).

Termination of regulations. Handling regulation § 947.332 effective July 16, 1973, through October 15, 1974 (38 FR 19009 and 39 FR 2596, 25219) shall be terminated upon the effective date of this section.

§ 947.333 Handling regulation.

During the period August 31, 1974, through October 15, 1975, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (f) of this section, or unless such potatoes are handled in accordance with paragraphs (g), (h), (i) and (j) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade: Except that potatoes designated U.S. Commercial shall meet all of the requirements and tolerances of U.S. No. 1, except that they may be no more than "slightly dirty."

(b) *Size requirements.* All varieties—1⅞ inches minimum diameter: *Provided,* That potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—as required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.*

(1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50 pound cartons must be U.S. No. 1 or better grade.

(f) *Inspection.*

(1) Except when relieved by paragraphs (g), (h) and (i) of this section, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(3) Any lot of potatoes previously inspected pursuant to § 947.60(b) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regarding, resorting, or repacking the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, maturity and inspection requirements set forth in paragraphs (a), (b), (c), (d), (e), and (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: *Provided,* That potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown, except that potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two Districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) Charity: *Provided,* That shipments for charity may not be resold if they do not meet the requirements of the marketing order, and *Further Provided,* That shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(h) *Safeguards.*

(1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4)(i), and (5) of paragraph (g) of the section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to paragraph (g)(7) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part: *Provided,* That no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.*

(1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 as amended February 5, 1972) (37 FR 2745) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: July 24, 1974.

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

[FR Doc.74-17228 Filed 7-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-1]

CONSIDERATIONS IN SELECTING AWARD INSTRUMENT—CONTRACT OR GRANT

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 Office of the Secretary is considering an amendment to 41 CFR Chapter 3, by revising Subpart 3-1.53, Considerations in Selecting Award Instrument—Contract or Grant.

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 Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 2038, HEW Switzer Building, 330 C Street, SW., Washington, D.C. 20201, on or before September 27, 1974. In the interest of obtaining the widest possible reaction and comment, 60 rather than 30 days are provided, as the longer period is considered consistent with the degree of urgency of promulgation of the final regulation. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Grants and Procurement Management.

This amendment revises the previous subpart, furnishes specific guidelines for making decision of whether to use a contract or a grant and prohibits the inappropriate use of such instruments.

Dated: July 23, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

As proposed, the revised Subpart 3-1.53 would read as follows:

Subpart 3-1.53—Considerations in Selecting Award Instruments—Contract or Grant

Sec.

§ 3–1.5301 Background and purpose.

(a) The Department of Health, Education, and Welfare accomplishes its many and diverse missions to some extent through direct in-house activities but predominantly through non-Federal organizations, using either the contract or grant instruments as the means for defining the terms and conditions and the nature of the agreements between the Department and the recipient. The two instruments are intended to be different in purpose and application and, when properly employed, create different relationships between the parties.

(b) The purpose of this subpart is to distinguish between those situations in which a procurement contract, entered into in accordance with the Federal Procurement Regulations, is the appropriate instrument to be used to accomplish a program purpose and those situations in which a grant or other instrument of Federal financial assistance is the appropriate instrument. A procurement contract is the only form of contract authorized for use within the Department without special approval. It is expected that in the majority of the Department's programs and projects, the procurement vs. grant distinctions can be readily defined. In the remaining programs and projects, the distinctions may be clouded by the existence of assistance elements in contracts that are predominantly procurements and procurement features in grants that otherwise would represent the provision of assistance.

(c) The general policy is, in all cases defined as procurements or having substantial elements of procurement, to require the use of contracts under the Federal Procurement Regulations wherever feasible. It should be noted that provided that the program or project meets the test of acquisition of some form of end product or service, the contract instrument may be used notwithstanding a measure of assistance in the intended relationship. There will be less of a management inclination to approve grants with procurement features although it is recognized that exceptions need to and will be made.

(d) The ultimate factor, however, is not which instrument is chosen, but the quality of how that choice is made. The touchstone of this subpart is to assure that the selection is made on the basis of sound and compelling management considerations which go to the basic nature of the undertaking, legal relationships, and expectations of performance between the Department and the recipient. In this regard and despite the general policy, there could and will indeed exist cases in which the elements of procurement notwithstanding, the proper instrument will be the grant.

(e) The proper choice of instrument is fundamental to sound decisionmaking. Moreover, it is not only an abuse of discretion when managers make the choice of instrument based upon considerations of convenience or avoidance of established rules, but it serves to undermine the integrity of the Department's management processes. Accordingly, Agency heads and subordinates are cautioned to apply these criteria and prohibitions in a consistent and strict fashion. Where the provisions of this issuance have not been followed, responsibility should be fixed and a recommendation of disciplinary or other appropriate action will be forwarded to the Agency head, cognizant Assistant Secretary or the Under Secretary, as appropriate.

(f) The selection of proper instruments is only a first step. Effective program operations depend upon open competition for both grant and contract awards, fair and objective reviews and diligent efforts by Department officials to assess effective performance and enforce compliance with the terms and conditions of grant and contract agreements.

§ 3–1.5302 Applicability.

This policy applies to all programs in which the choice between using a procurement contract or grant as the award instrument is not specified by law and is therefore within the administrative discretion of the awarding agency and to all cases where an award instrument other than a grant or procurement contract is authorized or permitted by law except loan or loan subsidy and guarantee programs. The Deputy Assistant Secretary for Grants and Procurement Management will review and approve the revision of the policies, procedures and regulations of all components of the Department to assure conformance with this policy. He will review the decisions concerning specific instruments selected for use in each program in all HEW agencies and activities.

§ 3–1.5303 Selection criteria.

Where an agency has the option under legislation of using a grant or a contract in making awards, the following criteria shall be followed:

(a) Contracts shall be used for all procurement. A procurement contract shall be used for the acquisition of goods or services, systems or property by the Government for itself or for third parties. A procurement contract shall be used if the selection of the successful applicant for the award is properly governed solely by his responsiveness to the agency's interest in a particular project or activity, the cost of his proposal and his capability and responsibility to carry out the project or conduct the activity.

(b) Where the following types of procurement are authorized, procurement contracts shall be used unless a grant is required by statute.

(1) Evaluation, which means assessment of the performance of Government programs or projects or grantee activity desired by the supporting agency. It does not include research of an evaluative character unless the request for its performance is initiated by the supporting agency.

(2) Technical Assistance, which means professional or technical support services rendered to the Government or any third party. Third party does not include services rendered by a State or local government, Indian tribe, or professional group to its own constituency or membership.

(3) Surveys and studies which provide specific information desired by the agency.

(4) Consulting services or personal services of all kinds whether conducted for the agency or for a third party.

(5) Training projects where the agency selects the individuals or specific groups where members are to be trained or specifies the content of curriculum of the program. (This should not be construed to prohibit grants for fellowship or scholarship programs.)

(6) Planning for agency use.

(7) Production of publications or audiovisual materials; other than the results of research projects or the proceedings of scientific conferences which are not being procured for use by the Government.

(8) Grants may not be used to procure motion picture films required in the conduct of the direct operations of the Department or its agencies. Grantees may not be authorized to use grant funds to produce motion picture films for viewing by the general public or otherwise as prohibited by GAM Chapter 1–450, HEWPR 3–4.54 or General Administration Manual 1–121–20A.

(9) Designs or development of items for agency use or pursuant to agency definition or specifications.

(10) Conferences conducted on behalf of an agency.

(11) The generation of management information or other data for agency use (see Grants Administration Manual Chapter 1–11).

(c) When profit-making organizations are eligible for formal competition with organizations which are eligible for grants under the legislation establishing a program, and none of the above criteria require the entire program to be conducted by contract, contracts instead of grants should be awarded to profit-makers. In such competition proposals must be scored and rated based on published objective criteria.

(d) Grants are the appropriate instrument when authorizing legislation or appropriations mandate their use or one of the non-procurement conditions following exists:

(1) When the purpose of an award is to render:

(i) General financial assistance to State or local units of Government or non-profit organizations or individuals eligible under specific legislation authorizing such assistance.

(ii) Financial assistance to support a specific program activity eligible for such assistance which is conducted by State and local units of Government, non-profit organizations or individuals under specific legislation authorizing such assistance.

(2) When funds are available to give financial assistance to a given category of effort requiring creative and imaginative proposals and where the unsolicited proposal process for contracts is inappropriate.

(3) When legislation prohibits Federal control over the details of curriculum, program design or performance.

Any activity which constitutes a procurement of goods or services by the Government should not be included in a grant but should be acquired through a separate contract unless it is an inseparable part of a grant supported project which is a genuine financial assistance effort.

§ 3-1.5304 Deviation.

There shall be no deviation from this policy without prior written express approval from the Deputy Assistant Secretary for Grants and Procurement Management, but it is recognized that such exceptions will be required for certain programs and activities. Such approval must be obtained whenever it is proposed to use any form of award instrument other than a grant or procurement contract.

[FR Doc.74-17258 Filed 7-26-74;8:45 am]

Social Security Administration

[20 CFR Part 410]

[Reg. No. 10]

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969; BLACK LUNG BENEFITS

Filing of Applications

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment would eliminate the necessity for a dependent survivor of a miner to file an application for black lung benefits on a prescribed form, when the miner's benefit, prior to his death, had been subject to augmentation because of such dependent.

Social Security Regulations No. 10, § 410.229 now provides that a written statement by an individual which indicates an intention to claim benefits on behalf of another person shall be considered to be the filing of a claim for benefits provided that, among other requirements, a prescribed application form is filed timely. Section 410.230 now provides that upon the miner's death such statement will be used to establish the date of death as the effective filing date for survivor's benefits provided a prescribed application form is filed by or for such dependent within 6 months of written notification to them by the Social Security Administration of the necessity for filing such form.

Under present regulations, a delay of several months can occur before the dependent begins to receive the survivor benefit. The delay results because the Social Security Administration may have to contact the dependent and insure that he files the proper application form and completes it correctly. Also, time is consumed in processing the application. The proposed amendment will ensure prompt payment of benefits to a qualified survivor for whom augmented benefits were being paid at the time of the miner's death.

Under the new procedure, benefits payable to the miner will be terminated upon notification to the Social Security Administration of the miner's death. If Social Security Administration records show that the miner's benefit payments had been augmented on account of a wife and one or more children, an award of widow's benefits will be made to the individual shown on Social Security Administration records as being the miner's wife. The benefit will be augmented for each individual under the age of 18 (or over age 18 and under a disability, or over age 18 and under age 22 and a student) shown on Social Security Administration records as being dependent children of the miner. Direct payment of the augmentation amount may be made to capable individuals over the age of 18 in accordance with § 410.581 of Social Security Regulations No. 10. Where Social Security Administration records show that the miner's benefit was augmented only on account of a child (or children), payment will be made either directly to the child (or children) or to a representative payee on behalf of the child (or children) in accordance with the criteria in §§ 410.581-410.582. Proof of the miner's death, if not already in Social Security Administration's possession, will be requested. Beneficiaries and representative payees will be advised of their responsibilities to report events and circumstances affecting continuing entitlement and payment of benefits and an agreement to make necessary reports will be requested. If such agreement and other necessary evidence or information are not submitted within 6 months from the date of Social Security Administration's request, benefits will be suspended in accordance with due process requirements.

Prior to a final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before August 28, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 411(a), 426(a), 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended, 83 Stat. 793, as amended; 83 Stat. 798; 83 Stat. 803, 30 U.S.C. 921(a), 936(a), 1957)

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Dated: June 25, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: July 23, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 410.229, paragraph (b)(3) is revised to read as follows:

§ 410.229 When written statement is considered a claim; general.

* * * * *

(b) *Written statement filed by individual on behalf of another.* A written statement filed by an individual which indicates an intention to claim benefits on behalf of another person shall, unless otherwise indicated thereon, be considered to be the filing of a claim for such purposes: *Provided*, That: * * *

(3) Except as specified in § 410.230, a prescribed application form (see § 410.221) is executed and filed in accordance with the provisions of paragraph (a)(1) or (2) of this section.

* * * * *

2. Section 410.230 is revised to read as follows:

§ 410.230 Written statement filed by or for a miner on behalf of a member of his family.

Notwithstanding the provisions of § 410.229, the Social Security Administration will take no action with respect to a written statement filed by or for a miner on behalf of a member of his family until such miner's death. At such time, the provisions of § 410.229 shall apply as if such miner's claim on behalf of a member of his family had been filed on the day of the miner's death. However, for purposes of paying benefits to an otherwise entitled survivor of a miner, such written statement will be considered to be a valid claim for benefits (see §§ 410.210(c) and 410.212(a)(2)) where such member of his family qualified as a dependent for purposes of augmentation of the miner's benefits prior to his death. In such case the member of his family is not required to file a prescribed application form (see § 410.221) with the Social Security Administration (see § 410.229(b)). Nevertheless, the survivor beneficiary may be required to furnish supplemental information within 6 months of notification to do so. If such beneficiary fails to furnish the information requested within 6 months of notice to do so, benefits may be suspended, after notice of such proposed action and opportunity to be heard is provided the beneficiary. A subsequent determination to suspend benefits shall be an initial determination (see § 410.610).

[FR Doc.74-17259 Filed 7-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[41 CFR Part 24–1]

[Docket No. R–74–280]

HUD PROCUREMENT REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the Department of Housing and Urban Development proposes to amend the regulations set forth in Part 24–1, Chapter 24 of Title 41, pursuant to section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

The proposed amendments would (1) add new sections to provide policy and guidance with respect to the placing of HUD procurements with minority business firms, (2) revise existing § 24–1.707 and (3) add a new § 24–1.709–50 establishing class set-asides for certain types of contracting actions.

Interested persons are invited to submit written comments or suggestions regarding the proposed regulations in triplicate to the Rules Docket Clerk, Room 10245, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, on or before August 29, 1974. All communications timely received will be considered before taking action on the proposed regulations. The proposals contained in this notice may be changed in light of comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing date set out above, at the above address.

Under the proposed amendments, 41 CFR Part 24–1 would be amended as follows:

1. By changing § 24–1.707 to read as follows:

§ 24–1.707 Procedures for initiating set-asides by the small business specialist.

All proposed procurements will be reviewed by the small business specialist in each procuring activity for purposes of identifying those procurements which either should be made subject to the contracting process provided for under section 8(a) of the Small Business Act or should be set aside in part or in total to small business. The small business specialist shall initiate recommendations to the contracting officer for small business set-asides with respect to identified individual procurements or classes of procurements or portions thereof. The contracting officers within each procuring activity are responsible for securing the concurrence of the small business specialist prior to award of a contract.

2. By adding a new section § 24–1.709–50 following § 24–1.709 to read as follows:

§ 24–1.709–50 Small business class set-aside for construction, repair and reconditioning work to HUD acquired properties.

A class set-aside is hereby made for each proposed procurement for construction, repair and reconditioning work to HUD acquired properties in an amount ranging from estimates of $2,500 to $500,000. Accordingly, contracting officers shall set aside for small business each such proposed procurement. If a contracting officer determines that any individual procurement falling within the class set-aside requirements of this Section is unsuitable for such a set-aside in part or in total, the procedure set forth in § 24–1.709 shall apply. Proposed procurements for construction, repair and reconditioning work to HUD acquired properties which exceed an estimate of $500,000 shall be considered for set-aside on a case-by-case basis.

3. By adding new sections § 24–1.715 through § 24–1.715–6 to follow § 24–1.714 and to read as follows:

§ 24–1.715 HUD contracts with minority business firms.

§ 24–1.715–1 Applicability and scope.

This section sets forth the policy and procedures for contracting with minority business enterprises other than under section 8(a) of the Small Business Act. A "minority business enterprise" is defined as a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American Eskimos, and American Aleuts.

§ 24–1.715–2 Authority.

Executive Order 11625 dated October 13, 1971, clarifies the authority of the Secretary of Commerce with respect to the development and coordination of a national program for minority business enterprise. In addition the Executive Order requires each Federal department or agency to cooperate with the Secretary of Commerce in achieving the goals of the minority business program including the collection and furnishing of data and reports as required.

§ 24–1.715–3 Policy.

It is the policy of HUD to foster and promote the participation of minority business firms in the Department's procurement program and to offer guidance to such firms to the maximum extent practicable in order to enhance their ability to compete for the placement of HUD procurement contracts.

§ 24–1.715–4 Applicability of regulations promulgated by HUD and other agencies.

Until such time as the Secretary of Commerce prescribes specific procedures designed to implement Executive Order 11625, procuring activities shall follow the procedures set forth in Subpart 1–1.13 of the Federal Procurement Regulations.

§ 24–1.715–5 Reporting requirements.

(a) All HUD procuring activities shall report all known minority procurement transactions other than 8(a) to the Small Business Specialist for their respective offices, in single copy. Each report shall cover the period of one (1) calendar month and shall be submitted not later than ten (10) days after the close of each reporting period.

(b) Reports of minority procurements from other than 8(a) sources shall include the (1) name and address of each contractor, (2) contract number, (3) brief description of each procurement, (4) date and dollar amount of each award, and (5) identification of contractor as a profit or non-profit organization.

§ 24–1.715–6 Certification of status as a minority business enterprise.

All bidders or offerors are requested to complete on a voluntary basis as a part of their submission in response to HUD solicitations, a certification as to whether they are a minority business enterprise as defined under § 24–1.715–1. Completion of this certification is not a condition of eligibility for contract award.

(Section 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d))

Issued at Washington, D.C., July 24, 1974.

THOMAS G. CODY,
Assistant Secretary for Administration.

RFP No. ------
Contract No. ------

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADDITIONAL CERTIFICATION OF STATUS AS A MINORITY BUSINESS ENTERPRISE

Offerors are requested to *complete, sign* and *attach* this page, in single copy, to any bid or proposal submitted under the Solicitation identified above. Completion of this certification is not a condition of eligibility for contract award.

The Bidder/Offeror certifies that he ☐ is, ☐ is not a minority business enterprise which is defined as a business, at least 50 percent of which is owned by minority group members or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American Eskimos, and American Aleuts.

Name and Title of Person Signing.
Signature.
Date.

[FR Doc.74–17265 Filed 7–26–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 242–3]

DESIGNATION OF AIR QUALITY MAINTENANCE AREAS

Notice of Public Hearings

On July 10, 1974 (39 FR 25345), the Administrator published for the State of New Jersey a proposed list of Air Quality Maintenance Areas (AQMA's). These are

defined as areas which may have the potential for violating National Ambient Air Quality Standards during the 10-year period following 1975. In the notice of proposed rulemaking, the Administrator signified his intention of holding public hearings on such proposed AQMA designations and indicated that such public hearings would be held no earlier than 30 days following publication of the notice of proposed rulemaking. The purpose of this notice is to specify the date, time, and place at which the public hearing for New Jersey is to be held. This information is set forth below:

NEW JERSEY

August 12, 1974 at 10:00 a.m.
Health and Agriculture Building
John Fitch Plaza
First floor level auditorium
Trenton, N.J. 08625
Hearing officer: Paul Bermingham

Persons wishing to participate in the public hearing should specify their intentions by notifying the Regional Administrator and supplying five copies of their statements 5 days in advance of the hearing date. Notification and copies of such statements should be addressed to the attention of the hearing officer, as identified above: at the following address:

26 Federal Plaza
New York, N.Y. 10007
Room 1009

Copies of the material which will be considered at the public hearing are available for public inspection at the Freedom of Information Center, 401 M Street, Washington, D.C. 20460, and at the Region II office, 26 Federal Plaza, New York, N.Y. 10007, Room 907.

Dated: July 23, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-17166 Filed 7-26-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings

Notice is hereby given, pursuant to section 10 of Public Law 92–463, that meetings will be held in Washington on July 30 and 31, 1974, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include briefings for the advisory committees by Treasury staff on current debt management problems on July 30, separate deliberations by the two committees on July 30, and separate reports to the Secretary of the Treasury and Treasury staff on the morning of July 31.

A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] EDWARD M. ROOB,
Special Assistant to the Secretary for Debt Management.

[FR Doc.74–17331 Filed 7–26–74; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, dated October 6, 1972, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held on Tuesday and Wednesday, August 20 and 21, 1974.

This meeting will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JULY 24, 1974.

[FR Doc.74–17217 Filed 7–26–74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 22014, NM 22140, NM 22141]

NEW MEXICO

Notice of Applications

JULY 18, 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 Co. has applied for three 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 30 E.,
Sec. 27, SE¼SW¼, SW¼SE¼;
Sec. 34, NW¼NE¼, NE¼NW¼.

These pipelines will convey natural gas across .515 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, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–17235 Filed 7–26–74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Illinois Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on June 7, 1974, there was published in the FEDERAL REGISTER (39 FR 20222) a notice announcing a request by the Illinois Department of Agriculture that its assignment of inspection points be amended to add DeKalb, Illinois, as a designated inspection point. Interested persons were given until July 8, 1974, to submit written views and comments with respect to the proposed amendment of assignment.

Seven comments were received with respect to the June 7, 1974, notice in the FEDERAL REGISTER. All of the comments received supported the amendment of assignment of the Illinois Department of Agriculture to add DeKalb, Illinois, as a designated inspection point.

After due consideration of all submissions made pursuant to the notice of June 7, and all other relevant matters, the assignment of the Illinois Department of Agriculture is amended to add DeKalb, Illinois, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464, 28476.)

Effective date: This notice shall become effective July 29, 1974.

Done in Washington, D.C. on July 23, 1974.

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

[FR Doc.74–17261 Filed 7–26–74; 8:45 am]

Federal Crop Insurance Corporation

[Notice No. 85]

COTTON; ALABAMA, LOUISIANA, AND MISSISSIPPI

Extension of Closing Date for Filing of Applications for 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 cotton crop insurance for the 1975 crop year in all counties in Louisiana where such insurance is otherwise authorized to be offered and in the Alabama and Mississippi counties designated below is hereby extended until the close of business on April 21, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

ALABAMA

Chilton
Dallas
Hale
Pickens
Shelby
Talladega
Tuscaloosa

MISSISSIPPI

Hinds
Madison

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74–17264 Filed 7–26–74; 8:45 am]

Forest Service

ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF JUNE 15, 1974

A list of environmental statements is here published to provide timely public information on the status of Forest Service environmental statements under preparation as of June 15, 1974. Persons interested in a particular action and environmental statement should contact the responsible official directly.

For ease in use of this list, statements are grouped by Forest Service organizational units proposing the action. Statements marked with an asterisk indicate, in total or in part, land use planning, developments, or activities within inventoried roadless areas. National Forest inventoried roadless areas are defined as roadless and undeveloped areas 5,000 acres or larger, except that smaller areas adjoining existing Wilderness and Primitive Areas could be included. Existing Wilderness and Primitive Areas are excluded from this definition.

Forest Service field addresses are given at the end of the listing of environmental statements.

R. MAX PETERSON,
Deputy Chief,
Forest Service.

JULY 18, 1974.

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF JUNE 15, 1974

WASHINGTON OFFICE

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed w/CEQ (or estimated date)	Estimated date of final
Washington Office: USDA, Forest Service, 12th St. and Independence Ave. SW., Washington, D.C. 20250:					
PoPo Agie Wilderness	Shoshone National Forest, Wyo.	Legislative	Chief	May 1973	September 1974.
Cloud Peak Wilderness	Bighorn National Forest, Wyo.	do	do	October 1973	Do.
Uncompahgre and Wilson Mountains Primitive Areas and contiguous lands of Uncompahgre and San Juan National Forests.	Uncompahgre and San Juan National Forests, Colo.	do	do	November 1973	Do.
Absaroka-Beartooth and Cutoff Mountain Wilderness Proposal.	Custer, Gallatin, and Shoshone National Forests, Mont., Wyo.	do	do	March 1974	Do.
Fire management, Selway-Bitterroot Wilderness	Bitterroot, Nezperce, Clearwater and Lolo National Forests, Mont. and Idaho.	Resource plan	Chief	October 1974	
Skagit Wild and Scenic River study	Mount Baker National Forest, Wash.	Legislation	do	June 1974	November 1974.
Weyerhaeuser-Gifford Pinchot Landownership adjustment plan.	Gifford Pinchot National Forest, Wash.	Landownership	do	May 1973	June 1974.
Oregon Dunes National Recreation Area	Siuslaw National Forest, Oreg.	Wilderness recommendation	do	April 1974	February 1975.
*Portage-12 mile timber sale	Stikine Area, Alaska	Timber sale	do	August 1974	December 1974.
Land for land exchange with Inland Steel Co	Superior National Forest, Minn.	Land exchange	do	November 1973	August 1974.
Pere Marquette National Scenic River	Manistee National Forest, Mich.	Legislation	do	February 1974	September 1974.
Flaming Gorge National Recreation Area General Management Plan.	Ashley National Forest, Utah.	Land use plan	Chief	July 1974	December 1974.
*Regulations for protection of surface values of Federal lands in Sawtooth National Recreation Area.	Sawtooth National Forest, Idaho.	Legislation	do	August 1974	Do.
Salmon River Wild and Scenic River	Idaho	do	do	July 1974	November 1974.
Idaho and Salmon River Breaks Wilderness classification.	do	do	do	November 1973	July 1974.
*North Fork American River Wild and Scenic River.	Tahoe National Forest, Calif.	do	do		
*Monarch Wilderness Proposal	Sierra and Sequoi National Forest, Calif.	do	do	October 1972	August 1974.
*Trinity Alps Wilderness proposal	Klamath, Six Rivers, and Shasta-Trinity National Forests, Calif.	do	do	do	Do.
Triangle Ranch land exchange	Modoc National Forest, Calif.	Land exchange	do	August 1974	December 1974.
*Land acquisition from Southern Pacific Land Co.	Shasta-Trinity National Forest, Calif.	Land acquisition	do	do	February 1975.
Northern Region, Region 1: USDA Forest Service, Federal Bldg., Missoula, Mont. 59801					
*Coyote Creek	Beaverhead National Forest, Mont.	Timber sale	Forest supervisor	July 1974	October 1974.
Bloody Dick	do	Resource plan (road)	do	August 1974	November 1974.
*Camp-Tolan	Bitterroot National Forest, Mont.	Land use plan	do	October 1973	July 1974.
*Bitterroot Range South	do	do	do	September 1974	January 1975.
*Sapphires	do	do	do	March 1975	June 1975.
*Lower West Fork	do	do	do	September 1974	January 1975.
*Warm Springs-Medicine Tree	do	do	do	October 1974	February 1975.
Little Sleeping Child-Rye	do	do	do	November 1974	March 1975.
Timber management plan	do	Resource plan	Regional forester	January 1975	July 1975.
Elk Summit	Clearwater National Forest, Idaho.	Land use plan	Forest supervisor	February 1974	July 1974.
Timber management plan and related harvest and road program.	do	Timber management and road program.	Regional forester	June 1974	September 1974.
Elk River	do	Land use plan	Forest supervisor	do	Do.
Aquarius-Butte Creek	do	do	do	July 1974	October 1974.
Pot Mountain	do	do	do	September 1974	December 1974.
Badlands	Custer National Forest, N. Dak.	do	do	March 1974	August 1974.
Ashland Division	Custer National Forest, Mont.	do	do	July 1974	December 1974.
Beartooth Highway	Custer, Gallatin, and Shoshone, National Forests, Mont. and Wyo.	do	do	September 1974	February 1975.
Pryor Mountains	Custer National Forest, Mont.	do	do	July 1974	Decembe. 1974.
Beartooth Face	do	do	do	December 1974	April 1975.
Rolling Prairie	Custer National Forest, N. Dak.	do	do	September 1974	March 1975.
Basin Unit plan	Deerlodge National Forest, Mont.	do	do	July 1974	November 1974.
North End plan	do	do	do	do	Do.
Forest Transportation plan	do	Road construction and maintenance.	do	do	Do.
Forest Timber plan	do	Resource plan	Regiona forester	do	Do.
*Swan Lake	Flathead National Forest, Mont.	Land use plan	Forest supervisor	January 1974	June 1974.

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF JUNE 15, 1974—Continued

WASHINGTON OFFICE

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed w/CEQ (or estimated date)	Estimated date of final
Flathead Wild and Scenic River Proposal	do	Proposed classification of Flathead Rivers under Wild and Scenic Rivers Act.	Regional forester	September 1973	Do.
Spotted Bear	do	Land use plan	Forest supervisor	February 1974	June 1974.
*North Fork	do	do	do	March 1974	July 1974.
*Lake Five	do	do	do	July 1974	October 1974.
Island Unit	do	do	do	August 1974	November 1974.
*Bunker-Sullivan	do	do	do	February 1975	May 1975.
Logan	do	do	do	do	Do.
Cedar Bassett	Gallatin National Forest, Mont.	do	do	August 1973	October 1974.
Hebgen Lake	do	do	do	August 1974	November 1974.
West Half Yellowstone	do	do	do	September 1974	January 1975.
Ski Yellowstone	do	Winter sports	do	August 1974	November 1974.
Big Tepee	do	Timber sale	do	February 1974	July 1974.
South Fork Swan Creek	do	do	do	do	June 1974.
East Belts	Helena National Forest, Mont.	Land use plan	do	July 1974	December 1974.
Mike Horse	do	do	do	do	Do.
Colorado-Unionville-Travis	do	do	do	August 1974	Do.
Magpie-Confederate	do	do	do	December 1974	Do.
Timber management plan, Kaniksu Work Center	Kaniksu National Forest, Idaho.	Resource plan	Regional forester	October 1972	July 1974.
3-year road program	St. Joe National Forest, Idaho.	do	Forest supervisor	April 1973	Do.
Emerald Creek	do	Land use plan	do	July 1974	
Siwash	do	do	do	do	
Canyon-Snow Peak	do	do	do	do	
Napoleon	Kaniksu National Forest, Idaho.	do	do	do	
Lakeview	do	do	do	do	
Horseheaven-Bumblebee	Coeur d'Alene National Forest, Idaho.	do	do	August 1974	
Beaver Creek	Kaniksu National Forest, Idaho.	do	do	September 1974	
Smith Creek	do	do	do	July 1974	
Lamb-Lower West Branch	do	do	do	September 1974	
Temple	do	do	do	November 1974	
Blacktail	do	do	do	October 1974	
Quartz	St. Joe National Forest, Idaho.	do	do	July 1974	
Timber Management Plan	Coeur d'Alene National Forest, Idaho.	Resource Plan	Regional Forester	August 1974	
Do	St. Joe National Forest, Idaho.	do	do	January 1975	
St. Joe Wild and Scenic River study	do	do	do	December 1974	
*Libby Face	Kootenai National Forest, Mont.	Land Use Plan	Forest Supervisor	January 1974	July 1974.
*Inch Mountain	do	do	do	do	Do.
*Eureka-Grave Creek	do	do	do	May 1974	October 1974.
*Upper Fisher	do	do	do	do	Do.
*Callahan	do	do	do	July 1974	November 1974.
*West Kootenai	do	do	do	do	December 1974.
*Cross Mountain	do	do	do	do	Do.
*O'Brien	do	do	do	August 1974	January 1975.
*Seventeen Mile	do	do	do	do	February 1975.
*Dickey-Sunday	do	do	do	September 1974	Do.
Big Swede	do	do	do	October 1974	March 1975.
Pinkham	do	do	do	November 1974	Do.
*Keeler	do	do	do	January 1975	June 1975.
*Pipe	do	do	do	March 1975	August 1975.
Little Snowies	Lewis and Clark National Forest, Mont.	do	do	August 1974	December 1974.
Rocky Mountain Front	do	do	do	September 1974	January 1975.
Smith River	do	do	do	do	Do.
Logging-Pilgrim Creek	do	do	do	December 1974	March 1975.
Castle Mountains	do	do	do	August 1974	December 1974.
Eagle Smokey Mountain	do	do	do	September 1974	January 1975.
Yogo Bear Park	do	do	do	February 1975	June 1975.
Cherry Creek	Lolo National Forest, Mont	do	do	August 1974	December 1974.
Deerhorn	do	do	do	July 1974	October 1974.
Cube Iron-Silcox	do	do	do	March 1974	July 1974.
Murr-Baldy	do	do	do	January 1974	August 1974.
Ward-Eagle	do	do	do	June 1974	November 1974.
North Cutoff-Kennedy	do	do	do	August 1974	January 1975.
Ninemile	do	do	do	July 1974	December 1974.
Petty Mountain	do	do	do	June 1974	November 1974.
Gold Creek	do	do	do	January 1974	June 1974.
Chain of Lakes	do	do	do	August 1974	December 1974.
Placid-Blanchard	do	do	do	July 1974	Do.
Coordinated interim timber harvest and road construction program.	do	Resource plan	Regional forester	June 1974	Do.
Kelly-Bullion	Nezperce National Forest, Idaho.	Land use plan	Forest supervisor	July 1974	Do.
Cougar Mountain	do	do	do	December 1974	May 1975.
Red River	do	do	do	October 1974	April 1975.
Hot Point	do	do	do	do	Do.
Rainy Day Point	do	do	do	do	January 1975.
Stillman Point	do	do	do	do	Do.
Mill Creek	do	do	do	January 1975	May 1975.
Slate Creek	do	do	do	February 1975	August 1975.
Timber management plan	do	Resource plan	Regional forester	June 1975	November 1975.

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Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed w/CEQ (or estimated date)	Estimated date of final
Rocky Mountain Region, Region 2: USDA, Forest Service, Denver Federal Center, Bldg. 85, Denver, Colo. 80225:					
*East Fork Troublesome Creek	Arapaho National Forest, Colo.	Land use plan	Forest supervisor, Routt National Forest.	August 1974	January 1975.
Timber management	do	Resource plan	Regional forester.	July 1974	Do.
Snake River unit	do	Land use plan	Forest supervisor	August 1974	February 1975.
Timber management	Bighorn National Forest, Wyo.	Resource plan	Regional forester.	December 1974	April 1975.
Do	Grand Mesa-Uncompahgre National Forest's Colo.	do	do	October 1974	Do.
Do	Gunnison National Forest, Colo.	do	do	do	Do.
*East River	do	Land use plan	Forest supervisor	January 1975	May 1975.
*Grand Mesa-Muddy Creek	Gunnison-Grand Mesa National Forest's, Colo.	do	do	do	Do.
*Savage Run	Medicine Bow National Forest, Wyo.	do	do	September 1974	January 1975.
Ryan Park	do	Winter sports site	do	July 1974	October 1974.
Timber management	do	Resource plan	Regional forester	October 1974	April 1975.
*Chama—South San Juan new study area (includes Conejos).	Rio Grande National Forest, Colo.	Land use plan	Forest supervisor	December 1975	April 1976.
*South Fork	do	do	do	August 1974	December 1974.
Timber management	do	Resource plan	Regional forester	September 1974	January 1975.
Wolf Creek ski area	do	Winter sports site	Forest supervisor	November 1974	April 1975.
*Bears Ears unit (Includes Hahns Peak Basin and Sugarloaf).	Routt National Forest, Colo.	Land use plan	do	February 1975	June 1975.
*Blacktail	do	do	do	November 1974	March 1975.
*Mount Welba	do	do	do	August 1974	January 1975.
Timber management	do	Resource plan	Regional forester	July 1974	Do.
Conquistador winter sports site	San Isabel National Forest, Colo.	Winter sports site	do	August 1974	December 1974.
*Storm peak	San Juan National Forest, Colo.	Land use plan	Forest supervisor	December 1974	June 1975.
*First fork	do	do	do	do	Do.
Timber management	do	Resource plan	Regional forester	October 1974	April 1975.
Beartooth Highway unit	Shoshone, Gallatin, and Custer National Forests, Mont. and Wyo.	Land use plan	Forest supervisor	January 1975	June 1975.
Timber management	Shoshone National Forest, Wyo.	Resource plan	Regional forester	October 1974	April 1975.
*Thompson Creek management unit (Perham roadless area).	White River National Forest, Colo.	Land use plan	Forest supervisor	August 1974	January 1975.
*Upper Eagle unit (Holy Cross roadless area)	do	do	do	October 1974	March 1975.
*Meadow Mountain (Beaver Creek winter sports site).	do	Winter sports site	do	January 1974	August 1974.
Marble winter sports site	do	do	do	April 1973	April 1975.

REGIONAL OFFICE, ALBUQUERQUE, NEW MEXICO

Region 3

Southwestern Region, Region 3: USDA, Forest Service, 517 Gold Ave. SW., Albuquerque, N. Mex. 87102:					
Black River	Apache-Sitgreaves National Forest, Ariz.	Land use plan	Forest supervisor	August 1974	November 1974.
Aquatic Weed Control	do	Herbicide	Regional forester	March 1974	July 1974.
Timber Management plan	do	Resource plan	do	June 1974	November 1974.
Taos Ski Valley Expansion	Carson National Forest, N. Mex.	Winter sports site	do	April 1974	September 1974.
Timber Management plan	do	Resource plan	do	June 1973	July 1974.
Sipapu Ski area expansion	do	Winter sports site	do	September 1974	December 1974.
Sandia Mountain	Cibola National Forest, N. Mex.	Land use plan	Forest supervisor	November 1973	July 1974.
Manzano Mountain	do	do	do	July 1974	January 1975.
Bokum Resource Corp., mineral entry	do	Roadless Area	Regional forester	September 1974	Do.
Cinder Hills	Coconino National Forest, Ariz.	Land use plan	Forest supervisor	August 1974	December 1974.
Oak Creek	do	do	do	September 1974	February 1975.
Stumpwood sale for naval stores extraction	do	Timber sale	do	June 1975	December 1975.
Woods Canyon	do	Land use plan	do	November 1974	April 1975.
Santa Catalina	Coronado National Forest, Ariz.	do	do	July 1974	December 1974.
Huachuca	do	do	do	March 1975	July 1975.
Swift Trail	do	Road	Regional forester	June 1974	September 1974.
Williams	Kaibab National Forest, Ariz.	Land use plan	Forest supervisor	do	October 1974.
South Kaibab timber management plan	do	Resource plan	Regional forester	September 1974	December 1974.
Timber Management plan	Santa Fe National Forest, N. Mex.	Land use plan	do	February 1973	June 1974.
Gallina unit	do	do	Forest supervisor	June 1974	December 1974.
Dome roadless area	do	do	do	September 1974	March 1975.
Cholla project	Tonto, Apache-Sitgreaves National Forests, Ariz.	do	Regional forester	June 1974	August 1974.
Mogollon Rim	Tonto, Apache-Sitgreaves, Coconino National Forests, Ariz.	do	Forest supervisor	January 1974	January 1975.
Salt River project, Pinnacle Peak Goldfield transmission line.	Tonto National Forest, Ariz.	Powerline	Regional forester	August 1974	November 1974.

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Plant control program	Regionwide	Land treatment	do	April 1974	July 1974.
Vegetation control by mechanical chemical and fire treatment.	Apache-Sitgreaves, Carson, Coconino, Coronado, Gila, Lincoln, Tonto National Forests, Ariz. and N. Mex.	do	do	May 1974	August 1974.
Arizona adjustment plan	Apache-Sitgreaves, Coconino, Coronado, Kaibab, Prescott, Tonto National Forests, Ariz.	Landownership	Regional forester	July 1974	December 1974.
Phelps-Dodge—FS land exchange	Prescott National Forest, Ariz.	Land exchange (mining)	do	September 1974	Do.
Intermountain Region, Region 4: USDA, Forest Service, 324-25th St., Ogden, Utah 84401:					
Timber management plan	Ashley National Forest, Utah.	Resource plan	do	November 1974	June 1975.
Long Park Reservoir	do	Reservoir construction	Forest Supervisor	June 1975	November 1975.
*Bear Valley planning unit	Boise National Forest Idaho.	Land use plan	do	June 1974	October 1974.
*Idaho City planning unit	do	do	do	do	Do.
*Landmark planning unit	do	do	do	do	Do.
*Mountain Home planning unit	do	do	do	do	Do.
*Middle Fork Boise planning unit	do	do	do	July 1974	November 1974.
Shafer planning unit	do	do	do	do	October 1974.
*South Fork Payette planning unit	do	do	do	do	Do.
*South Fork Salmon planning unit	Boise and Payette National Forests, Idaho.	do	Forest Supervisor	do	Do.
*Garden Valley planning unit	Boise National Forest, Idaho.	do	Forest Supervisor	do	Do.
*Squaw Creek planning unit	do	do	do	July 1974	November 1974.
*Cascade planning unit	do	do	do	do	Do.
*Big Piney planning unit	Bridger-Teton National Forest, Wyo.	do	do	do	Do.
*Union Pass planning unit	do	do	do	August 1974	December 1974.
*Boulder Lake powerline	do	Powerline in inventoried roadless area.	do	June 1974	September 1974.
Bighorn Winter sports site	Caribou National Forest, Idaho.	Winter sports	do	August 1974	December 1974.
Phosphate planning unit	do	Land use plan	do	June 1975	November 1975.
*Pioneer Mountains planning unit	Challis and Sawtooth National Forests, Idaho.	do	do	July 1974	November 1974.
*Enterprise planning unit	Dixie National Forest, Utah	do	do	March 1974	August 1974.
*Boulder Mountain planning unit	do	do	do	June 1974	October 1974.
*Salina planning unit	Fishlake National Forest, Utah.	do	do	February 1975	July 1975.
Utah Power & Light transmission line study (North Emery line and generator plus coal lease).	Fishlake and Manti-LaSal National Forests, Utah.	Powerline right-of-way	BLM (lead agency) FS.	August 1974	December 1974.
Utah Power & Light powerline study (Sigurd-Cedar City line).	Fishlake and Dixie National Forests, Utah.	do	do	June 1974	October 1974.
*Mt. Moriah	Humboldt National Forest, Nev.	Land use plan	Forest supervisor	August 1974	December 1974.
*Ruby Mountains	do	do	do	June 1974	October 1974.
*Monticello planning unit	Manti-LaSal National Forest, Utah.	do	do	October 1974	February 1975.
*Council planning unit	Payette National Forest, Idaho.	do	do	November 1974	March 1975.
*McCall planning unit	do	do	do	do	Do.
*New Meadows planning unit	do	do	do	do	Do.
*Warren planning unit	do	do	do	July 1974	November 1974.
Payette timber management plan	do	Resource plan	Regional forester	do	Do.
*Silverleads planning unit	Salmon National Forest, Idaho.	Land use plan	Forest supervisor	do	Do.
*Red Rock planning unit	do	do	do	August 1974	December 1974.
*Moose Creek Basin planning unit	do	do	do	October 1974	February 1975.
Big Wood ski area	Sawtooth National Forest, Idaho.	Winter sport site	do	July 1974	December 1974.
*Black Pine planning unit	do	Land use plan	do	do	November 1974.
*Sawtooth NRA general management plan	do	do	Regional forester	April 1974	December 1974.
Alpine Airstrip	Targhee National Forest, Idaho.	Airstrip	Forest supervisor	June 1974	October 1974.
*West Slope Tetons planning unit	do	Land use plan	do	December 1974	April 1975.
*Island Park planning unit	do	do	do	February 1975	June 1975.
*Central Nevada land use plan	Toiyabe National Forest, Nev.	do	do	August 1974	December 1974.
*American Fork Canyon-Provo Peak land use plan.	Uinta National Forest, Utah.	do	do	February 1974	June 1974.
Four Seasons ski area	do	Winter sport site	do	January 1975	May 1975.
*North Slope of the High Uintas land use plan	Wasatch and Ashley National Forests, Utah.	Land use plan	do	July 1974	November 1974.
*Kamas land use plan	Wasatch National Forest, Utah.	do	do	October 1974	February 1975.
Region 5, USDA, Forest Service, 630 Sansome St., San Francisco, Calif. 94111:					
*San Gabriel planning unit	Angeles National Forest, Calif.	do	do	December 1974	May 1975.
Trabuco Canyon	Cleveland National Forest, Calif.	do	do	December 1975	May 1976.
*Palomar Mountain	do	do	do	September 1974	February 1975.
Laguna-Morena	do	do	do	January 1976	June 1976.
*Trabuco district	do	do	do	December 1975	May 1976.
Silver Basin Winter sports area	Eldorado National Forest, Calif.	Winter sports site	Regional forester	March 1974	September 1974.
Eldorado National Forest timber management plan	do	Resource plan	do	February 1975	July 1975.
Volcanoville planning unit	do	Land use plan	Forest Supervisor	February 1975	Do.
*Mammoth planning unit	Inyo National Forest, Calif.	do	do	October 1974	March 1975.
Mono Basin planning unit	do	do	do	June 1975	September 1975.
Bishop Creek planning unit	do	do	do	October 1974	February 1975.
Horseshoe Meadows	do	Limited land use plan	do	January 1974	July 1974.
Mt. Whitney planning unit	do	Land use plan	do	October 1974	March 1975.
Inyo National Forest timber management plan	do	Resource plan	Regional forester	February 1976	July 1976.

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Klamath timber management plan	Klamath National Forest, Calif.	do	do	January 1974	July 1974.
*King planning unit	do	Land use plan	Forest Supervisor	September 1974	February 1975.
*Grider planning unit	do	do	do	December 1974	May 1975.
*Proposed general plan for management of National Forest lands in the Lake Tahoe Basin.	Lake Tahoe Basin management unit, Calif. and Nev.	do	Lake Tahoe Basin Administrator.	August 1973	January 1975.
*Sierra-Pacific powerline, Buckeye to Round Hill.	Lake Tahoe Basin management Unit and Toiyabe National Forest, Nev.	Transmission line	Regional Foresters (R-4 and R-5)	November 1974	April 1975.
Lassen timber management plan	Lassen National Forest, Calif.	Resource plan	Regional forester.	August 1974	November 1974.
*Almanor planning unit	do	Land use plan	Forest supervisor	July 1975	November 1975.
*Hat Creek planning unit	do	do	do	January 1976	May 1976.
*Middle Eel Planning unit	Mendocino National Forest, Calif.	do	do	January 1975	July 1975.
Mendocino National Forest timber Management plan.	do	Resource plan	Regional Forester	April 1975	September 1975.
Hayden Hill planning unit	Modoc National Forest, Calif.	Land use plan	Forest Supervisor	December 1974	April 1975.
Modoc National Forest timber management plan	do	Resource plan	Regional Forester	August 1974	December 1974.
*Bucks Lake planning unit	Plumas National Forest, Calif.	Land use plan	Forest Supervisor	May 1974	October 1974.
*Mohawk planning unit	do	do	do	May 1975	September 1975.
Plumas National Forest timber management plan	do	Resource plan	Regional forester	August 1974	December 1974.
Big Bear Basin planning unit	San Bernardino National Forest, Calif.	Land use plan	Forest Supervisor	March 1975	August 1975.
Mineral King	Sequoia National Forest, Calif.	Recreation	Regional Forester	September 1974	February 1975.
*Little Kern planning unit	do	Land use plan	Forest Supervisor	July 1975	November 1975.
Sequoia National Forest timber management plan.	do	Resource plan	Regional Forester	October 1975	March 1976.
Hume planning unit	do	Land use plan	Forest Supervisor	December 1975	April 1976.
Kern Plateau planning unit	do	do	do	do	Do.
Shasta-Trinity timber management plan	Shasta-Trinity National Forest, Calif.	Resource plan	Regional Forester	June 1974	September 1974.
*Upper Trinity planning unit	do	Land use plan	Forest Supervisor	September 1974	January 1975.
*Mount Shasta planning unit	do	do	do	November 1974	May 1975.
*NRA planning unit	do	do	do	March 1975	July 1975.

REGION 5 CONTINUED

*Girard-McCloud planning unit	do	do	do	July 1975	December 1975.
*South Fork Mountain planning unit	do	do	do	October 1975	March 1976.
*Aspen-Horsethief	Sierra National Forest, Calif.	Timber sales	do	July 1974	December 1974.
Forest land use plan	do	Resource and land use plan	do	August 1975	December 1975.
*Eightmile-Blue Creek planning unit	Six Rivers National Forest, Calif.	Land use plan	do	July 1974	December 1974.
*Siskiyou planning unit	do	do	do	January 1975	June 1975.
*Horse Linto planning unit	do	do	do	June 1975	October 1975.
Mount Reba master plan	Stanislaus National Forest, Calif.	Winter sports site	Regional Forester	November 1974	April 1975.
*Truckee-Little Truckee planning unit	Tahoe National Forest, Calif.	Land use plan	Forest Supervisor	January 1975	June 1975.
Tahoe National Forest timber management plan	do	Resource plan	Regional Forester	July 1975	December 1975.
*Foresthill planning unit	do	Land use plan	Forest supervisor	August 1975	February 1976.
Timber management plan	Angeles, Cleveland, Los Padres, and San Bernardino National Forests, Calif.	Resource plan	Regional forester	do	January 1976.

Pacific Northwest Region, Region 6: USDA, Forest Service, 319 Southwest Pine St., *Portland, Oreg. 97208*:

*Soleduck unit	Olympic National Forest, Wash.	Land use plan	Forest Supervisor	August 1974	January 1975.
10-year timber management plan	Gifford Pinchot National Forest, Wash.	Resource plan	Regional Forester	April 1974	August 1974.
*Alpine Lakes Area	Snoqualmie and Wenatchee National Forest, Wash.	Wilderness proposal	do	July 1973	
Hoodoo Ski bowl expansion	Willamette National Forest, Oreg.	Recreation development	Forest Supervisor	November 1974	April 1975.
Willamette National Forest, land use plan	do	Land use plan	do	August 1974	February 1975.
*Willamette National Forest 10-year timber management plan.	do	Resource plan	Regional Forester	do	Do.
Mt. Baker ski area development plan	Mt. Baker National Forest, Wash.	Recreation development	Forest Supervisor	July 1974	November 1974.
*Drift Creek unit	Siuslaw National Forest, Oreg.	Roadless area	do	do	Do.
Oregon Dunes National Recreation Area	do	Management plan	do	June 1974	February 1975.
Deschutes National Forest, 10-year timber management plan.	Deschutes National Forest, Oreg.	Resource plan	Regional Forester	March 1974	July 1974.
*Metolius planning unit	do	Land use plan	Forest Supervisor	December 1974	April 1975.
*Williams Creek-Cougar Bluff	Umpqua National Forest, Oreg.	Roadless area	do	June 1974	November 1974.
*Fairview, Puddin Rock, Canton-Steelhead	do	do	do	do	Do.
*Dumont, Quartz Last Creek	do	do	do	do	Do.
*Rogue-Umpqua Divide	do	do	do	July 1974	December 1974.
*Calf Creek-Copeland Creek	do	do	do	do	December 1975.
*Mount Bailey	do	do	do	do	January 1975.
Desolation	Umatilla and Wallowa-Whitman National Forests, Oreg.	Land use plan	do	September 1974	December 1974.
Jubilee	Umatilla National Forest, Oreg.	do	do	July 1974	October 1974.

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*Oregon Butte	do	do	do	August 1974	November 1974.
*Rogue roadless area	Siskiyou National Forest, Oreg. (Calif.).	Roadless area	do	June 1974	October 1974.
John Day unit plan	Malheur National Forest, Oreg.	Land use plan	do	December 1974	March 1975.
South Fork unit	Malheur and Ochoco National Forests, Oreg.	do	do	March 1975	June 1975.
*Chelan planning unit	Wenatchee National Forest, Wash.	do	do	August 1974	December 1974.
*Lake Fork unit	Wallowa-Whitman National Forest, Oreg.	Roadless area	do	June 1974	October 1974.
*Joseph Creek—Wild Horse unit	do	do	do	August 1974	January 1975.
*Wallowa Valley unit	do	Land use plan	do	December 1974	July 1975.
Timberline Lodge objective statement	Mt. Hood National Forest, Oreg.	Recreation site	do	June 1974	November 1974.
*Huckleberry planning unit	do	Land use plan	do	May 1974	January 1975.
Silvies unit	Malheur National Forest, Oreg.	do	do	June 1975	November 1975.
*Eagle Creek planning unit	Mt. Hood National Forest, Oreg.	do	do	January 1974	September 1974.
*Roaring River-Salmon River unit	do	do	do	July 1973	October 1974.
Southern Region, Region 8: USDA, Forest Service, 1720 Peachtree Rd. NW., Atlanta, Ga. 30309:					
Dugger Mountain unit	Talladega National Forest Ala.	do	do	August 1974	December 1974.
El Yunque Peak electronics site	El Yunque Peak Caribbean National Forest, P.R.	Land use permit	do	July 1974	October 1974.
Cohutta Mountains unit	Chattahoochee National Forest, Ga.	Land use plan	do	March 1974	August 1974.
Upper Hiwassee unit	Cherokee National Forest, Tenn.	do	do	August 1974	December 1974.
Unaka unit	do	do	do	February 1975	June 1975.
Beaver Creek unit	Daniel Boone National Forest, Ky.	do	do	July 1974	December 1974.
Laurel River unit	do	do	do	August 1974	January 1975.
Licking River unit	do	do	do	January 1975	June 1975.
Limestone Mining-plan of operation	Withlacoochee State Forest, Fla.	Resource plan	Regional Forester.	February 1974	September 1974.
Juniper Springs unit	Ocala National Forest, Fla.	Land use plan	Forest Supervisor.	November 1973	August 1974.
Transmission line—city of Tallahassee	Tallahassee, Fla.	Land use permit	Regional Forester.	May 1974	September 1974.
Long Leaf Islands unit	Ocala National Forest, Fla.	Land use plan	Forest Supervisor.	August 1974	February 1975.
Big Scrub unit	do	do	do	September 1974	March 1975.
Chauga unit	Sumter National Forest, S.C.	do	do	June 1974	October 1974.
Laurel Fork unit	George Washington National Forest, Va.	do	do	February 1974	July 1974.
North River unit	do	do	do	do	Do.
Big Levels unit	do	do	do	do	Do.
Piney River unit	do	do	do	August 1974	January 1975.
Massanutten unit	do	do	do	January 1975	May 1975.
Cave Mountain Lake unit	Jefferson National Forest, Va.	do	do	February 1974	July 1974.
Mt. Rogers National Recreational Area	do	do	do	August 1974	December 1974.
Timber management plan	Kisatchie National Forest, La.	Resource plan	do	June 1974	October 1974.
North Evangeline unit	do	Land use plan	do	October 1974	February 1975.
North and West Forks French Broad and Davidson River units.	Pisgah National Forest, N.C.	do	do	April 1974	August 1974.
Whitewater River and Cullasaja River units	Nantahala National Forest, N.C.	do	do	July 1974	October 1974.
Buck Creek and North Fork Catawba River units.	Pisgah National Forest, N.C.	do	do	October 1974	March 1975.
Nantahala unit	Nantahala National Forest, N.C.	do	do	do	Do.
Ozone unit	Ozark National Forest, Ark.	do	do	September 1974	January 1975.
Phases II and III of Blanchard Springs Caverns Project.	do	Recreation	do	July 1974	November 1974.
Pesticide use on Ozark-St. Francis National Forest.	Ozark-St. Francis National Forest, Ark.	Pesticides	do	January 1975	May 1975.
Caddo unit	Caddo National Grassland, Tex.	Land use plan	do	July 1974	November 1974.
Cross Timbers unit	Cross Timbers National Grassland, Tex.	do	do	August 1974	December 1974.
Pocket gopher control	Angelina National Forest, Tex.	Rodent control	do	August 1972	Postponed.
Forks unit	Ouachita National Forest, Ark.	Land use plan	do	July 1974	November 1974.
Petit Jean unit	do	do	do	September 1974	February 1975.
Eastern Region, Region 9: USDA, Forest Service, 633 West Wisconsin Ave., Milwaukee, Wis. 53203:					
Timber management plan	Allegheny National Forest, Pa.	Resource plan	Regional Forester	do	April 1975.
Do	Chippewa National Forest, Minn.	do	do	February 1974	August 1974.
Deerfield River (Mt. Snow)	Green Mountains National Forest, Vt.	Land use plan	do	October 1974	April 1975.
Off-road vehicle policy	Hoosier National Forest, Ind.	do	Forest Supervisor.	March 1973	June 1974.
Eagle Lake and associated recreation developments.	Monongahela National Forest, W. Va.	do	Regional Forester.	February 1974	September 1974.
Forest plan	do	do	Forest Supervisor.	September 1974	March 1975.
Proposed management direction for the Cedar Creek purchase unit.	Clark and Mark Twain National Forests, Mo.	do	do	March 1974	October 1974.
Prairie Portage Dam boundary waters canoe area	Superior National Forest, Minn.	do	Regional Forester.	July 1974	November 1974.
Timber management plan	White Mountain National Forest, N.H.	Resource plan	do	August 1974	February 1975.

FOREST SERVICE ENVIRONMENTAL STATEMENTS UNDER PREPARATION AS OF JUNE 15, 1974—Continued

WASHINGTON OFFICE

Title of environmental statement	Location of proposal	Nature of proposal (i.e., land use, herbicide, etc.)	Responsible official	Date draft filed w/CEQ (or estimated date)	Estimated date of final
Alaska Region, Region 10: USDA Forest Service, Federal Office Bldg., Box 1628, *Juneau, Alaska 99801*:					
*Tongass National Forest	Tongass National Forest, Alaska.	Land use	do	July 1974	December 1974.
*Barry Arm No. 1	do	Timber sale	do	June 1974	September 1974.
*Honker divide land use plan	Ketchikan Area, Alaska	Land use	do	December 1974	June 1975.
*Long Island land use plan	do	do	do	February 1974	Do.
*Karta land use plan	do	do	do	May 1975	October 1975.
*West Chichagof-Yakobi Island land use study	Alaska	Land use alternative	do	October 1974	February 1975.
*Southern Chilkat unit management plan	do	Land use	do	August 1974	November 1974.

FOREST SERVICE

Chief, Forest Service
US Department of Agriculture
Washington, DC 20250

REGION 1, NORTHERN REGION: (MONTANA, NE WASHINGTON, N. IDAHO, NORTH DAKOTA AND NW SOUTH DAKOTA)

Regional Forester
Northern Region
US Forest Service
Federal Building
Missoula, Montana 59801

REGION 2, ROCKY MOUNTAIN REGION: (COLORADO, KANSAS, NEBRASKA, SOUTH DAKOTA AND WYOMING)

Regional Forester
Rocky Mountain Region
US Forest Service
Denver Federal Center, Bldg. 85
Denver, Colorado 80225

REGION 3, SOUTHWESTERN REGION: (ARIZONA AND NEW MEXICO)

Regional Forester
Southwestern Region
US Forest Service
Federal Building
517 Gold Ave., SW
Albuquerque, New Mexico 87101

REGION 4, INTERMOUNTAIN REGION: (UTAH, S. IDAHO, W. WYOMING AND NEVADA)

Regional Forester
Intermountain Region
US Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

REGION 5, CALIFORNIA REGION: (CALIFORNIA AND HAWAII)

Regional Forester
California Region
US Forest Service
630 Sansome Street
San Francisco, California 94111

REGION 6, PACIFIC NORTHWEST REGION: (WASHINGTON AND OREGON)

Regional Forester
Pacific Northwest Region
US Forest Service
319 SW Pine Street
P.O. Box 3623
Portland, Oregon 97208

REGION 8, SOUTHERN REGION: (ALABAMA, ARKANSAS, FLORIDA, GEORGIA, KENTUCKY, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, SOUTH CAROLINA, TENNESSEE, TEXAS, AND VIRGINIA)

Regional Forester
Southern Region
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

REGION 9, EASTERN REGION: (CONNECTICUT, DELAWARE, ILLINOIS, IOWA, INDIANA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSOURI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, OHIO, PENNSYLVANIA, RHODE ISLAND, VERMONT, WEST VIRGINIA AND WISCONSIN)

Regional Forester
Eastern Region
US Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

REGION 10, ALASKA REGION: (ALASKA)

Regional Forester
Alaska Region
US Forest Service
Federal Office Building
Box 1628
Juneau, Alaska 99801

STATE AND PRIVATE FORESTRY AREAS

NOTE: State and Private Forestry offices are located in the Regional Headquarters with the exception of the following Areas:

NORTHEASTERN AREA STATE AND PRIVATE FORESTRY: (CONNECTICUT, DELAWARE, ILLINOIS, INDIANA, IOWA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSOURI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, OHIO, PENNSYLVANIA, RHODE ISLAND, VERMONT, WEST VIRGINIA AND WISCONSIN)

Director
Northeastern Area, S&PF
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

SOUTHEASTERN AREA STATE AND PRIVATE FORESTRY: (ALABAMA, ARKANSAS, FLORIDA, GEORGIA, KENTUCKY, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA, SOUTH CAROLINA, TENNESSEE, TEXAS AND VIRGINIA)

Director
Southeastern Area, S&PF
US Forest Service
1720 Peachtree Road, NW
Atlanta, Georgia 30309

INSTITUTE OF TROPICAL FORESTRY: (AND CARIBBEAN NATIONAL FOREST)

Director
Institute of Tropical Forestry
US Forest Service
P.O. Box AQ
Rio Piedras, Puerto Rico 00928

Director
Intermountain Experiment Station
US Forest Service
507 25th Street
Ogden, Utah 84401

Director
Rocky Mountain Experiment Station
US Forest Service
240 West Prospect Street
Fort Collins, Colorado 80521

Director
North Central Experiment Station
US Forest Service
Folwell Avenue
St. Paul, Minnesota 55101

Director
Northeastern Experiment Station
US Forest Service
6816 Market Street
Upper Darby, Pennsylvania 19082

Director
Southern Experiment Station
US Forest Service
Federal Building, T-10210
701 Loyola Avenue
New Orleans, Louisiana 70113

Director
Southeastern Experiment Station
US Forest Service
Post Office Building
P.O. Box 2570
Asheville, North Carolina 28802

FOREST PRODUCTS LABORATORY

Director
Forest Products Laboratory
US Forest Service
North Walnut Street
P.O. Box 5130
Madison, Wisconsin 53705

[FR Doc.74-16956 Filed 7-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, August 13, 1974, at 9:30 a.m. in Room 4833 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the work program.

4. Discussion of technology transfer.
5. Executive session:
a. Continuation of report on the work program.
b. Continuation of discussion on technology transfer.
c. Discussion of Computer Peripherals TAC recommendations on Memory and I/O Equipment and related export control procedures.

The Chairman of the Computer Systems Technical Advisory Committee has invited members of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee to attend the meeting for agenda items 4 and 5.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of P.L. 92–463, that this agenda item should be exempt from the provision of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4196).

Dated: July 24, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74–17246 Filed 7–26–74;8:45 am]

UNIVERSITY OF TENNESSEE, ET AL

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00393–33–46040. Applicant: University of Tennessee, College of Medicine, 800 Madison Avenue, Memphis, Tennessee 38163. Article: Electron Microscope, Model EM–10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research much of which involves animal experiments in which ultrastructural studies of intestinal and hepatic tissue will be performed.

Emphasis will be placed on the subcellular organization of those cells which are involved in lipid metabolism. In addition to the visualization of lipids and lipoproteins within tissues, extensive characterization of the ultrafine structure of isolated lipoproteins will be performed. Included in this program are research studies involving:

(1) Pathologic effects on cells of modified lipoproteins.
(2) The role of the intestine in lipoprotein metabolism.
(3) Sex dependent effects of orotic acid on lipoproteins.
(4) Ultrastructural pathology of D-galactosamine hepatitis.
(5) Effect of liver injury on lipoprotein metabolism.
(6) Biochemical pathology of disordered glycoprotein secretion.
(7) Ultrastructural pathology of experimental hepatitis.

Application received by Commissioner of Customs: March 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 20, 1974. Article ordered: June 21, 1973.

Docket number: 74–00405–33–46040. Applicant: University of Pennsylvania, School of Medicine, 536 Johnson Pavilion, Philadelphia, Pa. 19104. Article: Electron Microscope, Model EM–10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in an established research program studying the normal morphology and pathology of joint tissues. Specifically to be investigated are:

(1) The nature of changes in synovial small blood vessels in human arthritis,
(2) The further identification of virus like particles being found in the synovium and considered as possible initiating causes of rheumatoid arthritis.
(3) The distribution of immunoglobulins, complement, the 2 types of lymphocytes (T and B) in the synovium and synovial fluid and comparison of this pattern in arthritis.

Similar studies will be performed in recently identified dogs with rheumatoid like arthritis. The article will also be used in training research fellows interested in learning ultrastructural techniques to apply to the investigation of arthritis. Application received by Commissioner of Customs: April 1, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 28, 1974. Article ordered: February 12, 1974.

Docket number: 74–00424–33–46040. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94904. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of the ultrastructure of a variety of tissues including mammalian lung, carotid body, brain, and others. Experiments will include (a) studies of the source of pulmonary surface active material, (b) studies of the synaptic organization of the carotid body and, (c) studies of the ultrastructure of neurons in respiratory nuclei and central nervous system chemoreceptors. The article will also be used to train graduate students, post-doctoral fellows, and trainees, and staff members in the Cardiovascular Research Institute in ultrastructural techniques. The training will be done individually and in formal courses to provide the investigators the necessary information and skills to enable them to do electron microscopy. Application received by Commissioner of Customs: April 12, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 28, 1974. Article ordered: May 31, 1972.

Docket number: 74–00435–33–46040. Applicant: State University of New York at Stony Brook, Department of Cellular and Comparative Biology, Stony Brook, New York 11790. Article: Electron Microscope Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in carrying out the following projects:

(a) The comparative ultrastructure of spider lyriform organs,
(b) The effect of hydrocarbon pollutants on the cellular development of Hydra.
(c) Structural organization of some invertebrate muscles,
(d) Studies on the structural changes during development of the slime mold, Dictyostelium discoidum.

The article will also be used in a course to train students in the various techniques of electron microscopy applicable to their research interests. Application received by Commissioner of Customs: April 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: June 28, 1974. Article ordered: October 10, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving power of 3.5 Angstroms or better. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope, which was formerly produced by the Forgflo Corporation and which is currently supplied by Adam

David Company. The Model EMU–4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74–17232 Filed 7–26–74;8:45 am]

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Recommended Revisions to Standard Specifications for Merchant Ship Construction

Pursuant to the Final Opinion and Order of the Maritime Subsidy Board in Docket A–75 (served August 30, 1973), notice is hereby given that the Maritime Administration staff has recommended to the Maritime Subsidy Board certain revisions to section 70 of the Standard Specifications for Merchant Ship Construction. These recommended revisions are the result of (1) basic design improvements, (2) updating to comply with Docket A–75 requirements, and (3) current state of the art advancements.

The recommended revisions to section 70 of the Standard Specifications for Merchant Ship Construction include the following:

(1) Revise Article 4(c)(3), (d), and (e) to require a new standard for oil content meters and oily water separators.

(2) Add a clarifying sentence to Article 2 for emergency cargo transfer to permit a reduction in the calculated oil outflow in the case of bottom damage.

(3) Revise Article 4(c) to permit recirculation as an alternative to requiring automatic oil/water separator shutdown in the event of high oil content.

(4) Revise Article 4(f) to standardize shore connections to meet IMCO and USCG requirements.

(5) Add a clarifying sentence to Article 4(e) indicating alternative designs that may be used in the bilge and ballasting system of tank vessels.

(6) Add a clarifying sentence to Article 6(a) indicating design alternatives for sewage treatment plant.

(7) Substitute in Article 7 known stack emission purity standards for the presently required Environmental Protection Agency standards since there are no Environmental Protection Agency standards for stack emissions at present.

(8) Add a new Article 8 detailing inert gas system requirements to comply with Docket A–75.

(9) Add a new Article 9 to reference the collision avoidance radar systems required by Docket A–75.

A complete text of the recommended revisions is available at the Office of Ship Construction, Division of Engineering, Room 4409, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person having an interest in this matter may file comments by close of business August 29, 1974, with the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th and E Street, NW., Washington, D.C. 20230.

The staff is of the opinion that the recommended revisions to section 70 of the Standard Specifications for Merchant Ship Construction do not require a supplement to the environmental impact statement concerning the Tanker Construction Program. In determining that a supplement to the environmental impact statement on the Tanker Construction Program is not warranted, the staff has considered the nature and purpose of the proposed revisions and has concluded that the minor substantive and editorial changes are not major Federal actions significantly affecting the quality of the human environment. Similarly, the staff has concluded these minor changes will not significantly affect the marine environment or control of operational pollution from tankers.

This supersedes the recommended revisions to the Standard Specifications for Merchant Ship Construction as published in the FEDERAL REGISTER on October 4, 1973 (38 FR 27537).

Dated: July 23, 1974.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board.

[FR Doc.74–17266 Filed 7–26–74;8:45 am]

TANKER CONSTRUCTION PROGRAM

Recommended Revisions, Standard Specifications for Merchant Ship Construction

Pursuant to the Final Opinion and Order of the Maritime Subsidy Board in Docket A–75 (served August 30, 1973), notice is hereby given that the Maritime Administration staff has recommended to the Maritime Subsidy Board revisions to section 94, Article 4(b) of the Standard Specifications for Merchant Ship Construction. These recommended revisions are the result of basic design improvements, clarifications to eliminate existing ambiguities, and current state of the art advancements. Also, the staff has rewritten section 94, Article 4(b) for purposes of clarity.

The recommended revisions to section 94, Article 4(b) include the following:

(1) Require that a collision avoidance system be able to operate as a supplement to both surface search navigational radars, via interswitching.

(2) Require that the system provide unattended monitoring of all radar echoes.

(3) Allow for computer-generated display data for each acquired target to be in the form of a line or vector.

(4) Allow for target acquisition, for display data purposes, to be manual, automatic or both, as specified by Owner.

(5) Clarify that the system shall be capable of simulating a trial maneuver.

A complete text of section 94, Article 4(b), including the proposed changes, is available at the Office of Ship Construction, Division of Engineering, Room 4409, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person having an interest in this matter may file comments by close of business August 29, 1974, with the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

The staff is of the opinion that the recommended revisions to section 94, Article 4(b) of the Standard Specifications for Merchant Ship Construction do not require a supplement to the environmental impact statement concerning the Tanker Construction Program. In determining that a supplement to the environmental impact statement on the Tanker Construction Program is not warranted, the staff has considered the nature and purpose of the proposed revisions and has concluded that the minor substantive and editorial changes are not major Federal actions significantly affecting the quality of the human environment. Similarly, the staff has concluded that the revisions clarify the purpose and functionally enhance the intent of section 94, Article 4(b) and will not adversely affect the marine environment or control of operational pollution from tankers.

Dated: July 23, 1974.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board.

[FR Doc.74–17267 Filed 7–26–74;8:45 am]

National Bureau of Standards

CIVILIAN PERSONNEL SYSTEMS

Standardization of Data Elements and Representations

Under the provisions of section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended

(79 Stat. 1127) and Executive Order 11717 of May 9, 1973 (38 FR 12315, dated May 11, 1973) the Secretary of Commerce amended Subtitle A of Title 15 of the Code of Federal Regulations by adding a new Part 6 (38 FR 33482, dated December 5, 1973) entitled "Standardization of Data Elements and Representations". In accordance with § 6.7 of Part 6, the National Bureau of Standards has the responsibility for arranging with appropriate executive branch departments and independent agencies to assume leadership and undertake responsibilities for the development and maintenance of specific Federal program and Federal general standards.

An arrangement has been made between the National Bureau of Standards and the Civil Service Commission on the standardization of data elements and representations used in automated civilian personnel systems. This notice provides the text of the agreement between the Civil Service Commission and the National Bureau of Standards in this area of standardization.

RICHARD W. ROBERTS,
Director.

JULY 19, 1974.

AGREEMENT BETWEEN THE CIVIL SERVICE COMMISSION AND THE NATIONAL BUREAU OF STANDARDS CONCERNING THE STANDARDIZATION OF DATA ELEMENTS AND REPRESENTATIONS IN CIVILIAN PERSONNEL SYSTEMS

This agreement establishes policies and procedures relative to the standardization of data elements and representations for use in automated civilian personnel systems pursuant to the provisions of Title 15, Subtitle A, Part 6 of the Code of Federal Regulations (38 FR 33482 dated December 5, 1973).

Authorities. The Civil Service Commission has the authority to prescribe to other Federal departments and agencies reporting requirements for personnel information relative to positions, officers, and employees in the competitive service and in the excepted service, whether permanent or career, career-conditional, indefinite, temporary, emergency, or subject to contract. (Section 7.2 of Civil Service Rule VII, promulgated pursuant to the Classification Act of 1949 (5 U.S.C. 3301, 3302).)

The National Bureau of Standards has the responsibility for arranging with appropriate executive branch departments and independent agencies to assume leadership and undertake responsibilities for the development and maintenance of specific Federal Program and Federal General Standards (CFR Title 15, Subtitle A, Part 6, § 6.7(a)(2)(i)).

Policies and Procedures. The provisions of Part 6, Subtitle A, Title 15 of the Code of Federal Regulations are applicable to this agreement. The following items are specified in this agreement to provide further amplification of this regulation as it specifically pertains to the standardization of data elements and representations for use in automated civilian personnel information systems:

Responsibilities. The National Bureau of Standards will:

1. Arrange for the approval by the Secretary of Commerce of proposed standards recommended by the Civil Service Commission for adoption as Federal Program Standards.
2. Maintain and publish at least annually a registry of approved standards and those under development in the Federal Information Processing Standards Series of publications.
3. Arrange for the publication of this agreement in the Federal Register.

The Civil Service Commission will:

1. Initiate and direct the development of Federal Program Standards.
2. Coordinate proposed Federal Program Standards with Federal departments and independent agencies through the office or official designated in § 6.7(b)(9).
3. Submit proposed Federal Program Standards to the National Bureau of Standards for approval by the Secretary of Commerce.
4. Publish approved Federal Program Standards in the Federal Personnel Manual.
5. Provide for the orderly implementation of new and revised Federal General and Federal Program Standards in Federal civilian personnel information systems.
6. Implement, as deemed necessary, proposed candidate standards on an interim basis to obtain experience in their use for purposes of evaluation prior to their endorsement and approval as Federal Program Standards.
7. Provide for the maintenance of approved Federal Program Standards resulting from this agreement.
8. Register approved standards and those under development under the provisions of this agreement with the National Bureau of Standards in accordance with FIPS PUB 19, *Guidelines for Registering Data Codes.*
9. Prepare and submit to the National Bureau of Standards an annual report of the status of personnel data standardization efforts under the scope and provisions of this agreement after approval is received from the National Archives Records Service in accordance with the provisions of OMB Circular A-40 (Clearance of Interagency Reports).
10. Assist the National Bureau of Standards or other designated Federal departments or agencies in developing Federal General Standards which will be applicable to Federal civilian personnel information systems.
11. Process all requests for exceptions, deferments, and revisions of standards applicable to Federal civilian personnel information systems and forward appropriate recommendations on these requests to the National Bureau of Standards for consideration and/or coordination under the provisions of § 6.8.
12. Arrange through the National Bureau of Standards for Federal participation on voluntary industry standards committees (nationally or internationally) that are concerned with the development of standards to be used in civilian personnel data systems.

RICHARD W. ROBERTS,
Director,
National Bureau of Standards.

JULY 1, 1974.

BERNARD ROSEN,
Executive Director,
Civil Service Commission.

JULY 9, 1974.

[FR Doc.74-17189 Filed 7-26-74;8:45 am]

Office of the Secretary

[Dept. Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Statement of Organization and Functions

This order, effective July 5, 1974, supersedes the material appearing at 38 FR 33624 of December 6, 1973; and 39 FR 11212 of March 26, 1974.

SECTION 1. *Purpose.* .01 This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general functions of the Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Organization Order 40-1.

.02 This revision assigns the responsibility for assisting Federal decision makers in identifying effective means of achieving domestic business policy objectives to the Assistant Secretary for Domestic and International Business.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 The Domestic and International Business Administration is hereby continued as a primary operating unit of the Department of Commerce.

.02. The Assistant Secretary for Domestic and International Business shall be the head of the Domestic and International Business Administration.

.03 The Assistant Secretary for Domestic and International Business shall be assisted by the Deputy Assistant Secretary for Domestic and International Business who shall perform such duties as the Assistant Secretary shall assign, and shall assume the duties of the Assistant Secretary during the latter's absence. In addition, the Assistant Secretary shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The Deputy Assistant Secretary for International Economic Policy and Research.

b. The Deputy Assistant Secretary for Domestic Commerce.

c. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

d. The Deputy Assistant Secretary for Resources and Trade Assistance.

e. The Deputy Assistant Secretary for East-West Trade.

f. The Deputy Assistant Secretary for Administrative Management, DIBA.

g. The Director, Domestic Business Policy Analysis Staff.

SEC. 4. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary, DIB is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512 et seq.; 15 U.S.C. 171 et seq.) as amended, to foster, promote, and develop the foreign and domestic commerce of the United States, and related provisions;

b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), conferred on the Secretary under Executive Order 10480, dated August 14, 1953,

as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 501(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency preparedness plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421, December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 3028 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

j. The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5(e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.);

k. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.);

m. Section 4221 of the Internal Revenue Code of 1954, as amended, and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

n. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15);

o. The Educational Scientific and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202);

p. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89–805, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;

q. The Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963;

r. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Pub. L. 92–412), the administration of which was delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970 and 11683 of August 29, 1972, except that the following power, authority, and discretion shall be reserved to the Secretary:

(1) The determinations required by section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and

(2) The submission of reports to the President and to the Congress required by Section 10 of the Act;

s. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

t. Executive Order 11322 of January 5, 1967 and Executive Order 11419 of July 29, 1968 as relates to exportation from the United States of commodities or products to or on behalf of Southern Rhodesia;

u. Executive Order 11651 of March 3, 1972 regarding Textile Trade Agreements; and

v. The Act of October 27, 1972 (Pub. L. 92–598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington, in 1974.

.02 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may redelegate his authority, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 5. *Functions.* The Assistant Secretary, acting as such and as head of DIBA, shall be the principal officer of the Department to conduct Commerce activities aimed at promoting progressive business policies and growth and at strengthening the international economic position of the United States. In this respect he shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy;

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States.

c. Conduct Commerce programs involving: the expansion of international commerce, including research, analysis and the development of policy initiatives in the areas of international trade, finance and investment; the expansion of East-West trade and other commercial relations; promotion of business-consumer relations; competitive assessment; energy programs; import quota administration; export administration; trade adjustment assistance; the collection, analysis, and dissemination of selected information on various industries, commodities, and markets; the preparation and execution of plans for industrial mobilization readiness; and participation in domestic and international trade fairs and exhibitions as is necessary to the performance of DIBA's functions.

d. Consult with and encourage cooperation and participation of the business community in the Department's domestic and international business programs;

e. Coordinate the Department's domestic and international business programs with other Federal agencies;

f. Provide executive secretariat services and administrative support to the Foreign-Trade Zones Board; and

g. Assist Federal decision makers in identifying effective means of achieving domestic business policy objectives.

Savings Provision. All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, proceedings, hearings, investigations, or other actions issued, undertaken, pending or entered into by or for DIBA shall continue and remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

HENRY B. TURNER,
Assistant Secretary
for Administration.

[FR Doc.74-17252 Filed 7-26-74;8:45 am]

[Dept. Organization Order 10-7]

ASSISTANT SECRETARY FOR TOURISM

Statement of Function

This order, effective July 15, 1974, amends the material appearing at 39 FR 11212 of March 26, 1974.

Department Organization Order 10-7, dated March 14, 1974, is hereby amended as follows:

SEC. 4. *Functions.* Paragraph k. is amended to read as follows:

"k. Conduct Commerce programs involving:

"(1) Federal recognition of and participation in international expositions held in the United States;

"(2) Participation in domestic and international trade fairs and exhibitions as is necessary to the performance of United States Travel Service's functions; and

"(3) Participation in international expositions abroad as is necessary to the performance of United States Travel Service's functions."

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74-17253 Filed 7-26-74;8:45 am]

[Dept. Organization Order 25-5A]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Statement of Organization and Functions

This order, effective July 9, 1974, supersedes the material appearing at 37 FR 12245 of June 21, 1972; 37 FR 26745 of December 15, 1972; 38 FR 5277 of February 27, 1973; 39 FR 6752 of February 22, 1974; and 39 FR 11612 of March 29, 1974.

SEC. 1. *Purpose.* This order delegates authority to the Administrator of the National Oceanic and Atmospheric Administration ("NOAA") and prescribes the functions of NOAA. This revision delegates certain Federal communications planning functions prescribed by central agency issuance (subpara 3.01aa.), and incorporates the provisions of amendments issued since 1972. The organizational structure of NOAA and the assignment of functions therein are prescribed in Department Organization Order 25-5B.

SEC. 2. *Status and line of authority.* .01 NOAA, established by Reorganization Plan No. 4 of 1970, effective October 3, 1970, is continued as a primary operating unit of the Department of Commerce.

.02 As provided by Reorganization Plan No. 4 of 1970:

a. The Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall be the head of NOAA.

b. The Deputy Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the Office of Administrator.

c. The Associate Administrator of NOAA, who is appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the Administrator and Deputy Administrator.

.03 The Administrator shall report and be responsible to the Secretary of Commerce.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970, Executive Order 11564 of October 6, 1970, and otherwise by law, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. The functions in Title 15, Chapter 9 and in Title 49, Section 1463, of the U.S. Code which relate to the provision of weather services.

b. The functions relating to weather in Title 49, Chapter 15 of the U.S. Code, which pertain to international aviation facilities.

c. The functions in 15 U.S.C. 272(f)(12), which relate to the transmission of radio waves, as applicable to the functions assigned herein.

d. The functions in Title 33, Chapter 17, U.S. Code, which pertain to commissioned officers, surveys and related matters.

e. The functions in Section 901(3) (a) and (b) of Executive Order 11490, which relate to emergency preparedness, and the functions of Executive Order 10480, as amended, which relate to defense mobilization, with respect to the production of fishery commodities or products, as delegated by the Secretary of Agriculture.

f. The functions in Sections 3 and 4 of the Office of Management and Budget Circular No. A-62 of November 13, 1963, which pertain to the coordination of Federal meteorological services and supporting research.

g. The functions in Sections 3b. and 4 of the Office of Management and Budget Circular No. A-16 of May 6, 1967, which pertain to the establishment and maintenance of the National Networks of Geodetic Control, and to the development and execution of a coordinated national program of geodetic surveys.

h. The functions in the President's memorandum of July 5, 1968, issued in accord with Senate concurrent resolution 67 of May 29, 1968, furthering participation in and support of the World Weather Program by the United States. The plan to be developed annually for submission by the President to Congress on the proposed participation by Federal agencies shall be prepared for transmittal to the President by the Secretary.

i. The functions in 42 U.S.C. 1891-3 which pertain to making grants for the support of basic scientific research.

j. The functions authorized to be performed by the Department of Commerce in accordance with Chapter 19B of Title 42, United States Code, relating to water resources planning.

k. The functions transferred to the Secretary of Commerce in Section 1 of the Reorganization Plan No. 4 of 1970. The functions are:

(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau of Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, 16 U.S.C. 760e-760g; relating to migratory marine species of game fish).

(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 99), as amended (33 U.S.C. 1121 et seq.).

(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326, under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

l. The functions in Title 37 of the U.S. Code with respect to pay and allowances for the Commissioned Officer Corps of NOAA established by Section 4(d) of Reorganization Plan No. 4 of 1970.

m. The functions in 10 U.S.C. 1201-1203, 1210(f), 1211(b)(1), 1401 and chapter 73 relating to retirement or separation, for physical disability, and to 'Retired Servicemen's Family Protection Plan; Survivor Benefit Plan' of commissioned officers of NOAA.

n. The functions in the following sections of Executive Order 11023: Sections 1(a), (b), (c), (f), (g), (h), (i), (j), and (l); Section 2(l); Section 3; Section 5; and Section 6. These relate to the appointment, retirement, separation, and resignation of commissioned officers of NOAA, and to the employment of public vessels.

o. The functions in Title II of the National Housing Act, as amended (12 U.S.C. 1715m), which pertain to mortgage insurance for commissioned officers to aid in the construction or purchase of homes.

p. The functions in 7 U.S.C. 450b and 2220, which relate to cooperation with outside sources and disposition of funds received.

q. The functions relating to the operation of (1) the National Oceanographic Instrumentation Center, (2) the National Oceanographic Data Center, and (3) the National Data Buoy Development Project, whose programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

r. The functions relating to (1) upper air observations taken on board ocean station vessels and at specific Pacific Trust Territories, and (2) hydroclimatic observations taken at stations located along U.S. rivers and the Great Lakes, which programs and activities were transferred to the Secretary of Commerce by Executive Order 11564.

s. The functions in Section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to capital construction funds for those owning or leasing vessels which are operated in the fisheries of the United States, including, but not limited to, the adoption of regulations, and the preparation and signing of all necessary forms or agreements.

t. The functions prescribed in (15 U.S.C. 330 et seq.), which pertain to collection, maintenance and dissemination of information concerning weather modification activities.

u. The functions in 46 U.S.C. 749 (relating to the arbitration, compromise or settlement of maritime claims) with regard to any claim in the amount of $5,000 or less involving a vessel operated by the Administration.

v. The functions prescribed by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

w. The functions prescribed by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

x. The functions prescribed by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

y. The functions prescribed by the Offshore Shrimp Fisheries Act of 1973 (16 U.S.C. 1100b et seq.).

z. The functions prescribed by the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.).

aa. The functions in Paragraphs 4 and 5, Office of Telecommunications Policy Circular No. 12 of October 12, 1973, which pertains to the coordination of Federal planning programs for environmental telecommunications systems and services.

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Administrator may delegate his authority to any employee of NOAA subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* To ensure the safety and welfare of the public, and to further the Nation's interests and activities with respect to the protection of public health against environmental pollution, the protection and management of the Nation's biological, mineral and water resources, the maintenance of environmental quality, agriculture, fisheries, industry, transportation, communications, space exploration, national defense and the preservation of the Nation's wilderness and recreation areas, NOAA shall perform the following functions:

a. Observe, collect, communicate, analyze, process, provide and disseminate comprehensive data and information about the state of the upper and lower atmosphere, of the oceans and the resources thereof including those in the seabed, of marine and anadromous fish and related biological resources, of inland waters, of the earth, the sun and the space environment;

b. Prepare and disseminate predictions of the future state of the environment and issue warnings of all severe hazards and extreme conditions of nature to all who may be affected;

c. Provide maps and charts of the oceans and inland waters for navigation, geophysical and other purposes, aeronautical charts, and related publications and services;

d. Operate and maintain a system for the storage, retrieval and dissemination of data relating to the state and resources of the oceans and inland waters including the seabed, and the state of the upper and lower atmosphere, of the earth, the sun and the space environment;

e. Explore the feasibility of, develop the basis for and undertake the modification and control of environmental phenomena;

f. Coordinate efforts pertinent to Federal agencies in support of national and international programs as may be assigned from time to time, such as Federal meteorological services and supporting research, World Weather Program, National Networks of Geodetic Control, Integrated Global Ocean Station System, and Marine Environmental Prediction, Mapping and Charting;

g. Administer a program of sea grant colleges and education, training and research in the fields of marine science, engineering and related disciplines as provided in the Sea Grant College and Program Act of 1966, as amended;

h. Perform basic and applied research and develop technology relating to the state and utilization of resources of the oceans and inland waters including the seabed, the upper and lower atmosphere, the earth, the sun and the space environment, as may be necessary or desirable to develop an understanding of the processes and phenomena involved;

i. Perform research and develop technology relating to the observation, communication, processing, correlation, analysis, dissemination, storage retrieval, and use of environmental data as may be necessary or desirable to permit the Administration to discharge its responsibilities;

j. Acquire, analyze and disseminate data and perform basic and applied research on electromagnetic waves, as relate to or are useful in performing other functions assigned herein; prepare and issue predictions of atmospheric, ionospheric and solar conditions, and warnings of disturbances thereof; and acquire, analyze and disseminate data and perform basic and applied research on the propagation of sound waves, and on interactions between sound waves and other phenomena;

k. Provide for administration of the Pribilof Islands; and assist the native inhabitants thereof and manage the fur seal herds of the North Pacific Ocean;

l. Perform economic studies, education and other services related to management and utilization of marine and anadromous fisheries, administer grant-in-aid, fishery products inspection, financial and technical assistance and other programs to conserve and develop fisheries resources and to foster and maintain a viable climate for industry to produce efficiently under competitive conditions;

m. Develop and implement policies on international fisheries including the negotiation and implementation of agreements, conventions and treaties in that area; and enforce provisions of international treaties and agreements on fishing activities of United States nationals and perform surveillance of foreign fishing activities;

n. Participate in technical assistance programs for fishery development projects in foreign countries;

o. Develop technology and carry out scientific and engineering data collection and analysis and other functions to assess, monitor, harvest, and utilize marine and anadromous fishery resources and their products;

p. As a Department-wide responsibility, coordinate the requirements for and the management and use of radio frequencies by all organizations of commerce; and

q. Administer a national management program to preserve, protect, develop, and where possible restore or enhance the land and water resources of the coastal zones, including grants to the states and interagency coordination and cooperation, as provided by the Coastal Zone Management Act of 1972.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74-17255 Filed 7-26-74;8:45 am]

[Dept. Organization Order 20-9]

OFFICE OF PUBLICATIONS

Statement of Organization and Functions

This order, effective July 5, 1974, supersedes the material appearing at 37 FR 16028 of August 9, 1972.

SEC. 1. *Purpose.* This order prescribes the functions and organization of the Office of Publications.

SEC. 2. *Status and line of authority.* The Office of Publications, a Departmental Office, shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.* .01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration shall prescribe, the Office of Publications shall provide publications, printing (both conventional and microform), and related services to organizations of the Department. To carry out this responsibility, it shall perform the following functions:

a. Formulate policies on publishing, develop standards for the design and style of publications, and advise officials of the Department on these matters.

b. Provide printing and publications management services for organizations of the Department, which shall consist of performing design, graphics and photographic services, determining the method of printing for particular publications, operating a central printing plant and a central micrographic service, managing the Working Capital Fund for printing and related activities, procuring all printing and related work, performing or overseeing publications mailing services, and undertaking sales promotion programs.

c. Review proposed and existing publications, including their pricing and distribution, and recommend elimination, consolidation, or other appropriate changes.

d. Conduct or coordinate, on behalf of all elements of the Department, all contacts with the Joint Committee on Printing and with the Government Printing Office, including the Superintendent of Documents, directly related to its authority as defined herein.

e. Review for approval all requests of elements of the Department for the purchase or rental of printing (conventional or microform), binding and related equipment.

.02 The publications, printing and related functions of the Office of Publications shall be construed to apply to all publications originally produced by elements of the Department and to all requisitions for printing from any organization of the Department.

SEC. 4. *Specified authority.* In addition to the authority implicit in and essential to carrying out the functions assigned the Office and related to the exercise of such functions, the Director, Office of Publications is hereby expressly delegated the authority to:

a. Approve or disapprove prices proposed by organizations of the Department for the sale of Commerce publications which are not sold through the Superintendent of Documents, except that the authority shall not apply to publications sold by the National Technical Information Service. (15 U.S.C. 1152 et seq.)

b. Determine for the Secretary whether the publication of a proposed periodical is necessary in the transaction of the public business required by law of the Department of Commerce and, when the Director so determines, certify to its necessity as required by Office of Management and Budget (OMB) Circular A-3; and submit over his signature requests to OMB for approval of any new or continuing periodicals of the Department, as further required by Circular A-3.

SEC. 5. *Organization.* Under the direction and supervision of the Director, the functions of the Office shall be organized and carried out as provided below.

.01 Office of Director. The Director shall be the advisor to and serve as the representative of the Assistant Secretary for Administration on publishing, printing and related activities. In managing the Office, the Director shall be principally assisted by:

a. A Deputy Director who shall be the chief operating aide to the Director and shall perform the functions of the Director during the latter's absence.

b. An Associate Director for Program Analysis who shall be the principal staff aide to the Director and Deputy Director.

.02 The Program Analysis and Support Staff shall plan and direct the financial control operations related to the Department's central printing plant; develop guidelines for cost controls for all printing, binding and related activities; review and evaluate costs of printing, binding and related activities and develop uniform price schedules; and prepare required reports relating to the printing activities of the Office of Publications.

.03 The Publications Standards and Development Division shall review requests for new Commerce publications against policies and standards of the Department; advise organizations concerning publication possibilities; analyze the desirability of consolidation or elimination of existing publications; provide specialized guidance and editorial assistance to organizations of the Department on publications projects; review all publications material for conformance to publications policies and standards; and direct the Department's publications mailing and sales promotion programs.

.04 The Design and Graphics Division shall approve or provide central design, illustration, photographic, and graphics services and prepare or procure the necessary design, illustration, photographic and art work for all publications and other printed materials.

.05 The Printing Division shall procure or approve for procurement all composition, printing and binding, and related services for all organizations of the Department; control and schedule all printing operations; operate the Department's central printing plant including its addressing and mailing services; and investigate and analyze new printing methods.

.06 The Micrographic Division shall operate the Department's central microform and related reproduction services facility.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74-17254 Filed 7-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, is hereby amended to reflect the establishment of an Office of Manpower Management in the Office of Planning, Evaluation, and Legislation.

Section 3-B Organizations and Functions is amended by inserting the statement for the newly-created Office of Manpower Management after the statement for the Office of Analysis (3AA503) and to revise the statements for the Office of Planning, Evaluation, and Legislation (3AA5) and the Office of Management Policy (3AA907) as follows:

Office of Planning, Evaluation and Legislation (3AA5). Under the direction of the Associate Administrator for Planning, Evaluation, and Legislation, who is a member of the Administrator's immediate staff: (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning, program evaluation, operational planning, regulation development, legislative affairs, and manpower management; (2) develops in collaboration with financial management staff the long-range program and financial plan for the Administration; (3) oversees, in coordination with the Office of the Assistant Secretary for Health, communications between HSA and higher levels of government (including the Office of the Secretary, the Office of Management and Budget, and Congress) on all matters that involve long-range plans, the regulation development process, evaluations of program performance, or legislative affairs; (4) develops long-range goals, objectives, and priorities for HSA; (5) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (6) oversees the development of annual operating objectives and coordinates HSA's participation in the operational planning system; (7) directs all the legislative affairs of HSA, including the development

of legislative proposals and a legislative program; (8) acts as the focal point in HSA for the preparation, development, and monitoring of program regulations; (9) conducts policy analyses and develops policy positions in programmatic areas for HSA; and (10) plans, directs, and coordinates HSA manpower management activities.

Office of Manpower Management (3AA504). (1) Assists and supports the Administrator and Bureau Directors in effective management of HSA manpower resources; (2) plans, directs and coordinates HSA's manpower management program; (3) supervises the operation of the HSA manpower management system including the manpower deployment and utilization system, the work measurement and productivity tracking system, the future manning needs forecasting system, and the manpower budgeting system; (4) integrates manpower analyses with the preparation of agency forward plans and annual budget submissions; (5) conducts special studies and analyses of manpower utilization, productivity and future manning requirements; (6) serves as the focal point in HSA for manpower management and analysis efforts; and (7) interprets PHS and Departmental policy in this area for HSA.

Office of Management Policy (3AA907). (1) Conducts organization and management studies and surveys; (2) initiates or reviews proposals for establishing or modifying organizational structure or function, delegations of authority, and management objectives, policies, and standards; (3) negotiates solutions to intra- and inter-agency problems of organization, functions, delegations, procedures, or coordination; (4) conducts Administration-wide management improvement programs; (5) participates in program and legislative planning to assure recognition of management problems; (6) manages the documentation and issuance system of the Administration; (7) provides staff support in the establishment, organization, operation, and termination of HSA public advisory committees; and (8) conducts the records and forms management programs of the Administration.

Dated: July 23, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-17219 Filed 7-26-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-338 and 50-339]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Notice and Order for Evidentiary Hearing

Take notice and it is hereby ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, by agreement of the parties, approved by the Board, the Evidentiary Hearing in this proceeding shall convene at 1:30 p.m. local time on August 13, 1974, at the George Washington Room, Holiday Inn North, U.S. 17 and Interstate 95, Fredericksburg, Virginia 22401.

As agreed to at the Prehearing Conference in this proceeding on July 9, 1974, this Evidentiary Hearing will not include the contested issue on the routing of the transmission lines. Said contested issue, by agreement of the parties, approved by the Board, has been made a separate issue in this proceeding and will be heard in a separate hearing, at a date and place to be designated later.

This Evidentiary Hearing will be devoted entirely to environmental matters relating to North Anna Units 1 and 2, pursuant to 10 CFR Part 50, Appendix D, section B.

All persons having filed a request for limited appearance will be afforded an opportunity to place their comments and views into the record on the first day of the Evidentiary Session.

The following general agenda will be followed:

1. Preliminary matters by the Board;
2. Opening statements of the parties;
3. Limited appearances;
4. Preliminary matters by the parties;
5. Introduction of testimony;
6. Questioning of witnesses by Board members;
7. Closing matters.

It Is So Ordered.

Issued at Bethesda, Maryland, this 22d day of July 1974.

ATOMIC SAFETY AND LICENSING BOARD.
JOHN B. FARMAKIDES.

[FR Doc.74-17178 Filed 7-26-74;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment Nos. 2 and 4 to Facility Operating License Nos. DPR-19 and DPR-25 (respectively) to the Commonwealth Edison Company which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 located in Grundy County, Illinois.

The amendments (1) permit electrical circuit changes which allow convenient sampling of reactor water and primary containment atmosphere in the event of an occurrence which causes containment isolation, and (2) clarifies the requirement for pressure switches in the emergency core cooling system pump discharge lines.

The applications for the amendments comply 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 Chapter I which are set forth in the license amendments.

For further details with respect to these actions, see (1) the applications for amendments dated March 11, 1974 (as supplemented April 24, 1974) and April 29, 1974, (2) Amendment Nos. 2 and 4 to License Nos. DPR-19 and DPR-25, with any attachments, and (3) the Commission's letter to the Commonwealth Edison Company (transmitting Amendments 2 and 4) which includes an evaluation of the applications. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451.

A copy of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 16th day of July 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors, Branch 2, Directorate of Licensing.

[FR Doc.74-17182 Filed 7-26-74;8:45 am]

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Availability of Environmental Report for LaCrosse Boiling Water Reactor

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Environmental Report, dated December 8, 1972, for a Full-Term Operating License," and supplements thereto, submitted by the Dairyland Power Cooperative, are available in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545 and in the Sparta Free Library, Post Office Box 347, Sparta, Wisconsin 54565. The report and supplements thereto are also being made available to the public at the Bureau of Planning and Budget, Department of Administration, 1 West Wilson Street, Madison, Wisconsin 53702 and at the Mississippi River Regional Planning Commission, County Courthouse, La-Crosse, Wisconsin 54601.

The report and supplements thereto discuss environmental considerations related to conversion of a provisional operating License to full-term operating License for the LaCrosse Boiling Water Reactor, located in Vernon County, Virogua, Wisconsin.

After the report and supplements have been analyzed by the Commission's Director of Regulation or his designee, a Draft Environmental Statement related to the proposed action will be prepared. Upon preparation of the Draft Environmental Statement, the Commission will,

among other things, cause to be published in the FEDERAL REGISTER a notice of availability of the draft environmental statement. The notice will request comments from interested persons on the proposed action and on the Draft Environmental Statement. The notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials and interested persons thereon will be available when received.

Dated at Bethesda, Maryland, this 22d day of July 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects, Branch No. 1, Directorate of Licensing.

[FR Doc.74-17181 Filed 7-26-74;8:45 am]

[Docket No. 50-287]

DUKE POWER CO.

Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-55 to Duke Power Company authorizing operation of the Oconee Nuclear Station, Unit 3 at steady state reactor core power levels not in excess of 2568 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The Oconee Nuclear Station, Unit 3 is a pressurized water nuclear reactor located at the licensee's site in Oconee County, South Carolina.

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 Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on November 6, 2007.

A copy of (1) Facility Operating License No. DPR-55, complete with Technical Specifications (Appendices A and B); (2) the report of the Advisory Committee on Reactor Safeguards, dated August 14, 1973; (3) the Directorate of Licensing's Safety Evaluation, dated July 6, 1973, and Supplements 1 and 2; (4) the Final Safety Analysis Report, dated June 2, 1969, and amendments thereto; (5) the applicant's Environmental Report, dated July 1970, and supplements thereto; (6) the Draft Environmental Statement, dated December 21, 1971; (7) the Final Environmental Statement, dated March 27, 1972; and (8) the Oconee FES Addendum, dated June 14, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 19th day of July 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors, Branch 2-3, Directorate of Licensing.

[FR Doc.74-17180 Filed 7-26-74;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice of Availability of Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulation in Appendix D, §§ A.9 and A.11, to 10 CFR Part 50, notice is hereby given that an Initial Decision dated June 14, 1974, issued by a majority of the Atomic Safety and Licensing Board in the above captioned proceeding authorized issuance of the construction permit to the Niagara Mohawk Power Corporation for construction of the Nine Mile Point Nuclear Station Unit 2 located in Oswego County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H. Street, NW., Washington, D.C. and in the Oswego City Library, 120 East Second Street, Oswego, New York 13126.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Nine Mile Point Nuclear Station Unit 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement. As required by section A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein. A copy of this Final Environmental Statement is also available for public inspection at the above designated locations.

Single copies of the Initial Decision by the Atomic Safety and Licensing Board and the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 22d day of July 1974.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects, Branch 4, Directorate of Licensing.

[FR Doc.74-17179 Filed 7-26-74;8:45 am]

[Docket Nos. STN 50-454, 50-455]

COMMONWEALTH EDISON CO.

Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Byron Station, Units 1 and 2 to be constructed by Commonwealth Edison Company in Ogle County, north central Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Byron Public Library, Third & Washington Streets, Byron, Illinois 61010. The Final Statement is also being made available at the Office of Planning & Analysis, 216 E. Monroe Street—3rd Floor, Springfield, Illinois 62706 and at the Northeastern Illinois Planning Commission, 400 W. Madison Street, Chicago, Illinois 60606.

The notice of availability of the Draft Environmental Statement for the Byron Station, Units 1 and 2 with request for comments from interested persons was published in the FEDERAL REGISTER on February 27, 1974 (39 FR 7609). The comments received from Federal, State and local officials and interested members of the public have been included as an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 23d day of July 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects, Branch 3, Directorate of Licensing.

[FR Doc.74-17177 Filed 7-26-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990, etc.]

AMERICAN AIRLINES, INC., ET AL.

Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of July 1974.

Joint application of American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., Docket No. 25990; Agreements CAB 23703–A1, A2, 24010–A1, 24011–A1, 24012–A1, A2, 24013–A1, A2, 24328, 24329, 24330, for approval of capacity agreements to implement the fuel allocation program.

Joint application of American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., Docket No. 22908, for approval of a capacity reduction agreement relating to four transcontinental markets.

I. By Order 73–7–147, in Docket 22908, the Board approved on an interim basis and set for hearing an agreement among American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) ("the applicants") limiting capacity in the New York/Newark-Los Angeles, New York/Newark-San Francisco, Baltimore/Washington-Los Angeles, and Chicago-San Francisco markets ("transcontinental markets").[1] The Board's interim approval expired on March 15, 1974.[2] The applicants have submitted, pursuant to the discussion authorization granted in Order 73–11–50, two fuel-related agreements in Docket 25990 which, in effect, continue the agreement in Docket 22908. The first of these agreements (CAB 23703–A1) extends the Docket 22908 agreement's off-peak levels of capacity in the transcontinental markets from March 15 to June 14, 1974.[3] The second agreement (CAB 23703–A2) runs from June 15 to December 14, 1974 and establishes different maximum capacity levels for the peak June 15–September 14 and the off-peak September 15–December 14 periods. These maximum capacity levels are in slight variation from those originally established by the applicants in the Docket 22908 agreement for this same period.[4] In all other respects, the previous agreement and the ones under consideration are basically identical.

The applicants have also submitted for approval amendments to the four fuel-related agreements affecting the 20 markets approved by the Board in Order 73–10–110 (Docket 25990.[5] These amendments extend the termination date of the original four agreements from April 28 to June 14, 1974. Certain additional conditions and modifications are attached to Agreements CAB 24010–A1 and 24013–A1 affecting the New York-Chicago and New York-Las Vegas markets.[6]

Finally, the applicants have requested approval of certain additional amendments (CAB 24012–A2, 24013–A2) as well as three new agreements (CAB 24328, 24329 and 24330) in Docket 25990, which, in total, run from June 15 to December 14, 1974 and affect service in 19 of the 20 markets designated in Order 73–10–110.[7] Under the provisions of certain of these additional amendments and new agreements, the applicants have established different maximum frequency levels for the peak summer (June 15–September 14, 1974) and off-peak fall (September 15–December 14, 1974) periods. In this regard, the applicants have either added a narrow-bodied frequency or substituted a wide-bodied aircraft for a narrow-bodied aircraft in response to seasonal traffic demands in 5 of the 19 markets.[8]

In support of the approval of these agreements, the applicants state, inter alia, that, with the exception of minor modification (see fns. 3, 5, 7), the agreements are similar to those now contained in Docket 22908 with respect to the four transcontinental markets and Docket 25990 with respect to the other markets; that the fuel shortage is still a significant problem despite the lifting of the embargo; that the carriers have not been receiving their full allocation of fuel to which they are entitled under the Mandatory Fuel Allocation Program; and that approval of these agreements until December 14, 1974 will result in substantial fuel savings in the agreement markets[9] enabling the carriers to properly apportion their limited fuel supplies throughout their systems, and alleviate the recent multiplicity of schedule changes due to the constant shifting of fuel availability. Furthermore, the applicants assert that the anticipated load factors for all of the markets will remain reasonable, and that the available capacity, while causing some inconvenience, will not severely inconvenience any single locale or group of consumers.

Answers in opposition to these agreements have been filed by the City of Chicago, the Cincinnati Parties, the Air Line Pilots Association, International (ALPA), the Departments of Justice (DOJ) and Transportation (DOT), the Las Vegas Parties, Northwest Airlines, Inc., Braniff Airways, Inc.[10] and the Allied Pilots Association (APA).[11]

The answers in opposition to the agreements are summarized in Appendix A. In general they raise four main claims: (1) The agreements will serve no useful purpose; (2) the agreements are harmful to the public interest in that they are anticompetitive and in that they will have an undue impact on the applicants' competitors; (3) load factors in certain of the agreement markets will be unreasonably high as a consequence of the agreements;

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[1] That agreement ends by its own terms in September 1975.

[2] Interim approval of Agreement CAB 23703 was granted for a six-month period (until March 15, 1974) or until final decision in the Capacity Reduction Agreements Investigation, which is exploring the general policy implications arising from the economic, fuel, and other effects of such capacity reduction agreements.

[3] The agreement in Docket 22908 provided for the transition from off-peak to peak levels of capacity on June 1, 1974.

[4] In the New York/Newark-Los Angeles, Chicago-San Francisco and Baltimore/Washington-Los Angeles markets the applicants have reduced the maximum capacity levels approximately 4 to 8%, while in the New York/San Francisco market the applicants have raised this level by approximately 3.5%.

[5] Agreements CAB 24010–A1, 24011–A1, 24012–A1 and 24013–A1.

[6] In the New York-Chicago market, the applicants have agreed to establish maximum capacity levels for the total market and for flights operating between O'Hara and LaGuardia airports. Additionally, the applicants have conditioned their rescheduling and aircraft substitution authority and have also permitted United to increase by one the maximum number of flights it can operate between O'Hare and LaGuardia in exchange for the continued deletion of its daily service between Midway and LaGuardia.

The only change in the New York-Las Vegas market will permit TWA to operate one additional weekly one-way flight. The applicants allege that this flight was inadvertently omitted from the original agreement.

[7] The markets and the agreements to which they relate are as follows:

Agreement 24010–A1: New York-Chicago, Philadelphia-Los Angeles, Detroit-Los Angeles, Hartford-Los Angeles, Boston-Los Angeles, Cleveland-Los Angeles.

Agreement 24011–A1: New York-Phoenix, Chicago-Phoenix, New York-Cincinnati, New York-Dayton.

Agreements 24012–A1, A2: Chicago-San Diego, Washington-San Diego.

Agreements 24013–A1, A2: Boston-San Francisco, Philadelphia-San Francisco, Washington/Baltimore-San Francisco, New York-Denver, New York-Las Vegas, Philadelphia-Chicago, Washington/Baltimore-Denver, Chicago-Las Vegas.

Agreement 24328: Philadelphia-Los Angeles, Detroit-Los Angeles, Hartford-Los Angeles, Boston-Los Angeles, Cleveland-Los Angeles.

Agreement 24329: Chicago-Phoenix, New York-Cincinnati, New York-Dayton.

Agreement 24330: New York-Chicago.

Agreements 23703–A1, A2: New York/Newark-Los Angeles, New York/Newark-San Francisco, Baltimore/Washington-Los Angeles, Chicago-San Francisco.

As noted, the carriers serving the New York-Phoenix market (Amendment and TWA) were unable to reach agreement with respect thereto for the June 15–December 14, 1974 periods (hence only 19 of the 20 markets will be subject to an agreement for that period).

[8] For the peak June 15–September 14 period, the applicants have increased seating capacity (by increasing service or substituting equipment) in the Chicago-San Diego, Detroit-Los Angeles, Philadelphia-San Francisco, New York-Denver, and Washington-Denver markets.

[9] The applicants estimate agreement market fuel savings of approximately 186,220,990 gallons for the three carriers. The applicants have submitted a detailed statement of their methodology for computing these fuel savings.

[10] Braniff has also filed a supplement to its answer accompanied by a motion for leave to file an unauthorized document. Braniff's motion will be granted.

[11] American, TWA and United, in turn, on May 10 filed replies to the various answers. In addition, on June 5, 1974 the Maryland Department of Transportation filed an answer in opposition accompanied by a motion to file an otherwise unauthorized document. This motion was filed approximately six weeks late without good cause, and will, therefore, be denied.

and (4) the applicants are attempting to avoid the Board's decisional processes in the Capacity Reduction Agreement Case (Docket 22908) by tacking together a series of short term approvals of agreements affecting the markets involved in that case on fuel related grounds.[12]

II. Upon consideration, it is our judgment that Agreements CAB 23703–A2, 24012–A2, 24013–A2, 24328, 24329 and 24330, if made subject to certain conditions, are neither adverse to the public interest nor in violation of the Federal Aviation Act, and, accordingly, should be approved.[12a]

The fuel shortage that began in earnest in October 1973 has resulted in airline fuel supplies falling far short of the amount needed by the nation's airlines. Thus, because of the fuel shortage,[13] the passenger capacity operated by the trunks decreased by four percent between first quarter 1972 and 1974 (from 51 billion available seat miles to 49 billion ASM's [14]), notwithstanding that 1974 demand was 12 percent higher than in 1972. While it appears that fuel supplies available to the airlines will increase in the months ahead,[15] we continue to be of the view [16] that the probabilities are that the increase will not be substantial enough to match demand.[17] Even the parties opposing the proposed agreements make no claim that jet fuel supplies will be sufficient to meet the carriers' needs. Indeed, the Department of Transportation acknowledges that jet fuel is "clearly in short supply and may continue in short supply." We recognize that there can be no certainty about the future—and in current circumstances that is particularly true about fuel supplies. But in our view it would be irresponsible to premise a decision herein on the speculation that the jet fuel available to the nation's air carriers will be sufficient for their needs in the months ahead. The fact of the matter is that there is a fuel shortage now. Moreover as we discuss further on page 7, below, we can promptly end our approval of the agreements before us should it come to pass that jet fuel supplies increase so substantially that all demands for it are met. Finally, rejection of the applications based on a possibility that the fuel shortage may disappear would deprive the public of the important advantages flowing from these agreements if it turned out (as we think will be the case) that the fuel shortage is not yet behind us.

In Order 73–10–110 we expressed our view that because of the nature of airline economics, unilateral action by airline managements probably would not result in the most appropriate apportionment of service among the nation's markets in the circumstances of a fuel shortage, and that in such circumstances capacity agreements enable the Board to perform the role of impartial arbitrator on matters pertaining to, inter alia, the competing needs of communities for airline service. We adhere to that view, especially with respect to the agreements here before us.

To begin with, many of the markets that are the subject of the agreements before us are precisely the kinds of markets that, because of airline economics, would tend to have more service than the public interest warrants—particularly in a fuel shortage situation.[18] The agreements, by raising the load factors to reasonable levels, thus will serve to foster a better allocation of scarce fuel resources.[19] Concomitantly, disapproval of the agreements would all too likely result in the applicants adding capacity in these markets to an extent out of keeping with the circumstances of the fuel shortage. Secondly, as touched on above, our power to condition the agreements at any time during their existence enables the Board to serve as a readily available forum in which capacity and scheduling problems encountered by the communities, shippers and travelers served by the applicants can be dealt with.

As we have stated previously, capacity agreements are anticompetitive, and we necessarily bear this consideration in mind when evaluating whether any such agreement is in the public interest.[20] However, as we have also previously discussed, we believe that the weight to be accorded this consideration necessarily varies depending upon the impact it is likely to have on the public.

In this regard, in Order 73–7–147 we examined the impact of capacity reduction agreements between the present applicants in the transcontinental markets on the incentive of each carrier to gain traffic at the expense of its fellow agreement members and on noncapacity forms of competition. Our decision in that proceeding to grant interim approval of the capacity agreement there before us was based on a finding that the form of that agreement was not such that it would lessen carrier marketing efforts, and that during the existence of earlier capacity agreements in the transcontinental markets, noncapacity forms of competition between the agreement carriers had continued unabated. By way of example, we pointed to low fares instituted in the transcontinental markets by the agreement carriers during the course of those earlier capacity agreements.

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[12] Delta Air Lines requests that any approval be conditioned to include the appropriate reporting requirements previously imposed by the Board in similar circumstances. As discussed below, the conditions we are imposing comport with Delta's request.

[12a] By their terms, Agreements CAB 23703–A1, 24010–A2, 24011–A1, 24012–A1 and 24013–A1 expired on June 14, 1974, and they will, therefore, be dismissed as moot.

[13] In the first quarter of 1974 none of the applicants received as much as 90 percent of the amount of fuel they used in 1972. And at some of the major cities affected by the proposed agreements the shortages were considerably worse than that.

[14] The airlines were able to hold the decrease in available seat miles to 4 percent notwithstanding much greater decreases in fuel supplies due to the use of more fuel efficient aircraft and fuel saving operational measures. See, e.g., Appendix B, infra.

[15] In large part because of the lifting of the Arab oil embargo: see, e.g., Order 74–4–149 at 3–4; c.f. 39 Fed. Reg. 15959–15981 (amendments to FEO's Mandatory Petroleum Allocation Regulations). The amendments provide a system for allocating increased fuel supplies, but will not themselves increase fuel for the airlines; and nothing in the amendments or in FEO's discussion of them suggests that airline fuel supplies will in fact be increased appreciably.

[16] See, e.g., Order 74–5–18 at n. 9; Remanded Atlanta-Detroit/Cleveland/Cincinnati Investigation, Order 74–5–18, at 2–3 and n. 5.

[17] Assuming that absent a fuel shortage the carriers would offer sufficient capacity to carry available traffic at a 55 percent load factor (see Order 74–3–81), in the period July–December 1974 the certificated carriers would need in the neighborhood of 25 percent more fuel per month than they have been getting during the first three months of 1974 for domestic service (even after adjustment for seasonal variations). No knowledgeable official is predicting that the fuel available to airlines will increase in anything like that amount.

[18] All of the markets at issue are highly competitive. Moreover, many are long-haul markets, and, as discussed in the Board's Fare Structure decision, the fares in those markets are such that they encourage operations at lower than average load factors. The problem is that at present fare "taper" does not decline (as lengths of haul increase) as fast as airline costs-per-mile do: see Order 74–3–82. In the Fare Structure Case the Board ordered the carriers to adopt fares more closely in line with costs, whatever the length of haul. Thus fares in the agreement markets will change in September (in general decreasing relative to short-haul fares): See Order 74–5–13. However even after the fare structure changes are made, for reasons discussed in the Fare Structure Case, the fare structure-cost structure relationship will continue to be such as to result in long-haul flights operating at lower than average load factors. (Of course, it should be stressed that the Fare Structure Case is pending before the Board on petitions for reconsideration.) Insofar as changing fares immediately and in amount sufficient to deal with these overcapacity problems, that simply would not work. See Order 73–7–147 at p. 10 and Order 74–5–13.

[19] The applicants claim, and we concur, that the agreements will result in average load factors of about 60 percent in various agreement markets combined, for the period June 15–September 14; and average load factors somewhat above 50 percent in the off-peak period of September 14–December 14. Average load factors for particular markets are likely to range (again we are in accord with the applicant's estimates) between about 40 percent (off-peak Boston-Los Angeles) to nearly 70 percent (during the June–September peak period in Philadelphia-Los Angeles). As indicated above, we consider such capacity levels reasonable ones, taking into account the kinds of equipment appropriate for various markets, frequency levels, and our expectation that by the autumn of 1974 fuel supplies should be substantially greater than they are at present although—as mentioned earlier—still insufficient to meet all demands. In addition, it should be noted that, as anticipated in Order 73–10–110, capacity reductions by the agreement carriers in their thin, monopoly markets have been quite minimal.

[20] See in this regard Order 73–7–147, at p. 11.

Notwithstanding this earlier analysis, none of the parties have shown that the capacity agreements that preceded the agreements we are now considering had an untoward impact on noncapacity forms of service, or on rates and fares, or, indeed, on any form of noncapacity competition. And our study, based on information presently available, of the applicants' behavior in the agreement markets during the course of the recently expired agreements is wholly in line with our finding in Order 73–7–147 on this matter. (See, for example, Orders 73–8–108 and 74–3–100, discussing low cost fare proposals in a number of the agreement markets.)[21] In this same vein, we are unaware of any reason why the effect on competition of the agreements here at issue should be different than under the now-expired agreements.

Similarly, there has been no showing that the proposed agreements will have any untoward impact on competition between any of the applicants and other airlines, or on the health of other airlines.

Braniff and Northwest, in particular, argue that the agreements will result in the applicants' having extra fuel resources that they can use in competitive efforts against other airlines,[22] to the consequent injury of Braniff and Northwest, and that this impact warrants disapproval of the proposed agreements. We disagree, on several counts.

As discussed earlier, and as all parties agree, fuel supplies have increased (compared to the extreme shortages of this past autumn and winter). The capacity increases of American and United, of which Braniff and Northwest complain, are attributable in large part, if not wholly, to those increased fuel supplies. Braniff, however, complains that American's capacity increases in the noncapacity agreement markets to which it refers are much greater than in the capacity agreement markets. But this disparity would be significant only if the applicants' capacity additions in nonagreement markets were not in keeping with reasonable economic decisions on the part of the carriers' managements. In this light, in the markets referred to by Braniff and Northwest, we examined load-factor data, past and proposed frequencies and capacity, traffic growth in the markets, seasonal market fluctuations, and other relevant data. As we read such data, it is apparent that the capacity additions of American and United of which Northwest and Braniff complain are entirely reasonable ones, and ones dictated by traffic and economic criteria. By way of example, in the long-haul New York-Dallas/Fort Worth market (1,382 miles), American's load factors have been running above 60%, which is considerably higher than its load factors in several agreement markets. Thus, load-factor considerations alone are a strong indication that American would add capacity in that market (in order to maximize revenues and profits) whatever action we might take on the agreements now before us. Further, there has been no showing that the agreements will push load factors in the agreement markets up to an unreasonable level, thereby freeing unwarranted amounts of fuel in nonagreement markets. To the contrary, we consider the anticipated load-factor levels in the agreement markets to be appropriate ones, as discussed earlier. Last, neither Braniff nor Northwest is in such dire financial shape that, notwithstanding the fact that all other public interest consideration point toward approval of the agreement, protection from the agreement carriers' reasonable marketing efforts is warranted. Rather, both Braniff and Northwest are highly profitable carriers, well able to compete vigorously with all comers.[23]

[23] See the following table:

	Braniff		Northwest	
	Net profit (before taxes)	Net worth	Net profit (before taxes)	Net worth
1974	$34,800,000	$136,400,000	$72,500,000	$546,500,000
1973	23,400,000	112,600,000	15,800,000	498,400,000
1972	18,800,000	94,300,000	43,500,000	484,400,000

Similar considerations apply in respect to the markets to which a recent Continental pleading refers—El Paso-Dallas, Chicago-Denver, Denver-Los Angeles, and Chicago-Los Angeles.[24] (Continental's pleading is in the form of a "complaint," in Docket 26723.) While Continental does not urge disapproval of the agreements before us, the allegations it makes are relevant to the issue of whether these agreements should be approved. Accordingly we have reviewed available data regarding Continental's complaint, and have concluded that the complained of actions provide no basis for disapproving the agreements before us. Thus in three of the markets the applicants' load factors would almost surely go to very high levels with the arrival of the summer months were such capacity additions not made: See Appendix C, infra. In the fourth market, Chicago-Los Angeles, the capacity addition is a routine peak season one in keeping with a now-terminated agreement between Continental and United. In sum, as in the case of the markets about which Braniff and Northwest complain, the applicants' actions referred to by Continental are wholly explicable in terms of normal, conservative, and appropriate managerial actions, and show no signs of predatory intent or other unlawful behavior.

III. As we have indicated above, we have concluded that while the agreements will result in the operation of less capacity than would otherwise be offered in the agreement markets, the levels that will result from the agreements will be reasonable ones in the circumstances of a fuel shortage.[25] We also note that with respect to the frequency of service being offered in the agreement markets, the carriers have separated their schedules to include both a morning and afternoon or evening departure in those markets where at least two nonstop round-trip frequencies are operated daily. (In Hartford-Los Angeles and San Diego-Washington, where only one daily nonstop round-trip frequency is offered, the agreement carriers have continued to provide single plane one-stop service during other periods of the day.)[26]

The Las Vegas and Cincinnati parties argue, however, that capacity agreements have in the past unduly limited service to those cities. We appreciate the concern of those cities,[27] and we believe that the imposition of a condition to our approval is warranted to assure that even in peak periods, and even if traffic increases faster than we or the applicants anticipate, load factors do not climb too high in any agreement market. Accordingly we have determined to condition our approval of the agreements herein so that the agreement carriers will have to add capacity as necessary (either through extra sections, schedule increases, or otherwise) in order to assure that nonstop load factors within any two month period in any agreement market average no more than 72 percent.[28]

[21] A comprehensive analysis of the impact on competition of capacity agreements is being undertaken in Docket 22908, and, of course, we express no views on the conclusions we may come to in that proceeding based on the evidence developed there.

[22] We note that the general issue of the impact capacity agreements have on competition between agreement carriers, on the one hand, and nonagreement carriers, on the other, is squarely at issue in Docket 22908.

[24] Continental also refers to actions by Frontier Airlines that are not directly relevant to this proceeding.

[25] Nonetheless we stand ready to require any of the applicants to alter its service if it should appear in light of future circumstances that the capacity it is offering in any agreement market is unreasonably limited relative to the capacity being operated elsewhere.

[26] The Board will monitor service (nonstop and otherwise) in the agreement markets to assure that a reasonable pattern of service continues.

[27] However, it would not appear from the proposed service to be offered by the applicants or from recent load-factor figures reported by the carriers in their service segment data reports that service in the agreement markets involving those cities is likely to be insufficient.

[28] The 72 percent load-factor figure is in line with our earlier stated guideline that capacity reduction agreements should not lead to capacity cutbacks "in markets experiencing load factors of 72 percent or more." Order 73–11–50 at 4. We are utilizing a running two-month average because of our concern that requiring that average load factors be based on a shorter period—say one month—would be too likely to unduly waste capacity if the applicants were forced to greatly increase capacity in the last days of a month due to a traffic surge in the latter part of the month.

Chicago asks that the Board (1) set the projected seasonal load factors in the Chicago-New York market (67 and 59 percent) and the Chicago-Philadelphia market (60 and 54 percent) as maximums for the prime-time commuting flights; (2) require the carriers to provide the affected communities with the monthly load-factor and flight data customarily required by the Board in similar circumstances; and (3) disapprove the condition attached to Agreement CAB 24010–A1, affecting the New York-Chicago market whereby United would be permitted to add a flight btween O'Hare and LaGuardia in exchange for the continued deletion of its daily service between Midway and LaGuardia.

We are imposing the reporting conditions requested by Chicago. In view of the fact that Agreement CAB 24010–A1 has expired and is, therefore, being dismissed herein, we need not deal with Chicago's request that the condition attached to that agreement affecting the New York-Chicago market be disapproved.

We have determined not to adopt the proposal that approval of the agreements be conditioned on average load factors in prime-time flights in the Chicago-New York and Chicago-Philadelphia markets being kept no higher than 67 and 60 percent, respectively. The imposition of this condition could result in the bunching together of most of the carriers' allotted capacity (and hence most of their schedules) during the prime commuting hours in order to operate within these maximum load factors. This in turn would result in a gap of service during noncommuter hours. Action of this nature would be inconsistent with the Board's goal of having the carriers maintain a reasonable span of schedules throughout the day, particularly in a major connecting hub such as Chicago. And while we could further condition our approvals to require good schedule spreads along with the condition covering peak-time load factors, that would result in unduly high levels of capacity being operated in the two markets, to the disadvantage of other communities depending on air service from the agreement carriers.[29]

IV. We turn now to the relationship between the agreements before us and the Capacity Reduction Agreements Case (Docket 22908). The four transcontinental markets are covered by Agreements CAB 23703–A1 and A2. Various parties complain that the applicants' efforts to obtain approval of these capacity limitation agreements on fuel grounds in Docket 25990 amount to an unwarranted short-circuiting of the Board's decisional processes in Docket 22908 (in which the Board is considering a capacity reduction agreement covering the same four transcontinental markets).

As discussed earlier, the terms of agreements here before us concerning the transcontinental markets are much the same as those under consideration in Docket 22908. In addition, the underlying goals of the agreements at issue in Docket 22908 and those under consideration here are alike: improving the efficiency of the air transport system and the service that that system can provide to the public. Nonetheless, the considerations relevant to the public interest in proposed capacity reduction agreements are plainly different in the circumstances of a fuel shortage than in times when a major matter of concern is the operation by airlines of excessive amounts of service (as was the case when the Board last passed upon an agreement covering the transcontinental markets): Compare Order 73–10–110 with Order 73–7–147. Thus, because there is a fuel shortage now, we think that the applicants were correct in asking us to consider their proposed agreement as means of ameliorating the effects of that shortage.

Notwithstanding the above, we are concerned that our approval of the applications herein, coupled with the lapse, on March 15, 1974, of the Board's interim approval of the transcontinental markets agreement in Docket 22908, could prove potentially disruptive to the ongoing Capacity Reduction Agreements Case. The Board noted in Order 74–2–38 (February 12, 1974), with respect to approval of a fuel-related capacity agreement in the New York/Newark-San Juan market, that "we do not intend by our approval herein to limit in any way the issues presently being considered in that case" (p. 5, fn. 11). As in Order 74–2–38, our approval of the transcontinental fuel agreement (based on different and considerably narrower grounds than the questions at issue in the pending investigation in Docket 22908) is not intended to vitiate the need for an overall economic evaluation of capacity reduction agreements in a nonfuel shortage context. Although interim Board approval of the agreements in Docket 22908 has been allowed to lapse, we fully intend to pursue that investigation, pursuant to our general investigatory powers.

V. One issue the Board has necessarily considered with care is whether a hearing should be ordered on the agreements here before us. We have determined not to order such a hearing. First, a hearing is already being held on many of the issues raised by the pending application: See Order 73–7–147, and the Prehearing Conference Report of Administrative Law Judge Seaver in Docket 22908.

Second, we do not foresee the fuel shortage continuing over the long term, and our approvals of capacity agreements on fuel shortage grounds will, of course, end upon conclusion of the fuel shortage, as discussed below.

Third, numerous capacity agreements based on the fuel shortage have been approved by the Board, and millions of passengers have traveled in markets covered by the capacity agreements. As a consequence, there are already massive amounts of data available about the workings of the agreements, based both on special reports the Board has required the agreement carriers to file and on data filed pursuant to normal Board requirements. In this regard, the presently proposed agreements are much the same as their predecessors. As we view the data that portray the workings of those predecessors, and in light of their similarities with the agreements before us now, we can only conclude that not only do the agreements appear to serve important transportation needs, but, given the existence of the hearing in Docket 22908, that a hearing on them would serve no useful purpose.

Finally, we can terminate our approval of the agreements at any time should it develop that the agreements are having an adverse effect to the public interest.

We have also considered the likely environmental impact of the agreements, and conclude that this is not a major federal action that may have a substantial impact on the quality of the human environment. This is not the kind of case that would ordinarily trigger our environmental action procedures, whether under our existing rules (14 CFR 399.110), or under our proposed rules (PDR–36, EDR–269, PSDR–40, May 15, 1974). Moreover, in the order in which we previously approved capacity reduction agreements in 19 of the markets that would be covered by the proposed agreements in this proceeding, we concluded that "it does not appear that our action * * * will significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act." We noted there that total levels of service would not be affected by the agreements, "and it does not appear from the information available to us now, that the changes in the nature of the service cutbacks resulting from the agreements * * * will substantially affect the environment."[30] None of the environmentally concerned agencies, to whom that order was sent, took issue with that finding, and no party to the present proceeding claims that our action here triggers the requirements of the National Environmental Policy Act.

In order to effectively monitor the continuation of these agreements for the extended period, jurisdiction will be

[29] The proposed agreements, like their predecessors, contain the following provision: "In the event of a cessation or curtailment of service by any party resulting from a labor dispute or other cause beyond the control of that party, the limits set forth in this Agreement shall be suspended during the period of such cessation or curtailment." The Allied Pilots Association (APA) argues that, because of that clause, Board approval of the agreements would add the Board's "imprint of sanctity to the carriers' action in any labor dispute regardless of whether that dispute has been precipitated by the carriers' intransigence, bad faith, or outright violation of the law." We disagree, in large part because we do not read the provision the same way APA does. As we understand it, the provision does not suggest that all labor disputes are beyond a carrier's control or that only labor disputes beyond a carrier's control will trigger the provision. Rather, any stoppage due to labor disputes, whether or not beyond the control of a carrier, will free the other carrier or carriers from the restraints of the capacity agreement. We think such a provision is plainly in the public interest.

[30] For similar reasons, we have determined that it would not be in the public interest to impose labor protective conditions: See Order 73–12–32.

retained, pursuant to section 412 of the Act, for the purpose of amending, modifying or revoking our approval at any future time. Additionally, we shall require the parties to submit the monthly load factor, ASM and schedule change reports in all markets affected by the agreements. If these reports or other information coming to the attention of the Board indicate that the carriers are misallocating fuel supplies or that for other reasons the agreements may be working to the detriment of the public interest, the Board will exercise its discretionary powers of review under section 412(b) of the Act.[30a]

In sum, we conclude that in the circumstances of the ongoing fuel shortage, the capacity reduction agreements here before us will, if conditioned in the manner we have provided, fulfill an important transportation need by helping assure a more appropriate allocation of limited airline service. However, because our approval of these agreements hinges on the benefits of capacity reduction agreements in the circumstances of a fuel shortage, we will terminate the approval granted herein upon a showing at any time during the life of these agreements by any interested person, or upon a Board determination sua sponte, that the applicants are able to obtain fuel in quantities sufficient to meet the public's demand for air transportation.[31]

Accordingly, it is ordered, That:

1. Pending final Board decision in the Capacity Reduction Agreements Investigation, Agreements CAB 23703–A2, 24012–A2, 24013–A2, 24328, 24329 and 24330, be and they hereby are approved subject to the following conditions:

a. Within 15 days after the end of each calendar month each applicant shall submit to the Board's Docket Section three copies of a report in the form required by Order 72–4–63, stating for each total market affected by the agreements (including satellite airports in each market) [32] and for each flight flown therein (including extra sections), by flight number, departure time and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to that report, each applicant shall report the number of times an aircraft being operated in any of the agreement markets departed with 95 percent or more of its seats filled; [33]

b. A copy of such reports shall be served upon each airport operator in the cities which are the subject of the report;

c. Within 28 days after service of this order, each carrier shall file with the Board's Docket Section, and shall provide to each carrier requesting one, a report containing the following additional data. For each market:

(1) Seats operated in 1973 (April through December);

(2) 1973/1974 fuel use by month for the system of each carrier.

(3) 1973/1974 fuel use by month in each agreement market.

(4) Passengers carried in 1974 to date;

d. Within 15 days after the end of each month each carrier shall file a report with the Board's Docket Section stating, on a systemwide basis, average seats miles operated per gallon of fuel used, by type of equipment;

e. Each carrier shall maintain records, subject to inspection by the Board, or by such other persons as the Board may authorize, the fuel used each month by the carrier, throughout its system, on a city-pair and flight-by-flight basis (including charter operations);

f. Any schedule changes resulting pursuant to the agreements approved herein shall be reported to the Board within 15 days after the end of each month in accordance with the format in Appendix D. Copies of such reports shall be provided to all carriers and interested civic parties requesting them;

g. Schedule deletions resulting pursuant to the agreements herein approved which occur at any of the controlled high-density airports,[34] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72–11–72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the Airline Scheduling Committee, *provided, however,* That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus three hours of the flight to be reinstated;[35] and

h. The agreement carriers shall add capacity in each agreement market, if and when necessary, so that maximum load factors shall not average more than 72 percent over any two-month period in any agreement market;

2. Agreements CAB 23703–A1, 24010–A1, 24011–A1, 24012–A1 and 24013–A1 be and they hereby are dismissed;

3. No application for extension of the agreements approved herein will be entertained unless filed on or before October 30, 1974, and such application shall include a justification based specifically on the summer operations pursuant to the agreements, focusing, inter alia, on the data included in the reports being filed in this docket;

4. Jurisdiction shall be retained in order to modify, amend or revoke our approval at any time, or take whatever other action may be deemed appropriate in the public interest, without a hearing;

5. Copies of this order shall be served on the Departments of Justice and Transportation, the U.S. Postal Service, ALPA, APA, the City of Chicago, the Las Vegas and Cincinnati Parties, and all certificated route and supplemental air carriers; and

6. Except to the extent granted herein, all outstanding requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[36]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–17256 Filed 7–26–74;8:45 am]

[Docket No. 25990; Agreement 24108–A1, 24124–A1; Order 74–7–106]

EASTERN AIR LINES, INC., ET AL.

Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July, 1974.

Joint application of Eastern Air Lines, Inc. and Pan American World Airways, Inc. (Docket 25990, Agreement CAB 24108–A1), for approval of a capacity reduction agreement in the Miami-San Juan/St. Thomas/St. Croix markets to implement the fuel allocation program.

Joint application of American Airlines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc. (Docket 25990, Agreement CAB 24124–A1), for

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[30a] In Order 73–10–110 (p. 6), the Board indicated that it wanted the agreement carriers to take "all practicable steps to use their allocated fuel as efficiently as the fuel shortage warrants." As indicated in Appendix B, each of the agreement carriers has generally operated a greater number of systemwide available seat miles (ASM's) per gallon of fuel during each succeeding month of the agreements.

[31] Northwest asks that we condition our approvals so that they would terminate: "if any of the agreeing carriers increases the number of block hours scheduled on its system from the number shown in the general schedule for the date on which the agreement is implemented."

We have determined not to adopt the condition. As indicated earlier, airline fuel supplies are not now sufficient to meet demand, and we do not consider that it would be in the public interest to limit the applicants' additions to their capacity as further fuel supplies become available. Northwest also asks that we specify that our approvals herein terminate with "the end of the aviation fuel crisis." We shall not adopt that condition. However, as indicated above, it is our expectation that we will terminate our approvals upon a determination that fuel supplies are sufficient for the airlines to be able to operate service at a level sufficient to meet the public's demand for air transportation. Termination of the fuel shortage and of our approvals in Docket 25590 might raise the issue of whether any of the agreements should be approved on the grounds discussed in Order 73–7–147, pending completion of the Capacity Reduction Agreements Case. We need not, and do not, here reach that issue.

[32] For purposes of uniformity, with respect to the transcontinental markets, the carriers shall continue submitting these monthly reports in Docket 22908.

[33] For purposes of the 95 percent reports, the applicants shall take into account both revenue and positive space nonrevenue passengers. Such reports shall include flight numbers.

[34] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport and LaGuardia Airport. See Order 72–11–72.

[35] See, Order 73–12–32 (December 7, 1973) at p. 7.

[36] Minetti and West, members, filed dissenting statement, which, with appendices A–C, is filed as part of the original document.

approval of a capacity reduction agreement in the New York/Newark-San Juan market to implement the fuel allocation program.

Pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), two capacity reduction agreements have been filed with the Board for prior approval. The first of these agreements (CAB 24108–A1) was negotiated by Eastern Air Lines, Inc. (Eastern) and Pan American World Airways, Inc. (Pan American), and it establishes maximum schedule frequency levels for service between Miami, Florida, on the one hand, and San Juan, Puerto Rico, and St. Thomas and St. Croix, Virgin Islands, on the other. The second agreement (CAB 24124–A1) was negotiated by American Airlines, Inc. (American), Eastern and Pan American ("the applicants"), and it establishes maximum capacity levels for service between New York/Newark and San Juan, Puerto Rico. Both agreements were reached pursuant to the discussion authorization granted in Order 73–10–50 (October 12, 1973), as amended by Orders 73–10–79 (October 19, 1973) and 73–11–50 (November 13, 1973).

Answers in opposition to Board approval of these agreements have been filed by the Commonwealth of Puerto Rico and the Air Line Pilots Association, International (ALPA).[1]

By Order 74–2–5, February 1, 1974, the Board approved an agreement among Eastern and Pan American affecting service in the Miami-San Juan/St. Thomas/St. Croix markets. That agreement terminated by its own terms on April 28, 1974. The agreement under consideration herein (CAB 24108–A1) affecting these same markets is to be effective until December 14, 1974 and provides for different maximum frequency levels for the peak period ending September 3 and for the off-peak period of September 4 to December 14.[2] In all other respects, the previous agreement and the one here under consideration are identical.[3]

The New York/Newark-San Juan market has also been the subject of a fuel-related capacity reduction agreement: See Order 74–2–38. The agreement covered by this application provides for capacity limitations for the period June 15 to December 14, 1974, subject to prior Board approval. The starting point for determining the maximum capacity levels for the agreement now before the Board is the level of "Equivalent Frequencies" for the scheduled periods of June 15 to September 9, 1974 and September 10 to December 14, 1974, as established in a May 9, 1973 agreement between the applicants which was granted interim approval by the Board in Order 73–8–59.[4] In response to an actual traffic decrease of 5.7 percent in 1973 (as compared to 1972 levels) and the expectation of a continued downward trend in 1974, the applicants have reduced by 10 percent the maximum capacity limitations established for the subject periods in the May 9, 1973 agreement. As a result, the maximum weekly equivalent frequency level is now set at 223.2 for the June 15 to September 9, 1974 period and 147.6 for the September 10 to December 14, 1974 period.[5] Each applicant's share of this total is divided into the following proportions: American—35 percent, Eastern—37 percent and Pan American—28 percent. Additionally, it has been agreed that American and Eastern will limit their scheduled capacity at Kennedy Airport as long as runway construction/resurfacing or facilities expansion programs at Newark Airport do not significantly limit the operation of aircraft at that airport.

As in previously approved agreements, the parties to both agreements may operate extra sections for operational reasons or unusual demand, but such extra sections can not be published, advertised or otherwise held out to the public. The applicants have also agreed that to meet unusual operational requirements the substitution of larger aircraft for smaller aircraft will be permitted on an irregular and infrequent basis.[6]

In support of approval of these agreements, the applicants state, inter alia, that the agreements are similar to those previously approved by the Board in Orders 74–2–5 and 74–2–38; that the fuel shortage is still a significant problem despite the lifting of the oil embargo, particularly with respect to the supply of bonded fuel available at San Juan; that the Federal Energy Office (FEO) has recognized the problem of aviation fuel availability by maintaining the 95 percent of 1972 base period allocation level with a provision for increased allocations depending on future availability;[7] and that approval of these agreements until December 14, 1974 will result in significant fuel savings in the agreement markets,[8] enabling the carriers to properly apportion their limited fuel supplies throughout their systems with the least amount of inconvenience to the traveling public.[9]

Puerto Rico's answer in opposition to the agreements generally reiterates its comments of December 27, 1973, and January 4, 1974, with respect to Agreements CAB 24108 and 24124, respectively, alleging that (1) the reduction of capacity will have an "immediate and devastating" effect on Puerto Rico's economy, (2) the fuel situation is no longer at a critical stage justifying approval of the extensions requested herein, and (3) New York/Newark and Miami are Puerto Rico's major gateway cities on the mainland, which, if subjected to a capacity reduction agreement, will result in substantial decreases in the level of traffic to the island. Moreover, Puerto Rico argues that capacity restraints should not be imposed on multiple markets, such as Miami-San Juan/St. Thomas/St. Croix, without a breakdown as to the traffic characteristics of each market involved.

ALPA urges disapproval of the agreements on the grounds that the carriers have not (1) satisfied the burden of proving a need for an extension of these agreements, (2) cooperated in the development of the Capacity Reduction Agreements Investigation (Docket 22908), or (3) justified an extension of the present agreements pending conclusion of the evidentiary hearing. Furthermore, ALPA requests that any approval be conditioned on the imposition of appropriate labor protective conditions.[10]

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[1] Delta Air Lines, Inc., which also filed an answer, does not oppose the agreements in light of the fuel shortage problems, but requests that previously imposed reporting conditions be continued and that the applicants be required to continue to fully participate in the Docket 22908 proceedings (Capacity Reduction Agreements Investigation).

[2] The carriers will continue to maintain the present level of weekly roundtrip frequencies (30 for Eastern and 28 for Pan American) until September 3, and will reduce the maximum frequency levels to 29 for Eastern and 21 for Pan American during the off-peak September 4 to December 14 period.

[3] For details of the agreement's provisions, see Order 74–2–5 at p. 2.

[4] Interim approval of the May 9, 1973 agreement was granted for a six-month period (until April 1, 1974) or until final decision in the Capacity Reduction Agreements Investigation, which is exploring the general policy implications arising from the economic, fuel and other impacts of such capacity reduction agreements.

[5] For purposes of reaching these levels, certain weightings have been agreed upon based on both equipment type and differences in seating capacity within each wide-bodied equipment type (i.e., B–747) with 352 to 365 seats equals an equivalency factor of 2.6; 366 to 379 seats equals 2.65.

[6] In the New York/Newark-San Juan market, except for the period June 15 to July 14, 1974, actual seats operated as a result of aircraft substitutions, excluding extra sections, may not exceed maximum scheduled capacity levels by more than 1% during any calendar month. In order to meet passenger demand during the June 15 to July 14, 1974, peak period, the parties may substitute equipment on an unrestricted basis as long as such substitutions are not published, advertised or held out to the public.

[7] See, 39 FR 15959.

[8] The applicants estimate the fuel savings will range from 155,000 to 232,000 gallons weekly in the New York/Newark-San Juan market (depending on the extent of reduction from the May 9, 1973, agreement), and from 39,000 to 136,000 gallons weekly in the Miami-San Juan/St. Thomas/St. Croix markets (as compared to 1973 levels of service).

[9] In the Miami-San Juan/St. Thomas/St. Croix markets, Eastern and Pan American forecast monthly load factors ranging from 49.8% to 71.0% until September 3, 1974, and 55.7% to 59.3% for the September 4 to December 14, 1974, period. In the New York/Newark-San Juan market, the applicants estimate that the proposed capacity levels will result in load factors ranging between 51.2% and 76.0% during the peak June 15 to September 9, 1974 period, and between 52.4% and 61.5% during the off-peak September 10 to December 14, 1974 period.

[10] The applicants have filed a response to these answers which takes issue with the allegations and requests made by Puerto Rico, ALPA and Delta.

In Order 74–7–105 we discuss our judgment that the likelihood of a continuation of the current fuel shortage is high and that in such circumstances capacity limitation agreements between airlines provide an important transportation benefit by permitting better allocation of the nation's limited fuel resources.[11] These views are equally relevant to the two agreements before us here. Thus, for the reasons expressed in Order 74–7–105, and on the grounds discussed below, it is the conclusion of the Board that the proposed agreements, if made subject to certain conditions, are neither adverse to the public interest nor in violation of the Act.

In respect to the particulars of the agreements here at issue, we agree with the applicants that the agreements will result in load factors averaging about 63 percent in the New York-San Juan market and Miami-San Juan markets with peaks of about 76 percent (July, New York-San Juan) and 71 percent (July, Miami-San Juan). We do not consider such load factors to be unreasonably high, particularly in the special circumstances of the Mainland-Puerto Rico markets: see Orders 71–11–7, 72–9–13, 72–6–70 and 73–8–59.[12]

In response to the comments filed by Puerto Rico, we note that these same arguments have previously been raised by Puerto Rico and considered by the Board.[13] Concerning Puerto Rico's argument about the likely effect of the proposed agreements on traffic to Puerto Rico, we again note that the impact of capacity limitation agreements on traffic growth is specifically at issue in Docket 22908 and will be investigated fully there. In the meantime the Commonwealth has failed to show that the agreements before us may have a traffic depressant effect of such magnitude as to cause material harm to the Commonwealth and its citizens. Further, we believe that Puerto Rico unduly stresses its reliance on New York and Miami service. For, in addition to the service to those cities, Puerto Rico will continue to receive nonstop service from ten other U.S. mainland cities: Atlanta, Baltimore, Boston, Chicago, Los Angeles, New Orleans, Orlando, Philadelphia, Pittsburgh, and Washington.[14]

In Order 74–7–105 we discuss the relationship between the Capacity Reduction Agreements Case, Docket 22908, and agreements considered in Docket 25590. Those views are equally pertinent to the agreements here. We stress, however, that our approval of an extension of the New York/Newark-San Juan fuel-related agreement (based on different and considerably narrower grounds than the questions at issue in the pending investigation in Docket 22908) is not intended to vitiate the need for an overall economic evaluation of capacity reduction agreements in a nonfuel shortage context: see Order 74–2–38. Furthermore, Eastern will be required to provide the informational responses and evidence requests as set forth in the prehearing conference report and the supplement thereto. These responses, along with those provided by the continued full participation by American, Pan American, TWA and United will provide sufficient information for a thorough evaluation of capacity reduction agreements.[15]

In order to effectively monitor the continuation of these agreements for the extended period, jurisdiction will be retained, pursuant to section 412 of the Act, for the purpose of amending, modifying or revoking our approval at any future time. Additionally, we shall require the parties to submit the monthly load factor, ASM and schedule change reports in all markets affected by the agreements. If these reports or other information coming to the attention of the Board indicate that the carriers are misallocating fuel supplies or that for other reasons the agreements may be working to the detriment of the public interest, the Board will exercise its discretionary powers of review under section 412(b) of the Act.[16]

In sum, we conclude that in the circumstances of the ongoing fuel shortage, the capacity reduction agreements here before us will, if conditioned in the manner we have provided, fulfill an important transportation need by helping assure a more appropriate allocation of limited airline service. However, because our approval of these agreements hinges on the benefits of capacity reduction agreements in the circumstances of a fuel shortage, we will terminate the approval granted herein upon a showing at any time during the life of these agreements by any interested person, or upon a Board determination, sua sponte, that the applicants are able to obtain fuel at reasonable prices in quantities sufficient to meet the public's demand for air transportation.

Accordingly, it is ordered That:

1. Pending final Board decision in the Capacity Reduction Agreements Investigation, Agreements CAB 24108–A1 and 24124–A1, be and they hereby are approved subject to the following conditions:

a. Within 15 days after the end of each calendar month each applicant shall submit to the Board's Docket Section three copies of a report in the form required by Order 72–4–63, stating for each total market affected by the agreements[17] and for each flight flown therein (including extra sections), by flight number, departure time and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to that report, each applicant shall report the number of times an aircraft being operated in any of the agreement markets departed with 95 percent or more of its seats filled;[18]

b. Any schedule changes resulting pursuant to the agreements approved herein shall be reported to the Board within 15 days after the end of each month in accordance with the format in Appendix A. Copies of such reports shall be provided to all carriers and interested civic parties requesting them;

c. Schedule deletions resulting pursuant to the agreements herein approved which occur at any of the controlled high-density airports,[19] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72–11–72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the Airline Scheduling Committee, *provided, however,* That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus three hours of the flight to be reinstated;[20]

d. Within 15 days after the end of each month each carrier shall file a report with the Board's Docket Section stating, on a systemwide basis, average seat miles operated per gallon of fuel used, by type of equipment; copies of

[11] See Order 74–7–105 pages 4–6.

[12] If it should appear as a result of changed circumstances that the agreement markets are being subjected to unreasonable capacity limitations in comparison to nonagreement markets, the Board is in the position to further condition the approval granted herein to insure a reasonable level of service. Additionally, the Board will monitor the effects of these agreements, pursuant to the continued imposition of the reporting requirements (as requested by Delta), to assure that a reasonable pattern of service continues. Furthermore, we will condition our approval herein by requiring that any applications for extension of the agreements approved herein be filed by October 30, 1974, and include a justification based specifically on the summer operations focusing on the data being included in the reports filed in this docket and on reports related to future fuel supplies and availability.

[13] See Orders 74–2–5 and 74–2–38.

[14] In addition, Puerto Rico is tied by through-plane flights to Buffalo, Cleveland, Hartford, Omaha, St. Louis, San Francisco, Portland, and Seattle, none of which operate via either New York or Miami.

[15] To the extent this requirement does not comport with Delta's request, the request will be denied.

[16] For reasons detailed at length in Order 73–12–32, which are equally applicable herein, we are not able to conclude, as ALPA requests, that the public interest requires the imposition of any labor protective conditions.

[17] For purposes of data-gathering uniformity, with respect to the New York/Newark-San Juan market, the carriers shall continue submitting these monthly reports in Docket 22908.

[18] For purposes of the 95 percent reports the applicants shall take into account both revenue and positive space nonrevenue passengers. Such reports shall include flight numbers.

[19] With respect to the agreements approved herein, airport scheduling agreements affect John F. Kennedy International Airport.

[20] See, Order 73–12–32 (December 7, 1973) at p. 8.

this report shall be provided to all carriers requesting it; and

e. Within 28 days after service of the order, each carrier shall file with the Board's Docket Section, and shall provide to each carrier requesting one, a report containing the following additional data. For each market:

(1) Seats operated in 1973 (May through December).

(2) 1973/1974 fuel use by month for the system of each carrier and in each agreement market.

(3) Passengers carried in 1974 to date in each market.

2. No application for extension of the agreements approved herein will be entertained unless filed on or before October 30, 1974, and such application shall include a justification based specifically on the summer operations pursuant to the agreements, focusing, inter alia, on the data included in the reports being filed in this docket, and on reports by the applicants' fuel suppliers relating to the future availability of jet fuel.

3. Jurisdiction shall be retained in order to modify, amend or revoke our approval at any time, or take whatever other action may be deemed appropriate in the public interest, without a hearing;

4. Copies of this order shall be served on the Departments of Justice and Transportation, the U.S. Postal Service, ALPA, the Commonwealth of Puerto Rico, the Port Authority of New York and New Jersey, and all certificated route and supplemental air carriers; and

5. Except to the extent granted herein, all outstanding requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[21]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-17257 Filed 7-26-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. on August 16 and reconvene at 9:00 a.m. on August 17, 1974, on the Fourth Floor of the County Municipal Building, South Bend, Indiana 46601. This session shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Indiana with special emphasis on the problems of Migrants in the State; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to problems of Migrants in the State of Indiana; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to the problems of Migrants in the State of Indiana; and to related areas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 23, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-17233 Filed 7-26-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, August 7, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal government.

The Director of the Office of Management and Budget and the Chairman of the U.S. Civil Service Commission, in carrying out their joint responsibility as President's agent under 5 U.S.C. 5305 and Executive Order 11721, have established the Federal Employees Pay Council as a forum for discussions with the representatives of Federal employee organizations of a wide variety of issues relating to the setting of pay for the Federal statutory pay systems. Public disclosure of the issues raised and positions taken in these labor-management discussions would inhibit the exchange of candid views, and would thereby severely limit the effectiveness of the Federal Employees Pay Council as a means by which Federal employee organizations can play a meaningful role in the Federal pay comparability process.

Therefore, in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, the President's agent has determined that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

JAMES N. WOODRUFF,
Acting Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-17170 Filed 7-26-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, August 14, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal government.

The Director of the Office of Management and Budget and the Chairman of the U.S. Civil Service Commission, in carrying out their joint responsibility as President's agent under 5 U.S.C. 5305 and Executive Order 11721, have established the Federal Employees Pay Council as a forum for discussions with the representatives of Federal employee organizations of a wide variety of issues relating to the setting of pay for the Federal statutory pay systems. Public disclosure of the issues raised and positions taken in these labor-management discussions would inhibit the exchange of candid views, and would thereby severely limit the effectiveness of the Federal Employees Pay Council as a means by which Federal employee organizations can play a meaningful role in the Federal pay comparability process.

Therefore, in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, the President's agent has determined that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent:

JAMES N. WOODRUFF,
Acting Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-17171 Filed 7-26-74;8:45 am]

NURSE SERIES, LONG BEACH, CALIF., AREA

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

Occupational Coverage: GS-610 Nurse Series.
Geographic Coverage: Long Beach, Calif., plus a 15-mile radius.
Effective date: First day of the first pay period beginning on or after August 4, 1974.

	PER ANNUM RATES									
Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$9,663	$9,931	$10,199	$10,467	$10,735	$11,003	$11,271	$11,539	$11,807	$12,075
GS-7	10,301	10,633	10,965	11,297	11,629	11,961	12,293	12,625	12,957	13,289

[21] Minetti and West, members, filed dissenting statement which is filed as part of the original document.

Under provisions of section 3–2b, chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

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

[FR Doc.74–17169 Filed 7–26–74;8:45 am]

CIVILIAN PERSONNEL SYSTEMS

Standardization of Data Elements

CROSS REFERENCE: For a document relating to the standardization of data elements and representations in civilian personnel systems, filed jointly by the Civil Service Commission and the Department of Commerce, see FR Doc. 74–17189, *supra*.

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRING-BATTELLE INSTITUTE

Notice of Meeting

This is to announce that on August 5, 1974, Wayne Schiffelbein, Special Assistant to Commissioner Lawrence M. Kushner, and William King, Bureau of Engineering Sciences, will meet with William Abbott of Battelle Memorial Institute to discuss the termination of aluminum conductors and their stability. The question of possible regulatory action on residential aluminum wiring is currently before the Commission. Public hearings on the subject were held in March and April, 1974.

The meeting will be held at 9:30 a.m. in the sixth floor conference room, 1750 K Street, NW., Washington, D.C. Persons wishing to attend should notify Mr. Schiffelbein, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (202) 634–7793.

Dated: July 24, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–17229 Filed 7–26–74;8:45 am]

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Notice of Meeting

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, August 20 (10:00 a.m. to 5:00 p.m.) and Wednesday, August 21 (10:00 a.m. to 1:00 p.m.) in the hearing room, 6th Floor, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. The proposed agenda includes discussion of flammability standards covering general wearing apparel and upholstery, and amendments to existing standards for children's sleepwear.

The National Advisory Committee for the Flammable Fabrics Act was established in 1968 by the Secretary of Commerce in accordance with the provisions of the Flammable Fabrics Act, Pub. L. 90–189; 15 U.S.C. 1204(a). The administration of the Flammable Fabrics Act, including the management and use of the National Advisory Committee, was transferred to the Consumer Product Safety Commission on May 14, 1973 by section 30(b) of the Consumer Product Safety Act (Pub. L. 92–573; 15 U.S.C. 2079).

The purpose of the National Advisory Committee is to provide advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

The meeting is open to the public; however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: July 23, 1974.

SAYDE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–17230 Filed 7–26–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/88]

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, SW., Washington, D.C. 20460.

On or before September 27, 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 27, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 4828–RNR. ABCO, Inc., P.O. Box J, Irwin, PA 15642. AQUANONE WATER BASE 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 File Symbol 4828–RNE. ABCO, Inc. CLASH RAPID CONTOL OF FLEAS AND TICKS ON CATS AND DOGS. Active Ingredients: Pyrethrins 0.10%; Piperonyl Butoxide, Technical 1.00%; Carbaryl (1-Naphthyl N-mathyl-carbamate 5.00%; Silica Gel 40.00%; Base Oil 4.90%, Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4828–RNN. ABCO, Inc. SCORCH INDUSTRIAL INSECTICIDE. Active ingredients: Pyrethrins 0.12%; Piperonyl Butoxide, Technical 1.20%; Petroleum Distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4828–00. ABCO, Inc. CADET FOOD PLANT FOGGING INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 94.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4828–RNG. ABCO, Inc. CONQUER CONTROL OF TICKS, FLEAS, LICE AND EARMITES ON DOGS AND CATS. Active Ingredients: Pyrethrins 1.18%; Poperonyl Butoxide, Technical 11.84%; Petroleum Distillate 72.18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4828–RNU. ABCO, Inc. AERO KILL WASP AND HORNET SPRAY. Active Ingredients: Pyrethrins 0.075%; Piperonyl Butoxide, Technical 0.188%; Carbaryl (1-Naphthyl N-Methylcarbamate) 0.500%; Petroleum Distillate 24.237%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4828–OI. ABCO, Inc. HEAD ON WATER EMULSIFIABLE INSECTICIDE CONCENTRATE. Active Ingredients: Tetramethrin 2.50%; Related Compounds 0.34%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 2.50%; Related Compounds 0.46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14651-RR. Agricultural Enterprised Inc., 933 W. 6th St., Box O, Fremont, NB 68025. AGRI-BON AQUA 50 A 50% WETTABLE POWDER WITH RABON. Active ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5481-50. AMVAC Chemical Corp., 4100 E. Washington Blvd., Los Angeles, CA 90023. ALCO CHLORDANE 73 EC. Active Ingredients: Technical Chlordane 73.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6853-RI. Bes-Tex Insecticides Co., Inc., P.O. Box 664, San Angelo, TX 76901. TUF BRAND RAT AND MOUSE BAIT. Active Ingredients: 3-(Alpha-Acetonylfurfuryl)-4-Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) interim policy.

EPA Reg. No. 239-2361. Chevron Chemical Co. 940 Hensley St., Richmond, CA 94804. ORTHO MALATHION 8 SEED PROTECTANT. Active Ingredients: Malathion 81%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8867-GO. Cleveland Chemical Co., P.O. Box 570, Cleveland, MI 38732. SUPER GE. Active Ingredients: Endrin (Hexachlorospoxyoctahydro-endo, endo-dimethanonaphthalene 17.95%; O,O-Dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl] 11.22%; phosphorodithioate 11.22%; Aromatic Petroleum Solvent 67.08%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8867-GA. Cleveland Chemical Co. DUO-KILL. Active Ingredients: O.O-Dimethyl S-[4-ozo-1,2,3-benzotriazin-3(4H)-ylmethyl[phosphorodithioate 8.0%; O,O-Dimethyl O-(p-nitrophenyl) phosphorothioate 33.0%; Xylene 37.00%; Aromatic Petroleum Distillates 17.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3647-A. Duncan Exterminating Co., P.O. Box 12292, Oklahoma City, OK 73112. DUNCAN'S INSECT SPRAY. Active Ingredients: Pyrethrins .074%; Piperonyl Butoxide Tech. .374%; Petroleum Distillate 99.552%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3647-T. Duncan Extermination Co. P.O. Box 12292, Oklahoma City, OK 73112. SQUEEZE APPLICATOR DUNCAN'S TRACKING POWDER RAT AND MOUSE DESTROYER. Active Ingredients: Calcium Salt of 2-Isovaleryl-1,3-Indandione 2.18%. Method of Support; Application proceeds under 2(c) of interim policy.

EPA File Symbol 5785-LL. Great Lakes Chemical Corp., 2001 Jefferson Davis Highway. Arlington, VA 22202. BROM-O-GAS. Active Ingredients: Methyl bromide 99.75%; Chloropicrin 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8845-EL. Kenco Chemical & Mfg. Co., Inc., P.O. Box 6246, Jacksonville, FL 32205. SUPER RID-A-BUG BRAND NP 6. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyndyl) phosphorothioate) 6.00%; 2,2-dichlorovinyl dimethyl phosphate 2.185%; and 0.165% related compounds; Aromatic petroleum Derivative Solvent 77.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 962-GTR. Los Angeles Chemical Co., 4545 Ardine St., South Gate, CA 90280. LACCO CHLORDANE 5 DUST. Active Ingredients: Technical Chlordane 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15341-E. Louisville Chemical Co., 601 E. Jefferson St., Louisville, KY 40202. CREAL-O INSECT SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methy-4-pyrimidinyl) phosphorothioate .500%; Pyrethrins .040%; Technical Piperonyl Butoxide .100%; Petroleum Distillate 99.239%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299-RIL. C. J. Martin Co., 606 West Main, Nacogdoches, TX 75961. MARTIN'S RABON 50 WETTABLE POWDER INSECTICIDE LIVESTOCK, POULTRY & PREMIS SPRAY. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5131-RG. Parkhurst Farm & Garden Supply, 301 N. White Horse Pike, Hammonton, NJ 08037. PARKHURST'S BUG BLITE OUT DUST. Active Ingredients: Manganese 0.8%; Zinc 0.1%; Ethylene bisdithiocarbamate ion 3.1%; Carbaryl (1-naphthyl N-methylcarbamate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5131-RR. Parkhurst Farm & Garden Supply, PARKHURST'S GUTHION 2% DUST. Active Ingredients: O,O-Dimethyl S (4-oxo-1,2,3-benzotriazin-3 (4H-yimethyl) phosphorodithioate 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5131-I. Parkhurst Farm & Garden Supply. PARKHURST'S ROTENONE DUST. Active Ingredients: Rotenone 1.00%; Cube Resins 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5131-RN. Parkhurst Farm & Garden Supply. PARKHURST'S PYRETHRUM DUST. Active Ingredients: Pyrethrins 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 655-483. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York, NY 10001. PRENTOX DIAZINON DDVP CONCENTRATE. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.0%; 2,2-Dichlorovinyl dimethyl phosphate 25.0%; Related Compounds 1.9%; Petroleum Distillates 42.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509-RNU. Safeway Farm Products Co., P.O. Box 6309, Austin, TX 78762. SAFEWAY BRAND CHLORDANE 40% WETTABLE POWDER. Active Ingredients: Technical Chlordane (24% Octachloro-4,7 methano Tetrahydroindane and 16% related compounds) 40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11547-ET. Share Corp., P.O. Box 9, Brookfield, WI 53005. SHARE CORP. SUPER FOGICIDE CONCENTRATE. Active Ingredients: Petroleum distillate 94.35%; Piperonyl Butoxide Technical 5.03%; Pyrethrins .62%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9078-G. Tennessee Farmers Corp., La Vergne, TN 37806. CO-OP PLANT FOOD WITH .25% HEPTACHLOR. Active Ingredients: 4,7-Methanotetrahydroindene 0.25%; Related Compounds 0.095%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTE. Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110. T-H FLOWABLE SULFUR. Active Ingredients: Sulfur 58%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9518-U. Tower Chemical Co., Montverde R. and S.C.L. Railroad, Clermont, FL 32711. BENZ-O-CHLOR 8-MG. Active Ingredients: Ethyl 4,4'-dichlorobenzilate 80.735%; Xylene 16.665%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1063-RER. Valley Chemical Co., P.O. Box 1317, Greenville, MI 38702. VALCO BRAND GENARIN. Active ingredients: O-O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate 11.26%; Endrin (Hexachloroepoxyoctahydro-endo, endo-dimethanonaphthalene) 17.95%; Aromatic Petroleum Solvent 65.23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10562-RR. Vasco Chemical Co., Inc., 331 W. Seventh St., Hanford, CA 93230. VASCO INDUSTRIAL SPRAY EMULSIFIABLE CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-EN. Woodbury Chemical Co. of Homestead, P.O. Box 4319, Princeton, FL 33030. DURSBAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)-phosphorothioate] 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-ER. Woodbury Chemical Co. of Homestead. DURSBAN 0.5% GRANULAR INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O,-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-RI. Woodbury Chemical Co. of Homestead. D-PONA, I-1E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 12.3%; 2,2-dichlorovinyl dimethyl phosphate 11.4%; Related Compounds 0.9%; Aromatic Petroleum Derivative Solvent 69.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-RO. Woodbury Chemical Co. of Homestead. D-PONA 2:1E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 15.80%; 2,2-dichlorovinyl dimethyl phosphate 7.35%; Related Compounds .55%; Aromatic Petroleum Derivative Solvent 51.30%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: July 22, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-17165 Filed 7-26-74;8:45 am]

[FRL 242-6]

FMC CORP.

Establishment of Temporary Tolerance

FMC Corp., 100 Niagara Street, Middleport, NY 14105, submitted a petition (PP 4G1484) requesting establishment of a temporary tolerance for the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-benzofuranyl - *N* - methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3 - hydroxy - 7 - benzofuranyl-*N*-methylcarbamate, and its phenolic

metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity grapes at 0.5 part per million (of which no more than 0.2 part per million is carbamates).

It has been determined that this temporary tolerance will protect the public health. It is therefore established on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the FMC Corp. name.

This temporary tolerance expires July 24, 1975. Residues remaining in or on the above grapes after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerance.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: July 24, 1974.

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

[FR Doc.74-17271 Filed 7-26-74;8:45 am]

[242-8]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that an additional meeting day has been scheduled for the quarterly meeting of the President's Air Quality Advisory Board, announced in the FEDERAL REGISTER on June 24, 1974, and held in Seattle, Washington, July 16-July 19, 1974. The Board members will re-convene on August 12, 1974, 9 a.m., in Washington, D.C., Room 1103 West Tower, Environmental Protection Agency, 401 M Street, SW. The purpose of this additional day is to permit the Board members to put into final form their recommendations on the subject matter discussed during the Seattle meetings.

The meeting will be open to the public as observers. Any member of the public desiring information, or wishing to attend the meeting, should contact the Executive Secretary, Mr. Robert Perman, U.S. Environmental Protection Agency, Washington, D.C. 20460. The telephone number is (202) 755-0450.

ROGER STRELOW,
Acting Assistant Administrator for Air and Waste Management.

JULY 24, 1974.

[FR Doc.74-17273 Filed 7-26-74;8:45 am]

[FRL 242-7]

VIABLE SPORES OF THE MICRO-ORGANISM BACILLUS THURINGIENSIS BERLINER

Notice of Establishment of Temporary Exemption From Requirement of Tolerance for Microbial Pesticide

The University of California, Berkeley, CA 94720, submitted a petition (PP 5G1528) requesting establishment of a temporary exemption from requirement of a tolerance for residues of the microbial insecticide Bacillus thuringiensis Berliner in or on the raw agricultural commodity almonds.

It has been determined that the temporary exemption for residues of the microbial insecticide in or on almonds is safe and will protect the public health. It is therefore established as requested on condition that the microbial insecticide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the University of California, Berkeley, name.

This temporary exemption expires July 23, 1975. Residues remaining in or on the above almonds after expiration of this exemption will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/exemption.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: July 23, 1974.

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

[FR Doc.74-17272 Filed 7-26-74;8:45 am]

FEDERAL MARITIME COMMISSION

[No. 74-20]

DOMESTIC OFFSHORE TARIFFS OF CERTAIN CARRIERS

Notice of Cancellation; Order of Discontinuance

This proceeding was instituted by Commission order served May 30, 1974, wherein certain carriers in the domestic offshore trade were advised of the Commission's intention to cancel their tariffs for failure to comply with the financial reporting requirements of General Orders 5 and 11 (46 CFR Parts 511 and 512). Numerous attempts by the Commission's staff to obtain this information had earlier proven unsuccessful.

Within the 30 day period provided by the Commission for response, one carrier informed the Commission that it was no longer operating in the domestic trades. None of the other carriers responded.

Respondents have not come forward with any explanation for their failure to provide the required information. Without such information the discharge of the Commission's regulatory responsibilities is greatly impaired. Furthermore, it appears that many of the named carriers have discontinued operations. In view of these circumstances, notice is hereby given that the domestic offshore tariffs of the carriers listed below are hereby cancelled and proceedings in this matter are hereby discontinued.

Alaska Barge & Salvage, Inc.
Suite 720, First National Building
425 G Street
Anchorage, Alaska 99501

Alaska Marine Lines, Inc.
226 West Lake, Sammanish Boulevard, S.E.
Bellevue, Washington 98008

Arison Shipping Company
820 Biscayne Boulevard
Miami, Florida 33132

Atlantic Caribbean Express, Inc.
13175 N.E. 6th Avenue, Suite 19
North Miami, Florida 33161

Caribbean Ferry Service, Inc.
Caribbean Towers Building, Suite 23
760 Ponce de Leon Avenue
Miramar, Puerto Rico 00907

Indian Towing Company, Inc.
2200 Surekote Road
New Orleans, Louisiana 70117

Marine and Marketing International Corporation
1001 North America Way
Dodge Island
Miami, Florida 33132

Motonaves Florida Lines, S.A.
c/o Florida Motorships Corporation
1015 North America Way, Suite 124
Miami, Florida 33132

Southeast & Caribbean Shipping Co., Inc.
750 N.E. 7th Avenue
Dania, Florida 33004

Star Shipping Corporation
1177 Brickell Avenue
Miami, Florida 33131

Virgin Islands Container Line
17 Battery Place—Room 600
New York, New York 10004

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-17247 Filed 7-26-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8621, etc.]

ARIZONA PUBLIC SERVICE COMPANY

Rate Schedules and Changes

JULY 15, 1974.

Order accepting initial rate schedules for filing instituting an investigation under section 206 of the Federal Power Act, denying waiver of notice requirements, rejecting rate change filings without prejudice, and granting intervention.

Before Commissioners: John N. Nassikas, Chairman; Rush Moody, Jr., William L. Springer, and Don S. Smith.

Docket Nos. E-8621, E-8023, E-7904, E-8004, E-8688, E-8689, E-8767, E-8779, E-7907, E-8019, E-8620, E-7905.

Arizona Public Service Company (APS) has filed with this Commission rate schedules containing various automatic escalation clauses. These clauses

provide adjustments for ad valorem, excise, income and other taxes, a labor adjustment, and adjustments of materials and services. The above-captioned dockets include a number of filings by APS which reflect proposed billing changes made under such clauses as well as new rate schedules containing similar adjustment provisions.[1]

Each of these filings has been accompanied by a request for waiver of the notice requirements set forth in Section 35.3 of the Commission's Regulations. In support of these requests for waiver, APS has stated with regard to the proposed billing adjustments that these are made on monthly billing charges for which it is impossible to anticipate the adjustment prior to the end of the month. APS has also indicated that such waiver eliminates "multitudinous" monthly filings.

The filings in Docket Nos. E–8767 and E–8779 were noticed on May 24, 1974, but no comments were received. The filings in Docket Nos. E–8688 and E–8689 were noticed on April 2, 1974, and April 4, 1974, respectively.

In Docket Nos. E–8688 and E–8689 protests and petitions to intervene were filed by Arizona Electric Power Cooperative (AEPCO) on April 16, 1974, and April 19, 1974, respectively. AEPCO protests the filing of the Agreement in Docket No. E–8689 and requests a full five month suspension of the operation of the automatic adjustment provision. AEPCO further contends that the Commission lacks authority to permit any rate to be charged other than lawful filed rate in effect at the time service is rendered or to effect a change in rates other than prospectively. AEPCO moved for consolidation of Docket Nos. E–8688 and E–8689 stating that the Dockets relate to indivisible subject matter.

On May 2, 1974, APS filed an answer to AEPCO's protest in which it stated that the Commission is not prohibited from permitting adjustment clauses, other than fuel costs. APS further stated that all adjustments have a direct relationship to the cost of rendering service and, therefore, are properly included. APS also moved for denial of the motion to consolidate.

AEPCO filed an answer on May 13, 1974, in which it stated that it does not object to the demand charge and escalation charge in effect as of June 1, 1973, but to the effort to increase the level of such charges. It stated further that APS has not substantiated its claims for denial of the motion to consolidate or the argument that such clauses were in variance with the concept of "final future rates of fixed amounts" contemplated under the Federal Power Act.

Our review of the rates and charges set forth in the proposed initial rate schedules filed in Docket Nos. E–8767 (Wellton-Mohawk, FPC No. 58), E–8779 (Arizona Power Authority, FPC No. 59), and E–8689 (AEPCO, FPC No. 57) indicates that they have been shown to be just and reasonable. Accordingly, we shall accept these rate schedules for filing to become effective May 1, 1974; March 1, 1974, and June 1, 1973 respectively and shall waive the notice requirements of Section 35.3 of the Regulations to permit such effective dates.

We also note that the proposed initial rate schedules filed in Docket Nos. E–8767 (Wellton-Mohawk, FPC No. 58), E–8779 (Arizona Power Authority, FPC No. 59), and E–8689 (AEPCO, FPC No. 57) all contain automatic adjustment clauses. Similar clauses are contained in APS's Rate Schedules FPC No. 6 (Navajo Tribal Utility Authority), FPC No. 18 (Arizona Power Authority), FPC No. 26 (Utah Power and Light Company), FPC No. 38 (Southern California Edison Company), and FPC No. 52 (Papago Tribal Utility Authority) which have been accepted for filing by the Commission. Adjustments under these latter rate schedules do not require a prior filing with the Commission. Moreover, we note that Rate Schedules FPC No. 50 (Citizens Utilities Company), FPC No. 32 (Tuscon Gas & Electric Company) and FPC No. 3 (Salt River Project Agricultural Improvement and Power District) also contain adjustment clauses requiring timely filing pursuant to Section 35.1 and 35.13 of the Regulations prior to effectuating a rate change thereunder.

Our review of, these automatic adjustment provision contained in the aforementioned rate schedules indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept for filing the initial rate schedules filed in Docket Nos. E–8767, effective May 1, 1974; E–8779 effective March 1, 1974; and E–8689 effective June 1, 1973 and waive the notice requirements of Section 35.3 of the Regulations to permit such effective dates. Moreover, we shall institute an investigation under Section 206 of the Federal Power Act into, the lawfulness of the automatic adjustment clauses contained in all of the aforementioned rate schedules.

Furthermore, we note that the rate adjustment filings made pursuant to Rate Schedules FPC No. 50 (Citizens Utilities Company), FPC No. 32 (Tucson Gas & Electric Company), FPC No. 3 (Salt River Agricultural Improvement and Power District) and FPC No. 57 (AEPCO) were filed after the adjustment period had ended.[2] Moreover, our review of the rates and charges contained in these rate adjustment filings indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Under the provisions of the Federal Power Act and the Regulations thereunder public utilities are required to file rate change filings at least 30 days prior to the date on which such filings become effective. This notice requirement can be waived for good cause shown. However, under circumstances when a public utility files proposed rate change filings after period of their effectiveness has terminated, our ability to protect the consumer against what may be unjust, unreasonable, unduly discriminatory or otherwise unlawful rates and charges is jeopardized.[3] Consequently we shall deny waiver of the notice requirements of the notice requirements of our Regulations and reject these filings. However, this shall be without prejudice to APS filing with the Commission, within 15 days of the issuance of this order, a request that we accept the rate change filings to be effective as of their proposed effective dates based upon an agreement by APS that the rates charged under these rate filings shall be subject to refund pending final disposition upon the conclusion of a hearing. In the event APS declines to file such a request and agreement, we believe our responsibility to protect the ratepayers against what may be excessive rates and charges requires that we reaffirm our rejection of these filings and order that rates charged thereunder be repaid in full pursuant to our authority under Section 309 of the Federal Power Act. After receipt of APS' response, if any, we shall issue a further order taking appropriate action.

The Commission finds:

(1) Good cause exists to reject APS' rate change filings listed in Appendix B as hereinafter ordered and conditioned.

(2) Good cause exists to accept for filing the proposed initial rate schedules filed in Docket Nos. E–8767 (Wellton-Mohawk, FPC No. 58); E–8779 (Arizona Power Authority, FPC No. 59); and E–8689 (AEPCO, FPC No. 57) to become effective as proposed on May 1, 1974; March 1, 1974; and June 1, 1973, respectively, and to waive the notice requirements to permit each effective dates.

(3) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that an investigation be instituted to determine the justness and reasonableness of, inter alia, the automatic adjustment clauses contained in APS' Rate Schedules FPC Nos. 58, 59, 57, 6, 18, 26, 38, 52, 50, 32 and 3.

(4) Participation in this proceeding by the above-named petitioner may be in the public interest.

The Commission orders:

(A) The proposed rate change filings listed in Appendix B are rejected, as having failed to meet the notice requirements of section 205 of the Federal Power Act and § 35.3 of the regulations, without prejudice to APS filing with the Commission, within 15 days of the date of issuance of this order, a request that the Commission accept the rate filings to become effective as of their proposed effective dates based upon an agreement by APS that the rates charged pursuant

[1] See Appendix A for a description of the filings.

[2] See Appendix B.

[3] *Northeast Utilities Company*, ---- FPC ----, issued May 31, 1974 in Docket No. E–8756, et al.; *Connecticut Light and Power Company*, ---- FPC ----, issued June 21, 1974, in Docket Nos. E–8105 and E–8811; *Boston Edison Company*, ---- FPC ----, issued June 21, 1974, in Docket No. E–8810.

to these rate change filings shall be subject to refund pending final disposition upon the conclusion of a hearing.

(B) Rate Schedule FPC Nos. 57, 58 and 59 are accepted for filing to become effective, as proposed, as of June 1, 1973, May 1, 1974, and March 1, 1974, respectively.

(C) For good cause shown, the notice requirements are hereby waived to permit the effective dates prescribed in Ordering Paragraph B above.

(D) An investigation is hereby instituted under section 206 of the Federal Power Act into the justness and reasonableness of Rate Schedules FPC Nos. 6, 18, 26, 38, 52, 50, 32, 3, 57, 58 and 59, including, the automatic adjustment provisions contained therein.

(E) On or before August 6, 1974, APS shall file its prepared testimony and exhibits. On or before October 8, 1974, the Commission Staff shall serve any prepared testimony and exhibits additional to that already served. Any prepared testimony and exhibits of intervening parties shall be served on or before October 29, 1974. Any rebuttal evidence by APS shall be served on or before November 11, 1974. A hearing for purposes of cross-examination of the evidence shall commence on November 26, 1974, at 10 a.m. at a hearing room in the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure.

(H) The above named petitioner, is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

(1) E-8688. APS submitted for filing on March 26, 1974, proposed billing adjustments to Arizona Electric Power Cooperative (AEPCO) for the period June to December, 1973.

(2) E-8689. APS on March 23, 1974, submitted for filing a wholesale Power Supply Agreement with AEPCO with service having commenced on June 1, 1973.

(3) E-8767. On May 2, 1974, APS submitted for filing wholesale power supply agreement with Wellton-Mohawk Irrigation and Drainage District. (Wellton-Mohawk).

(4) E-8779. APS submitted for filing on May 6, 1974, a Wholesale Power Supply Agreement with Arizona Power Authority (APA).

(5) E-7907, E-8019 and E-8620. Proposed adjustments in billing charges to Citizens Utilities Company (CUC) submitted by APS, together covering adjustments from July, 1972 to December 31, 1973.

(6) E-7905, E-8023, E-8621, and a filing with no docket number. APS submitted for filing proposed adjustments in billing charges to Tucson Gas and Electric Company (TGE), together covering the period June, 1971 through December, 1973, inclusive.

(7) E-7904, E-8004 and a filing with no docket number. Proposed adjustments to the billing charges of Salt River Project Agricultural Improvement and Power District (SRP) were submitted by APS, together covering the months June, 1971 through December, 1972, except for September, 1972 for which no filing appears to have been made. In addition, APS submitted for filing on February 22, 1974, adjustments to SRP for calendar year 1973, but this filing has not been given a docket number.

APPENDIX B

Other party	Designations	Monthly billing adjustment for—	Instrument date	Filing date
Citizens Utilities	Supplement No. 2 to Rate Schedule FPC No. 50.	July and August	Undated	Sept. 28, 1972
	Supplement No. 3 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 2).	September through December 1972.	do	Feb. 5, 1973
	Supplement No. 4 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 3).	January through December 1973.	do	Feb. 6, 1974
Tucson Gas & Electric Co.	Supplement No. 20 to Supplement No. 5 to Rate Schedule FPC No. 32 (Supersedes Supplement No. 19 to Supplement No. 5).	June 1971 through	do	June 7, 1972
	Supplement No. 21 to Supplement No. 5 to Rate Schedule FPC No. 32 (Supersedes Supplement No. 20 to Supplement No. 5).	May through August 1972.	do	Sept. 28, 1972
	Supplement No. 22 to Supplement No. 5 to Rate Schedule FPC No. 32 (Supersedes Supplement No. 21 to Supplement No. 5).	September and October 1972.	do	Nov. 21, 1972
	Supplement No. 23 to Supplement No. 5 to Rate Schedule FPC No. 32 (Supersedes Supplement No. 22 to Supplement No. 5).	November and December 1972.	do	Feb. 5, 1973
	Supplement No. 24 to Supplement No. 5 to Rate Schedule FPC No. 32 (Supersedes Supplement No. 23 to Supplement No. 5).	January through December 1973.	do	Feb. 6, 1974
Salt River Agricultural Improvement and Power District.	Supplement No. 13 to Supplement No. 8 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 12 to Supplement No. 8).	June 1971 through April 1972.	do	June 7, 1972
	Supplement No. 14 to Supplement No. 8 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 13 to Supplement No. 8).	May through August 1972.	do	Sept. 28, 1972
	Supplement No. 15 to Supplement No. 8 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 14 to Supplement No. 8).	October through December 1972.	do	Jan. 26, 1973
	Supplement No. 16 to Supplement No. 8 to Rate Schedule FPC No. 3 (Supersedes Supplement No. 15 to Supplement No. 8).	January through December 1973.	do	Feb. 22, 1974
Arizona Electric	Rate Schedule FPC No. 57		July 19, 1972	Mar. 25, 1974
	Supplement No. 1 to Rate Schedule FPC No. 57.	June through December 1973.	Undated	Do.

[FR Doc.74-17077 Filed 7-26-74;8:45 am]

[Docket No. E-8700]

BOSTON EDISON CO.

Further Extension of Time

JULY 23, 1974.

On July 15, 1974, the Town of Norwood filed a motion for a further extension of time to respond to Boston Edison Company's petition for Declaratory Order.

Upon consideration, notice is hereby given that the time is extended to and including July 19, 1974, within which response may be filed to the petition for a Declaratory Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-17244 Filed 7-26-74;8:45 am]

[Dockets Nos. RI74-142, RI74-242]

CITIES SERVICE OIL CO. AND SUN OIL CO.

Order Consolidating Proceedings, Granting Interventions, and Setting Date for Prehearing Conference

JULY 23, 1974.

On January 28, 1974, Cities Service Oil Company (Cities) filed an application pursuant to section 4 of the Natural Gas Act [1] and § 2.76 of the Commission's general policy interpretations [2] seeking spe-

[1] 15 U.S.C. § 717, *et seq.*

[2] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R-458, 49 F.P.C. 992 (issued April 12, 1973), 18 C.F.R. § 2.76 (1974).

cial relief from it contract rate of 14.15 cents per Mcf with Northern Natural Gas Company (Northern) under its FPC Gas Rate Schedule No. 169 pursuant to a December 4, 1974, amendment to the May 23, 1963, base contract.

Cities requests a rate of 30 cents per Mcf for sales of gas from 80 wells in the Guymon Hugoton Field, Texas County, Oklahoma (Hugoton-Anadarko Area). Cities is experiencing a decline in deliverability from these wells due mainly to waterlogging. Production loss is rapidly increasing due to the necessity of blowing the wells at frequent intervals. Cities justifies the rate by relying on an anticipated investment of $1,311,285 to install water pumping equipment, plus the cost of drilling a new salt water disposal well and the cost of additional lease equipment. In addition increased operating expenses for the wells in the amount of $6,694,477 is expected. Cities avers that these increased costs are necessary in order to recover an estimated 43.5 Bcf of additional reserves over a 12½-year period.

Cities owns 100 percent of the working interest in 74 of the 80 subject wells. The six remaining wells are jointly owned as follows:

Well	Owners	Interest (percent)
1. Hertlein	Cities	87.50000
	M. L. McLain	.78125
	Reserve Petroleum Co	10.15625
	Toland and Johnson	1.56250
2. Bacon C	Cities	75.00
	Richard W. Robbins, Jr	18.75
	William W. Robbins	6.25
3. Perring A	Cities	75.00
	Champlin Petroleum Co	25.00
4. Simmons B	Cities	75.00
	Texaco, Inc	25.00
5. Stonebraker AB.	Cities	75.00
	The Ohio Fuel Supply Co.	25.00
6. Griffith A	Cities	75.00
	Sun Oil Co	25.00

Notice of Cities' application was issued on February 4, 1974, and appeared in the FEDERAL REGISTER on February 8, 1974, at 39 FR 4954. Timely petitions to intervene in support of Cities were filed by: Northern (February 11, 1974), Minneapolis Gas Company (February 20, 1974) (Minneapolis), and Iowa Power and Light Company (February 20, 1974) (Iowa Power). Petitions to intervene in support of Cities were filed after the end of the notice period by: Metropolitan Utilities District of Omaha (February 21, 1974) (Metropolitan), North Central Public Service Company, Division of Donovan Companies, Inc. (February 22, 1974) (North Central), Central Telephone and Utilities Corporation (February 25, 1974) (Central Telephone), and Iowa Electric Light and Power Company (April 15, 1974) (Iowa Electirc). Iowa Public Service Company (I.P.S.C.) filed an untimely petition to intervene as an interested party (February 21, 1974).

On May 28, 1974, Sun Oil Company (Sun) also filed an application pursuant to section 4 of the Natural Gas Act and § 2.76 of the Commission's general policy interpretations requesting special relief from its contract rate of 14.15 cents per Mcf, including tax reimbursement, with Northern with respect to sales of gas from the Griffith "A", Well No. 1 located in section 22–6N–12E, Texas County, Oklahoma (Hugoton-Anadarko Area).

Sun also requests a rate of 30 cents per Mcf pursuant to an April 24, 1974, amendment to its February 12, 1968, base contract with Northern, which is subject to the provisions of Cities' May 23, 1963, base contract with Northern included in Sun's FPC Gas Rate Schedule No. 461. Such rate is to be effective the first of the month following the month in which pumping equipment is installed and is operating on the well.

Sun's application is related to Cities' application in Docket No. RI74–142 in that Sun owns a 25 percent working interest in the Griffith "A", Well No. 1, while Cities owns the remaining 75 percent interest therein. Sun justifies the relief it seeks by relying on cost support data presented by Cities in support of its own application in Docket No. RI74–142. Notice of Sun's application was issued on June 6, 1974, and appeared in the FEDERAL REGISTER on June 12, 1974, at 39 FR 20647.

In this, and in similar cases, the volume of additional reserves and deliverability which will be developed if the proposed project proceeds is of extreme importance to a determination of the justness and reasonableness of the rate to be charged by the producer. The producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. In the absence of such evidence and data, filed under oath as part of the application, we believe we have no alternative to ordering dismissal of the proceeding for failure of the applicant to carry his burden of going forward with the evidence.

We recognize that we have not clearly articulated the necessity for such a showing prior to this time, and rather than work a hardship on the applicants here by ordering dismissal on grounds that we have failed to make clear, we will permit these applicants, and others similarly situated, to make the required gas supply and project cost presentation as part of their applications herein.

The evidence filed by the applicant relating to the cost of the project and gas supply and the Staff analysis thereof are incorporated by reference as part of the evidentiary record upon which the decision of the Administrative Law Judge and the Commissiion will be based.[3]

With respect to applications for special relief filed after this date, we announce our intention to withhold processing until the cost of the project and required gas supply information is properly filed.

An examination of the petitions and the data in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted.

Upon consideration of the record, when completed, the Administrative Law Judge should enter findings as to the just and reasonable rate level to be applied to Cities' and Sun's sales to Northern from the subject wells, if he determines that the existing area rate does not permit development of the available reserves. We so require because we do not perceive that Cities' and Sun's petitions should be viewed as proposing a choice between a 30 cents per Mcf rate and the current contract rate; rather we view the petitions as seeking the determination of that rate, up to and including the proposed contractual maximum, which is just and reasonable under the circumstances.

The Commission finds:

(1) It is necessary and in the public convenience that the above-docketed proceedings be set for hearing.

(2) It is in the interest of public convenience to consolidate Docket Nos. RI74–142 and RI74–242.

(3) Good cause exists to grant the petitions to intervene of Northern, Minneapolis, Iowa Power, Metropolitan, North Central, Central Telephone, Iowa Electric, and I.P.S.C.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) In the interest of public convenience, Docket Nos. RI74–142 and RI74–242 are consolidated for hearing.

(C) The petitions of Northern, Minneapolis, Iowa Power, Metropolitan, North Central, Central Telephone, Iowa Electric, and I.P.S.C. to intervene are granted.

(D) On or before August 15, 1974, Cities, Sun, and all intervenors supporting the petitions shall file their direct testimony and evidence. Any intervenors opposing the petition shall file their direct testimony on or before the same date. All testimony and evidence filed herein shall be served upon the Presiding Administrative Law Judge, Commission Staff, and all other parties to the proceeding.

(E) On August 29, 1974, a prehearing conference shall be held in accordance with § 1.18 of the rules of practice and procedure to resolve the issues herein in a hearing room of the Federal Power Commission, Washington, D.C., at 10:00 a.m.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose shall convene the prehearing conference in the proceeding.

(G) The Administrative Law Judge may in his discretion grant recesses from time to time if he deems a settlement or submission of the issues upon stipulated facts to be possible. If no stipulation or settlement can be reached by the

[3] The Staff analysis of the cost presentation submitted by Cities is attached as an Appendix hereto.

parties hereto after reasonable time and provisions have been made for the same, the Presiding Administrative Law Judge shall establish the time for the submission of other evidence by any party desiring so to do and the commencement of hearing, and shall prescribe relevant procedural matters not herein provided.

(H) Northern, Minneapolis, Iowa Power, Metropolitan, North Central, Central Telephone, Iowa Electric, and I.P.S.C. are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Cities Service Oil Co., docket No. RI74-142, Staff calculation of the cost of gas based on cities revised data

Line No.	Description	Average year Cost [1]	Average year Cost [2]
	(a)	(b)	(c)
1	Annual gas production: 4,088,023 Mcf.[3]		
2	Investment rate base:		
3	Average net investment [4]	$1,239,067	$1,239,067
4	Working capital (1/12×line 8)	81,531	81,531
5	Rate base	1,320,598	1,320,598
6	Cost of production:		
7	Return on rate base	198,090	303,870
8	Cash operating expenses [5]	652,246	652,246
9	DD&A expense [6]	182,869	182,869
10	Total cost of production	1,033,205	1,138,985
11	Unit cost of gas (cents per thousand cubic feet):	*Cents*	*Cents*
12	Unit cost of production (line 10÷line 1)	25.274	27.863
13	Oklahoma production tax at 7 percent	1.902	2.097
14	Subtotal	27.176	29.960
15	Oklahoma excise tax	.040	.040
16	Total unit cost of gas	27.216	30.000

[1] Includes a 15 percent return on the rate base.
[2] Includes a 23.01 percent return on the rate base.
[3] (59.34 Bcf less 1/6 royalty)×Cities 48.4165 percent working interest divided by 12.5 yr.
[4] Includes: Cities' present net book investment in the 80 wells and the proposed additional investment. The average net investment is based on the sum of each years net book investment balance, based on straight-line depreciation, divided by the years of production.
[5] Includes: Labor, maintenance, salt water disposal, overhead, plugging, and regulatory costs. This figure is an average of the estimated cost of producing the 59.34 Bcf of recoverable reserves over a 12.5-yr period. Cities includes a 5.5 percent per year increase in the cost of labor, maintenance, plugging, and overhead and a 15.5 percent per year increase in the cost of salt water disposal, 10 percent of which is due to escalating salt water production.
[6] In arriving at the investment to be depreciated, Cities deducts 10 percent of the tangible investment as salvage value.

Sources: Cities' petition filed Jan. 23, 1974, letter filed Mar. 18, 1974, and supplemental data submitted by letter dated May 20, 1974.

[FR Doc.74-17197 Filed 7-26-74;8:45 am]

[Docket No. RI74-240]

TERRA RESOURCES, INC.

Order Setting Date for Hearing

JULY 23, 1974.

On May 20, 1974, Terra Resources, Inc. (Terra), filed a petition for special relief pursuant to § 2.76 of the Commission's general policy and interpretations as adopted in Commission Order No. 481.[1] Terra requests a rate increase from the current 25 cents per Mcf area rate ceiling established in Opinion No. 595[2] to 61 cents per Mcf for gas sold to Texas Eastern Transmission Corporation (Texas Eastern) from the Carrie Stafford No. 1 Well, Skull Creek Field, Colorado County, Texas. This gas is to be sold under Texas Gas Rate Schedule No. 37 pursuant to a contract amendment dated March 25, 1974, providing for a 61 cents per Mcf rate subject to Commission's approval.

Notice of Terra's application was issued May 31, 1974, and published in the FEDERAL REGISTER on June 10, 1974 (39 FR 20432). Petitions to intervene were due on or before June 24, 1974. No petitions to intervene were filed with the Commission.

In this, and in similar cases, the volume of additional reserves and deliverability which will be developed if the proposed project proceeds is of extreme importance to a determination of the justness and reasonableness of the rate to be charged by the producer. The producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. In the absence of such evidence and data, filed under oath as part of the application, we believe we have no alternative to ordering dismissal of the proceeding for failure of the applicant to carry his burden of going forward with the evidence.

We recognize that we have not clearly articulated the necessity for such a showing prior to this time, and rather than work a hardship on the applicant here by ordering dismissal on grounds that we have failed to make clear, we will permit this applicant, and others similarly situated, to make the required gas supply and project cost presentation as part of its application herein.

The evidence filed by the applicant relating to the cost of the project and gas supply and the staff analysis thereof are incorporated by reference as part of the evidentiary record upon which the decision of the Administrative Law Judge and the Commision will be based.[3]

With respect to applications for special relief filed after this date, we announce our intention to withhold processing until the cost of the project and required gas supply information is properly filed.

An examination of the petition and the data in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. 1), Docket No. RI74-240 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on September 11, 1974, 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

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[1] Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling Or Other Factors Made Further Production Uneconomical At Existing Prices, Docket No. R-458, 49 FPC—— (issued April 12, 1973), as amended by Order Amending Order No. 481 and Granting And Denying Petitions For Rehearing, 49 FPC—— (issued June 8, 1974).

[2] Opinion And Order Determining Just and Reasonable Rates For Natural Gas Produced In The Texas Gulf Coast Area, Docket No. AR64-2, *et al.*, issued May 6, 1971.

[3] The staff analysis of the cost presentation submitted by applicant herein is attached as Appendix A.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Terra Resources, Inc. shall file their direct testimony and evidence on or before August 14, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, shall file their direct testimony and evidence on or before August 27, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before September 4, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Terra Resources, Inc., docket No. RI74-230, Carrie Stafford No. 1 Well, Skull Creek Field, Colorado County, Tex

[Calculation of unit cost of gas]

Line No.	Description	Volumes	Total cost
	(a)	(b)	(c)
1	Net working interest volumes: [1]		
2	Gas (thousand cubic feet) (at 14.65 p.s.i.a.)	562,715	
3	Natural gas liquids	0	
4	Investment capital [2]		$76,409
5	Operating and maintenance		65,194
6	Liquid revenue credit		0
7	Salvage credit		(7,260)
8	Return on invested capital [3] (15 percent)		40,115
9	Return on Working Capital [4] (15 percent)		1,222
10	Subtotal		175,680
11	Unit cost of gas (line 10÷line 2) (cents per thousand cubic feet) [5]		31.22
12	Regulatory expense (cents per thousand cubic feet)		.20
13	Production tax at 7.5 percent (cents per thousand cubic feet) [5]		2.55
14	Total unit cost of gas (cents per thousand cubic feet)		33.97

[1] A production life of 7 yr is estimated for these properties.
[2] Composed of $810 leasehold cost, $5,060 road and location cost, $22,439 well drilling cost, and $48,100 in projected equipment costs.
[3] Invested capital×rate of return×½ production life.
[4] ½×operating and maintenance expense×rate of return.
[5] Texas production tax is 7.5 percent of total cost of gas.

[FR Doc.74-17209 Filed 7-26-74;8:45 am]

[Docket No. RI74-234]

C. K. OIL CO.

Order Setting Date for Hearing

JULY 23, 1974.

On May 16, 1974, Thomas A. Allan d/b/a C. K. Oil Company (Allan), a small producer, filed an application for special relief pursuant to § 2.76 of the Commission's general policy and interpretations as adopted in Commission Order No. 481.[1] Citing compression facility installation costs, Allan requests a rate increase from the current price of 15 cents per Mcf to 38 cents per Mcf for gas sold to Cities Service Gas Company (Cities) from the Stone "C" Lease N.E. Rhoades Field, Barber County, Kansas. This gas is to be sold pursuant to a contract amendment dated April 23, 1974 providing for a 38 cents per Mcf rate subject to Commission approval.

Notice of Allan's application was issued May 31, 1974 and published in the FEDERAL REGISTER on June 10, 1974 (39 FR 20420). Petitions to intervene were due on or before June 24, 1974. No petitions to intervene were filed with the Commission.

In this, and in similar cases, the volume of additional reserves and deliverability which will be developed if the proposed project proceeds is of extreme importance to a determination of the justness and reasonableness of the rate to be charged by the producer. The producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. In the absence of such evidence and data, filed under oath as part of the application, we believe we have no alternative to ordering dismissal of the proceeding for failure of the applicant to carry his burden of going forward with the evidence.

We recognize that we have not clearly articulated the necessity for such a showing prior to this time, and rather than work a hardship on the applicant here by ordering dismissal on grounds that we have failed to make clear, we will permit this applicant, and others similarly situated, to make the required gas supply and project cost presentation as part of its application herein.

The evidence filed by the applicant relating to the cost of the project and gas supply and the staff analysis thereof are incorporated by reference as part of the evidentiary record upon which the decision of the Administrative Law Judge and the Commission will be based.[2]

With respect to applications for special relief filed after this date, we announce our intention to withhold processing until the cost of the project and required gas supply information is properly filed.

An examination of the petition and the data in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 C.F.R., Chapter 1), Docket No. RI74-234 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on September 26, 1974, 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(C) A presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Thomas A. Allan d/b/a C. K. Oil Company shall file their direct testimony and evidence on or before August 20, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before September 6, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before September 17, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Made Further Production Uneconomical At Existing Prices, Docket No. R-458, 49 FPC —— (issued April 12, 1973), as amended by Order Amending Order No. 481 and Granting And Denying Petitions For Rehearing, 49 FPC —— (issued June 8, 1974).

[2] The staff analysis of the cost presentation submitted by applicant herein is attached as Appendix

APPENDIX

Thomas A. Allen d.b.a., C. K. Oil Co., docket No. RI74-234, Stone "C" Lease, Barber County, Kans:
[Calculation of unit cost of gas]

Line No.	Description (a)	Volumes (b)	Total cost (c)
1	Total interest volumes: [1]		
2	Gas (thousand cubic feet) (at 14.65 p.s.i.a.)	110,000	
3	Natural gas liquids (barrels)	0	
4	Investment [2]		$18,500
5	Operating expense		13,320
6	Liquid revenue credit		0
7	Regulatory expense [3]		230
8	Return on invested capital [4] (15 percent)		4,162
9	Return on working capital [5] (15 percent)		250
10	Royalty (at 12.5 percent)		5,207
11	Production tax [6]		66
12	Total cost of gas		41,725
13	Unit cost of gas (cents per thousand cubic feet)		37.93

[1] A production life of 3 yr is estimated for this property.
[2] This includes $10,500 for the lease and equipment, $3,000 for a pump, and $5,000 for a proposed compressor.
[3] Estimated at 0.2¢/Mcf.
[4] Investment×interest rate×⅓ production life.
[5] ½×operating expense×interest rate.
[6] Kansas rate is 0.06¢/Mcf.

[FR Doc.74-17198 Filed 7-26-74;8:45 am]

[Dockets Nos. E-8756, E-8757, E-8758 and E-8781]

NORTHEAST UTILITIES COMPANIES

Order Accepting for Filing Unit Sales Contracts, Subject To Refund, Granting Waiver of Notice Requirements and Making Proceeding Subject to Outcome in Other Proceeding and Granting Waiver

JULY 22, 1974.

By order issued May 31, 1974, the Commission rejected certain unit sales contracts[1] filed by the Northeast Utilities Companies (NU) (consisting of the Connecticut Light and Power Company (CL&P), the Hartford Electric Light Company (HELCO), and the Western Massachusetts Electric Company (WMECO)). This rejection was without prejudice to NU's filing with the Commission a request that the contracts be accepted for filing and be permitted to be effective as of their proposed effective dates based on an agreement that by NU that the rates charged under these contracts be subject to refund.

On June 14, 1974, NU filed a request for waiver of the notice requirements and acceptance of these contracts subject to condition. In this request, NU requested that the Commission accept the contracts for filing and that they be made effective as of their proposed effective dates. As a condition to such request, NU agreed that the rates charged under such contracts shall be subject to refund in the amount of the difference between the rate of return on common equity charged in these contracts and the rate of return on common equity allowed in a final order of the Commission in Connecticut Light and Power Company, Docket Nos. E-8105, et al.

[1] CL&P's Rate Schedule No. FPC 94, HELCO Rate Schedule No. FPC 77, CL&P Rate Schedule No. FPC 86 and HELCO Rate Schedule No. FPC 70 and WMECO Rate Schedule No. FPC 86, both concurring in CL&P Rate Schedule No. FPC 86.

The filing was noticed on June 28, 1974, with petitions to intervene or protests due on or before July 12, 1974. The Commission Staff, on July 3, 1974, filed comments which indicated approval of this filing and its condition. No other petitions or protests have been received.

Our review of NU's request indicates that it complies with the objectives of our May 31 order. In that order we were concerned that the filing by a public utility of a rate schedule after service thereunder had terminated and which did not provide notice to the public and the Commission jeopardized our ability to protect the consumer against unjust, unreasonable, unduly discriminatory or otherwise unlawful rates. Since the contracts and the issues raised in this docket are similar to the contracts and issues raised in Docket No. E-8105, et al. and since NU has agreed to make the contracts in this docket subject to refund and subject to the outcome of the proceedings in Docket No. E-8105, et al., we find that it is reasonable and appropriate to accept NU's contracts for filing and permit them to become effective, subject to refund, as of their proposed effective dates and subject to the outcome of the proceeding in Docket No. E-8105, et al. For good cause shown, we shall waive § 35.3 of the regulations to permit such effective dates.

The Commission finds:

(1) Good cause exists to accept the proposed contracts in this docket and permit them to become effective, subject to refund as hereinafter ordered and conditioned.

(2) Good cause exists to grant waiver of the notice requirements of § 35.3 of the Commission's regulations.

The Commission orders:

(A) The proposed unit sales contracts filed by NU in Docket Nos. E-8757, E-8758, and E-8781 are accepted for filing and permitted to become effective as of their proposed effective dates subject to refund and subject to the outcome of the proceedings in Connecticut Light and Power Company, Docket Nos. E-8105, et al.

(B) Waiver of the notice requirements of § 35.3 of the Commission's regulations is hereby granted.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-17243 Filed 7-26-74;8:45 am]

[Docket No. E-8875]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Application

JULY 22, 1974.

Take notice that on June 27, 1974 the following listed parties to the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Agreement tendered for filing two proposed Rate Schedules modifying the Interconnection Agreement which is on file with the Commission under the following Rate Schedule designations:

	Rate schedule FPC No.
Public Service Electric & Gas Co	23
Philadelphia Electric Co	21
Pennsylvania Power & Light Co	21
Baltimore Gas & Electric Co	9
Potomac Electric Power Co	19
Pennsylvania Electric Co	24
Metropolitan Edison Co	7
Jersey Central Power & Light Co	7

The proposed Rate Schedules relate to share allocation among the PJM membership of amounts paid or received from non-members for certain capacity and transmission services. The share allocation agreements which are designated as Schedules 5.02 and 5.03 to the September 26, 1956, PJM Agreement as supplemented provide that the payments to others for capacity and transmission services are to be collected within PJM on the basis of the then existing capacity applications of the party to the PJM Agreement. Receipts related to capacity or transmission are allocated within PJM in proportion to either defined capacity quantities or defined investment in bulk power transmission. August 1, 1974, is requested as the effective date of the proposed Rate Schedules.

Any person desiring to be heard or to make any protest with reference to the subject matter of this Notice should on or before August 12, 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). Persons wishing to become parties to the proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17241 Filed 7-26-74;8:45 am]

[Docket No. RP74-39-11]

TEXAS EASTERN TRANSMISSION CORP.

Petition for Declaratory Order

JULY 22, 1974.

On June 27, 1974, the Borough of Chambersburg, Pennsylvania (Chambersburg), filed a petition for a declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure. Chambersburg protests the way in which Texas Eastern Transmission Corp. (TETCO) has chosen to implement its demand charge adjustment (DCA) provisions, filed May 28, 1974 (as supplemented June 28, 1974) and placed into effect on July 1, 1974, upon the motion of TETCO.[1]

The purpose of the DCA provisions is to redistribute demand charges among TETCO's DCQ and GS Rate Schedule customers to reflect the levels of curtailment imposed upon them. Revenues lost through a reduction of demand charges will be recouped concurrently by means of a surcharge on commodity rates.

Chambersburg has been curtailed by TETCO at an annual rate of 43 percent below its Annual Quantity Entitlement (AQE), a rate of curtailment far exceeding the systemwide average curtailment of 16 percent. On their face, TETCO's DCA provisions require that DCQ Rate Schedule customers, such as Chambersburg, who are curtailed to a greater extent than the system average, receive a reduction in demand charges.

Chambersburg states that TETCO has refused to reduce its demand charges to the Borough because Chambersburg, under the small customer exemption provision[2] of § 12.3 of TETCO's tariff, may take, on any day, its full contract quantity. Chambersburg protests that this implementation of the tariff by TETCO is discriminatory and unlawful. TETCO's tariff relieves small customers of daily curtailment but does not reduce their annual curtailment. Thus, Chambersburg states that while it is curtailed at an annual rate of nearly three times the system average, it is forced to pay a higher commodity charge for the gas it takes while, at the same time, it receives no reduction of demand charges.

Chambersburg requests that the Commission issue a declaratory order stating that all customers purchasing gas under a two-part rate schedule be deemed to qualify for the demand charge adjustment or that, in the alternative, the Commission stay indefinitely the effectiveness of Texas Eastern's proposed DCQ provision pending the outcome of full hearings to determine this matter.

Any person desiring to be heard or to make protest with reference to said petition should on or before August 7, 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17242 Filed 7-26-74;8:45 am]

[Docket Nos. RP74-20, RP74-83]

UNITED GAS PIPE LINE CO.

Notice of Proposed Change in Rates

JULY 22, 1974.

Take notice that on June 28, 1974, United Gas Pipe Line Company (United) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, First Revised Sheet No. 289-A of Rate Schedule X-34, which is a transportation agreement with Cities Service Oil Company (Cities). United states that the tariff sheet is being filed to reflect the change in rate level as provided under the terms of the transportation agreement dated September 28, 1962, as amended. The revised sheet reflects United's Southern Zone jurisdictional cost of service in FPC Docket No. RP74-20 filed on September 21, 1973 and amended on April 5, 1974. Under the terms of this rate schedule the parties have agreed that from time to time United will make filings with the Federal Power Commission to recover its increase in cost of doing business, and Cities Service agreed to pay United for gas transported under this agreement a price per Mcf equal to United's average jurisdictional transmission cost of service in the Southern Rate Zone. United states the revised sheet would provide for an annual increase of $260,586.

United requests an effective date of April 6, 1974, which is the date the rates proposed in Docket No. RP74-20 went into effect subject to refund.

United states that copies of the filing were sent to Cities and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17190 Filed 7-26-74;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Order Accepting for Filing and Suspending Proposed Alternate PGA Rate Increase

JULY 22, 1974.

On June 3, 1974, Cities Service Gas Company (Cities) filed with the Commission alternate purchased gas adjustment (PGA) rate increases[1] of 4.42¢ and 3.70¢ per Mcf. Both proposed alternate increases reflect increased producer prices, but the 4.42¢ increase also reflects increases from Transwestern Pipeline Company (Transwestern) and Oklahoma Natural Gas Gathering Corporation (Oklahoma Natural) effective July 11 and July 1, 1974, respectively. Cities requests, if necessary, waiver of the provisions of its PGA clause to permit an effective date for the 4.42¢ of July 23, 1974.

Cities' approved PGA clause provides for PGA adjustments to be filed semiannually to track producer increases, but further provides for tracking pipeline supplier increases without regard to the six-month period. The pipeline supplier adjustment is determined on the basis of the effective rate each supplier has on file with the Commission as of the filing date of the adjustment.[2] The pipeline supplier adjustments proposed in the 4.42¢ increase took effect after the date of filing. Cities has offered no justification for departure from its tariff provision in this regard, other than to state its belief that no waiver is required because Commission Order Nos. 452 and 452-A state that PGA rate changes relating to pipeline supplier increases may be made at anytime. Any PGA increase not in conformance with the pipeline's approved tariff requires waiver. Having been given no reason to grant waiver in this instance, we shall reject the 4.42¢ alternate increase proposal without prejudice to Cities filing an amendment to its PGA clause which conforms to Commission Order Nos. 452

[1] The DCA provisions placed into effect on July 1, 1974, are embodied in TETCO's FPC Gas Tariff, Fourth Revised Volume No. 1, Third Substitute First Revised Sheet Nos. 14, 14A, 14B, 14C, and 14D; First Revised Sheet Nos. 17, 25, and 102; and Original Sheet No. 102A.

[2] The small customer exemption applies to customers who take less than 10,000 Mcf per day. All but a handful of the exempted customers take gas under TETCO's one-part SGS Rate Schedule and are therefore unaffected by the DCA provisions.

[1] Eighth Revised Sheet PGA-1 to Second Revised Volume No. 1.

[2] See Section 21.25 of Cities PGA Clause.

and 452–A and a concurrent filing pursuant to their amended PGA clause reflecting the increases from Transwestern and Oklahoma Natural effective July 11 and July 1, 1974, respectively.

With regard to the proposed 3.70¢ increase, we note that this PGA increase is based in part on small producer purchases at rates in excess of the area rate levels established by our Opinion No. 699.[3] The Supreme Court in Federal Power Commission v. Texaco, Inc. et al.[4] recently remanded the question of the standards the Commission must use in determining the justness and reasonableness of the prices for small producer purchases pursuant to Commission Order No. 428. We believe that it would be premature to establish at this time, a hearing schedule in this docket regarding these small producer purchases. We shall permit the proposed 3.70¢ rate increase to be charged subject to refund as of July 24, 1974, pending further order in this docket.

The Commission finds:

(1) Good cause exists to deny Cities' request for waiver of Section 21.25 of its PGA clause to permit acceptance of Cities' proposed 4.42¢ per Mcf rate increase without prejudice to Cities filing an amendment to its PGA clause which conforms to Commission Order Nos. 452 and 452–A and a concurrent filing pursuant to their amended PGA clause reflecting the increases from Transwestern and Oklahoma Natural effective July 11 and July 1, 1974, respectively.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Cities' proposed 3.70¢ per Mcf PGA rate increase filing should be accepted for filing, suspended for one day, and permitted to become effective subject to refund pending further Commission order in this docket.

The Commission orders:

(A) Cities' June 3, 1974, 4.42¢ per Mcf PGA rate increase filing is hereby rejected without prejudice to Cities filing an amendment to its PGA clause which conforms to Commission Order Nos. 452 and 452–A and a concurrent filing pursuant to their amended PGA clause reflecting the increases from Transwestern and Oklahoma Natural effective July 11 and July 1, 1974, respectively.

(B) Cities' June 3, 1974, 3.70¢ per Mcf PGA rate increase filing is hereby accepted for filing, suspended for one day and permitted to become effective on July 24, 1974, subject to refund pending further Commission order in this docket.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17191 Filed 7–26–74;8:45 am]

[3] Issued June 21, 1974, in Docket No. R–389.
[4] Docket Nos. 72–1490 and 72–1491, Opinion issued June 10, 1974.

[Docket Nos. RP71–14, RP71–84, RP71–137, RP72–151]

EL PASO NATURAL GAS CO.

Notice of Report of Refunds Due and Substitute Tariff Sheets Tender

JULY 22, 1974.

Take notice that on June 26, 1974, El Paso Natural Gas Company (El Paso) tendered for filing certain substitute revised tariff sheets to its FPC Gas Tariff, Original Volume No. 3 and First Revised Volume No. 3 and a report of refunds due in Compliance with ordering paragraph (C) of the Commission Order Approving Settlement issued April 15, 1974, in the captioned proceedings. Said order accepted and approved El Paso's Stiplation and Agreement in Settlement of Rate Proceedings filed on July 20, 1973, in the above dockets and relates to rate proceedings applicable to El Paso's former Northwest Division System. El Paso states that the instant filing is also in conformity with the provisions of such Stipulation and Agreement.

El Paso states that the tendered tariff sheets are applicable to all rate schedules contained under its Original Volume No. 3 and First Revised Volume No. 3 tariff and reflect the reduced rate levels provided by the Stipulation and Agreement for the cumulative term of the locked-in periods of the subject rate proceedings from March 31, 1971, through November 24, 1973. Further, El Paso states the principal refund resulting from the settlement aggregates $9,416,-968.36. El Paso submitted as a part of the instant filing computations supporting said principal refund, reflecting the amount of principal refund due under each rate schedule and to each customer affected by said settlement. El Paso proposes to make the subject refund, together with the appropriate interest thereon, within thirty (30) days of Commission approval of the tendered tariff sheets and refund amount.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before July 31, 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 15.10). 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17192 Filed 7–26–74;8:45 am]

MOUNTAIN FUEL SUPPLY CO.

[Docket No. CP73–213]

Order Denying Request for Temporary Certificate; Instituting Show Cause Proceeding; Setting Proceedings for Formal Hearing and Establishing Procedural Dates

JULY 22, 1974.

Before Commissioners: John N. Nassikas, Chairman; Rush Moody, Jr., William L. Springer, and Don S. Smith.

On February 7, 1973, Mountain Fuel Supply Company (Mountain Fuel) filed an application in the above styled proceeding pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the transportation of natural gas in interstate commerce. Notice of the application was issued by the Commission on February 15, 1973, and was published in the FEDERAL REGISTER on February 22, 1973 (38 FR 4811). On March 12, 1973, the Utah Industrial Natural Gas Users filed a petition to intervene, but subsequently filed a motion to withdraw such petition on April 11, 1973. No other petitions to intervene have been filed.

In its original application filing, Mountain Fuel proposed to construct and operate approximately 34.2 miles of 20-inch diameter pipeline extending from a point on Mountain Fuel's main transmission line near Coalville, Summit County, Utah, to Mountain Fuel's distribution lines near Farmington, Davis County, Utah. However, in response to objections from the United States Forest Service that its original route would pass through a denuded area which had been previously devastated by mud flows, Mountain Fuel filed an amendment to its application on March 14, 1974, which reflects certain changes in the proposed route. Pursuant to its amended application, Mountain Fuel proposes the construction and operation of approximately 33.2 miles of 20-inch pipeline extending from Mountain Fuel's existing pipeline near Coalville to its distribution lines in the Great Salt Lake Valley near Bountiful, Utah, about six miles south of the terminus originally proposed. The estimated cost of the proposed facilities is approximately $3,250,000.

Mountain Fuel maintains that the facilities are needed for the purpose of transporting to market up to 100,000 Mcf of natural gas per day from its Coalville Storage Field. Mountain Fuel also avers in its application that since its two existing interstate supply routes into the Great Salt Lake Valley either cross or are close to the Wasatch Fault, in an area classified as one having a high probability of a damaging earthquake, then a diversification of supply route is of considerable importance to the continuity of Mountain Fuel's gas supply. The pipeline as now proposed will cross the Wasatch Fault approximately 7 and 10 miles north of the respective existing southern lines.

On May 28, 1974, Mountain Fuel filed a request for immediate certificate authorization, alleging that it does not have enough pipeline capacity to meet its firm peak day requirements from existing sources, and that it has planned and is still planning to utilize the proposed pipeline and Coalville Storage Field to cover the deficiency. In the event Coalville is unable to make up the deficiency, Mountain Fuel maintains that it would still need the proposed pipeline to increase its transmission capacity from its Le Roy Storage Field. However, there is nothing in Mountain Fuel's filing which details such usage. Therefore, there is a question as to the need for the subject construction at the present time and this together with other issues hereinafter set out, should be developed in a formal evidentiary hearing. In view of this, we shall deny Mountain Fuel's request for temporary certification pursuant to § 157.17 of the regulations under the Natural Gas Act.

The route of the proposed pipeline would cross mostly private lands, but would traverse 7.4 miles of the Wasatch National Forest. It would not be routed through any historic place or national landmark, as maintained by the Secretary of the Interior. The land traversed is primarily used for watershed, recreation, and livestock grazing. This region has had a number of earthquakes in recent years; however, the route of the proposed line is sparsely populated. There are no rare or endangered species of wildlife that would be affected by the proposed line. There will be some alteration of land features, which will cause aesthetic impacts. However, there should be no significant effects on the maintenance and enhancement of the long-term productivity of the area. The subject proposal does not therefore constitute a major Federal action significantly affecting the environment.

Mountain Fuel has stated that one of its reasons for the instant proposal is to provide "earthquake insurance." Although we find that this project is not a major Federal action significantly affecting the environment, the possibility of earthquake damage and the possibility of modifying the existing pipelines to provide such insurance raises economic and environmental issues which are of concern.

After reviewing the subject application as amended, as well as all related filings, significant issues have been raised which should be dealt with in a formal public hearing in order to resolve whether the proposal should be granted. In this regard, the hearing should focus upon consideration of Mountain Fuel's existing gas supply, its current and projected peak day requirements, the extent of its firm and interruptible gas requirements, the availability of its existing storage facilities, the availability of alternative measures to the proposed project, the past and anticipated gas cutback from Northwest Pipeline Corporation, the ability of its two existing pipelines into the Great Salt Lake Valley to test the subject storage field, the historical experience of the subject area as regards earthquakes and its effects on Mountain Fuel's existing pipelines, the ability of Mountain Fuel to modify its existing pipelines to provide for "earthquake insurance", the current development of the Coalville Storage Field, the source of natural gas supply for base and top storage gas, the size of the storage structure, the thickness of formation, the porosity and storage flow rate, the volume of gas to be injected and the ability to provide such gas volumes, fuel usage, cost of facilities, technical feasibility and testing program, financeability of project, and any other matters requiring development on a record related to the public convenience and necessity.

Mountain Fuel contends in its application that it has no immediate alternatives to the development of the proposed storage field. A review of Mountain Fuel's 1973 Form 2 Report shows two storage fields, which might be used as additional sources of peaking gas. This issue should be explored at the hearing ordered herein. The two fields, Bridger Lake in Wyoming and Chalk Creek in Utah, are listed as having a combined maximum test deliverability of 63,531 Mcf per day and which delivered maximum daily volumes during the past winter of 9,866 Mcf and 49,606 Mcf respectively. No certificated volume is shown in Form 2 for either field. These facilities appear to have never been authorized by the Commission. In view of the foregoing, we are hereby directing Mountain Fuel in this proceeding to show cause why it should not file certificate applications pursuant to section 7(c) of the Natural Gas Act for the construction and operation of these two storage fields and why its actions in constructing and operating the two storage fields without prior certificate approval are not in violation of the Natural Gas Act.

The Commission finds:

(1) It may be that Mountain Fuel has constructed and is operating the Bridger Lake and Chalk Creek storage facilities without Commission authorization and is in violation of the Natural Gas Act.

(2) It is necessary and appropriate that the proceeding in Docket No. CP73–213 be set for formal hearing.

(3) It is not within the public interest to grant Mountain Fuel's request for a temporary certificate.

The Commission orders:

(A) Mountain Fuel shall show cause, if any there be, at the hearing directed in paragraph (B) below, why it should not file certificate applications pursuant to section 7(c) of the Natural Gas Act for the construction and operation of its Bridger Lake and Chalk Creek storage fields and why its actions are not in violation of the Natural Gas Act in constructing and operating these facilities. Mountain Fuel's answer to this order should be filed as part of its evidence prescribed in paragraph (c) below.

(B) Pursuant to the provisions of the Natural Gas Act, particularly, sections 7 and 15 thereof, a formal hearing shall be convened in Docket No. CP73–213 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 on October 8, 1974, at 10:00 a.m. (e.d.t.). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(C) The direct case of Mountain Fuel as to all issues raised in its filing in Docket No. CP73–213, as well as all issues referred to in this order, shall be filed and served on all parties of record including Commission Staff on or before August 20, 1974.

(D) Mountain Fuel's request for a temporary certificate in Docket No. CP73–213 is denied.

(E) The Utah Industrial Natural Gas Users' motion to withdraw its petition to intervene in Docket No. CP73–213 is granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17193 Filed 7–26–74;8:45 am]

[Docket No. RP74–80]

NORTHERN NATURAL GAS CO.

Notice Postponing Hearing

JULY 22, 1974.

On July 8, 1974, Iowa Public Service Company filed a motion for change and extension of the hearing date fixed by order issued June 28, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to September 4, 1974, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–17194 Filed 7–26–74;8:45 am]

[Docket No. CS66–96]

DALCO OIL CO.

Notice of Succession and Petition for Waiver of Regulations

JULY 22, 1974.

Take notice that on June 21, 1974, Dalco Oil Company (Petitioner), 1200 Mercantile Bank Building, Dallas, Texas 75201, filed in Docket No. CS66–96 a notice of its succession to the interest of Investor's Royalty Company Inc. (Investor's Royalty) in a certain oil and gas lease and a petition for waiver in part of Subsection 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit Petitioner to succeed to the interest in the property formerly owned by Anadarko Production Company (Anadarko), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner, a small producer certificate holder in the subject docket, states that it acquired from Investor's Royalty an undivided .3476563 interest in an oil and gas lease and lands in the Avard Field, Woods County, Oklahoma. Petitioner claims that Investor's Royalty (which was granted a small producer's certificate effective May 6, 1971, in Docket No. CS71-857) acquired the aforesaid lease interest in two separate transactions. First, Petitioner states that in 1973 Investor's Royalty acquired from National Helium Corporation (National Helium) an undivided .10429671 working interest in the subject lease and land. The application indicates that National Helium was a small producer in 1973. Second, Petitioner states the balance of the interest acquired by Petitioner from Investor's Royalty was assigned to Investor's Royalty by Anadarko in 1972.

Subsection 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner seeks waiver of said subsection so that it might continue the sale of natural gas from the recently acquired leasehold to Panhandle Eastern Pipe Line Company under Petitioner's small producer certificate. Petitioner estimates the yearly volume of production attributable to the property is 10,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said notice of succession and petition for waiver should on or before August 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17195 Filed 7-26-74;8:45 am]

[Docket No. CP66-43]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Interventions, Setting Formal Hearing, and Establishing Procedures

JULY 23, 1974.

Texas Eastern Transmission Corporation (Tetco) on April 19, 1974, filed a petition pursuant to section 7 of the Natural Gas Act (Act) to amend the certificate of public convenience and necessity issued to it on April 29, 1966, in Docket No. CP66-43 (35 FPC 655-8). Tetco is seeking an amendment giving it authority to repair or replace the liquefied natural gas (LNG) storage facility built on Staten Island, New York, pursuant to an order of April 29, 1966, which was partially destroyed by fire in the February 10, 1973, disaster. Tetco also requests that the April 29, 1966, order be amended to delete the rate conditions imposed in ordering paragraph (G).

The order of April 29, 1966, among other things, authorized Tetco to construct and operate the LNG facility with a total capacity of 2,040,000 Mcf and a vaporization-redelivery capability of 199,000 Mcf per day. The order contained the following condition:

(G) That Applicant shall not, in any rate proceeding, assess against any other class of service any deficiency in revenues under its Storage Service Rate Schedule below the cost of service associated with (i) the facilities proposed herein to be assigned to Storage Service Deliveries, plus (ii) any additional facilities which may be required to provide the Storage Service deliveries.

On February 10, 1973, the LNG tank, which constituted a major, integral part of the LNG facility, was partially destroyed by fire. Physical damage included the complete destruction of the internal components of the tank, the dome and associated piping, the fire fighting apparatus along the edge of the dome, and substantial damage to the roadway encircling the top of the tank. The fire resulted in the death of forty men, who at the time were carrying out repairs within the tank. On March 2, 1973, we issued in Docket No. CP73-235 our Order Instituting Investigation of the accident. We ordered the investigation pursuant to our responsibilities under the Natural Gas Act "for the purpose of investigating the facts, conditions, practices or matters relating to the accident at the Staten Island, New York, LNG facility." On July 9, 1973, the Commission staff issued its preliminary report in that proceeding which made findings as to the conditions existent in the structure which resulted in the fire. A final report is to be submitted upon completion of the investigation.

The proposed repair or replacement operation would involve the installation of a double-walled, 9 percent nickel-steel liner for cryogenic service and a permanently attached dome roof of carbon steel which has a 9 percent nickel-steel sector in the process piping area. The installation operations are to be conducted within the original concrete wall and earthen berm built pursuant to the April 29, 1966, order and left standing after the February 10, 1973, fire. The proposed repair or replacement would occupy the same location and land area but would modify the storage capacity to the LNG facility from 2,040,000 Mcf, as authorized, to 1,734,000 Mcf.

The estimated total cost of repairing or replacing the facility and making it ready for resumed operations is $21,817,000. This is estimated to increase the annual LNG cost of service substantially above historical costs. If the rate condition in paragraph (G) above is removed, as requested, the rate increase may have to be borne by customers other than those that had received storage service.[1]

Tetco alleges that all capacity in excess of 1,100,000 Mcf required for the previous storage service would now be utilized because of changing load patterns. It alleges that it would husband gas in this facility in the summer in order to serve its increasing high priority market. Because of these reasons, Tetco requests that ordering paragraph (G) be eliminated.

On May 17, 1974, the Public Service Commission of the State of New York filed a notice of intervention. Timely petitions to intervene were filed by Algonquin Gas Transmission Company, Consolidated Edison Company of New York, Inc., Columbia Gas Transmission Corporation, City of New York, New York, Consolidated Gas Supply Corporation, and Public Service Electric and Gas Company. Long Island Lighting Company, The Peoples Natural Gas Company, Distrigas Corporation, and Distrigas of New York Corporation filed petitions out of time.

Columbia Gas Transmission Corporation (Columbia) states that the proposals by Tetco, especially the rate proposal, will have a measurable effect upon Tetco's customers including Columbia. Columbia requests that these issues be fully explored in an evidentiary hearing.

The City of New York, New York (New York) opposes the application, and requests that the proceeding on the original authorization be reopened to examine issues which have arisen since that certification. It specifically requested that we examine the safety of the tank, the safety of the transportation of LNG by barge or tanker, the need for the gas to be supplied by this storage service, the ability of Tetco to supply the facility, alternative sources of gas, and the treatment of LNG in end-use curtailment. New York states that it has placed a moratorium upon the issuance of new permits for the construction of LNG tanks. It contends, therefore, that there are no construction permits outstanding which would allow Tetco to proceed with repair or replacement of the tank. Tetco replied on July 7, 1974, that it did not oppose the intervention of New York, but stated that the LNG importation and transportation issues set forth by New York could not be the subject of this hearing, as no such proposal for authorization for importation or transportation is involved.

On page 1 of its application, Tetco states "that the work to be performed on its Staten Island LNG facilities constitutes a 'repair or a replacement of facilities' within the meaning of § 2.55 (b) of the Commission's rules of practice and procedure for which certificate authorization is not required." Clearly

[1] Under ordering paragraph (G) in the April 29, 1966, order, if the capacity of the tank was not used enough to create enough revenues to offset costs, the balance would have to be charged against the profits of the whole system.

this is not the case. The construction of such a new and different facility is not within the contemplation of § 2.55(b) of the Commission's general policy and interpretations which excludes from authorization under section 7(c) of the Natural Gas Act, repair or replacement of worn out facilities by identical facilities with duplicative capacity.

The petition for amendment of the certificate requires an examination of the proposals for the construction and operation of facilities, and the sale for resale of gas in interstate commerce to determine whether such proposals are required by the public convenience and necessity. We believe that the significant questions presented by these applications, as well as the requests of some petitioners, require hearing at which time all issues bearing upon the public interest can be fully developed on the evidentiary record. Among the relevant issues are (1) whether the rate condition in ordering paragraph (G) of our original order should be deleted or modified to allow assessment of storage costs against all customers including those who do not receive such service, (2) the end-use of LNG volumes, (3) Tetco's proposed service through LNG storage and the need for such service, (4) Tetco's supply of gas to be stored in this LNG facility, and (5) an examination of all safety and environmental aspects of these proposals.

On June 14, 1974, the Secretary sent a request to Tetco for detailed environmental data and studies showing Tetco's future supply plans and need for LNG to be stored in the proposed tank. That request is now outstanding and overdue. This letter indicates the importance of the request for compliance with the Order No. 485 guidelines in the staff's determination of whether this proposal constitutes a "major federal action" and any subsequent required analysis. We find that it is necessary that Tetco answer all outstanding data requests to the satisfaction of staff to assure a full and complete record on the various issues set forth above upon which a decision in this proceeding will be based.

The Commission finds:

(1) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in the above docket to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

The Commission orders:

(A) The above-named petitioners, who have petitioned to interevene in this proceeding are permitted to intervene in such proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the the admission of such interveners shall be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Texas Eastern Transmission Corp. shall submit the requested detailed environmental data and gas supply studies, as specified above, on or before August 15, 1974.

(C) The direct case of Tetco and all intervenors in support thereof shall be filed and served on all parties on or before September 24, 1974. As part of their direct case, Tetco shall submit appropriate responses to all subsequent outstanding data requests.

(D) Pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7, 8, 15 and 16 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act, a public hearing shall be convened in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C., on October 21, 1974. Such hearing shall consider testimony on the issues listed above and any other issues which may be relevant to the proceedings, and shall remain open until the submission of the Commission Staff's final environmental statement and any comments received on the draft statement in the event Tetco's proposal is found to be a major Federal action. Furthermore, no initial decision shall be issued prior to the submission of such environmental testimony in the event Tetco's proposal is found to be a major Federal action. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17208 Filed 7-26-74;8:45 am]

[Docket No. E-8902]

VERMONT ELECTRIC POWER CO., INC.

Notice of Proposed Initial Rate Schedule

JULY 23, 1974.

Take notice that on July 12, 1974, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Purchase Agreement dated April 1, 1974, for the sale of 30,000 KW and related energy from the Vermont Yankee Nuclear Electric Generating Unit in Vernon, Vermont to the Cambridge Electric Light Company (Cambridge) by Velco. Service under this rate schedule commenced at 11:59 p.m. on April 30, 1974, and terminates at 11:59 p.m. on October 31, 1974. The cost of service to Cambridge is approximately $250,000 per month.

Velco and Cambridge agreed upon the terms of the contract which is filed as a rate schedule fewer than 30 days prior to the date of commencement of service. Velco states that the executed contract was not received by it until mid-June, 1974, and that therefore the parties could not comply with the notice requirement of § 35.3 of the Regulations.

Velco further states that if the notice requirement is not waived, it might not recover its costs for electric power service for certain months covered by the agreement. Under these circumstances, Velco submits that good cause exists for waiver under § 35.11 of the notice requirement and requests that May 1, 1974, be the effective date of the rate schedule.

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 August 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17237 Filed 7-26-74;8:45 am]

[Docket No. E-8903]

VERMONT ELECTRIC POWER CO., INC.

Notice of Proposed Initial Rate Schedule

JULY 23, 1974.

Take notice that on July 12, 1974, Vermont Electric Power Company, Inc. (Velco) tendered for filing a Purchase Agreement dated April 1, 1974, for the sale of 45,000 KW and related energy from an electric generating facility in Bow, New Hampshire, owned and operated by the Public Service Company of New Hampshire, designated as Merrimack No. 2, to the New England Power Company (New England) by Velco. Service under this rate schedule commenced at 11:59 p.m. on April 30, 1974, and terminates at 11:59 p.m. on October 31, 1974. The cost of service to New England is $300,000/month. The amount of power to be sold under the contract is estimated to be 24,500,000 KWH per month.

Velco states that New England and it agreed upon the terms of the contract fewer than 30 days prior to the date on which service commenced, and that therefore the parties could not comply with the notice requirement of § 35.3 of the Regulations. Velco further states that if the notice requirement is not waived, Velco might not recover its costs for service for certain months covered by the agreement. Velco submits that under these circumstances good cause exists for the waiver of the notice requirement under § 35.11, and requests that May 1, 1974, be the effective date of this rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17238 Filed 7-26-74;8:45 am]

[Docket No. E-8850]

PUGET SOUND POWER & LIGHT CO.

Tariff Change

JULY 22, 1974.

Take notice that Puget Sound Power & Light Company (PSP&L) on June 14, 1974, tendered for filing proposed changes in its existing Wholesale for Resale Power Contracts. PSP&L states that the proposed changes would increase revenues from these customers by $146,761 based on the 12 month period ending December 31, 1973, and would add general rules and provisions relating to service to these existing wholesale customers.

PSP&L states that the reasons for the proposed change in the rates are that (1) the rates for wholesale service have remained unchanged for 27 years and have not been increased to take into account the increasing costs to the Company of providing such service, and (2) the proposed rates, while not designed to provide the full claimed rate of return, reflect a level of increase which is anticipated will be acceptable to existing customers.

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 29, 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.74-17202 Filed 7-26-74;8:45 am]

[Docket No. RI75-5]

WILLIAM A. JENKINS ET AL.

Petition for Special Relief

JULY 22, 1974.

Take notice that on July 11, 1974, William A. Jenkins (Operator) et al. (Petitioner), Suite 808, Expressway Terrace Building, 2601 Northwest Expressway, Oklahoma City, Oklahoma 73112, in Docket No. RI75-5 filed a petition for special relief pursuant to § 2.76 of the Commission's general policy and interpretations or, in the alternative, for abandonment pursuant to § 157.30 of the Commission's regulations under the Natural Gas Act. Petitioner requests relief from the area rate prescribed for the Hugoton-Anadarko Area in Opinion No. 586 and from the nationwide rate prescribed in Opinion No. 699 for the sale of natural gas to Champlin Petroleum Company (Champlin), from acreage in the Northwest Enid Field (Breckenridge Pool), Garfield County, Oklahoma. Champlin, in turn, resells the gas to Cities Service Gas Company under its FPC Gas Rate Schedule No. 93. Petitioner's proposed rate is 55.27 cents per Mcf. In consideration for the rate increase Petitioner proposes to recomplete ten depleted wells to other formations, to drill three new wells, and to renovate production facilities. Petitioner estimates that these operations will bring forth an additional five billion cubic feet of natural gas for the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before Aug. 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17203 Filed 7-26-74;8:45 am]

[Docket No. RP74-75]

NORTHERN NATURAL GAS CO.

Tariff Changes

JULY 22, 1974.

Take notice that on January 28, 1974, Northern Natural Gas Company (Northern) filed proposed revised tariff sheets in purported compliance with the Commission's January 4, 1974, order which approved a settlement in proceedings before the Commission. The revised sheets (Nos. 509, 514, 522, and 525) reflect reduced rate levels for Rate Schedules X-35 and X-36.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17204 Filed 7-26-74;8:45 am]

[Docket No. RI75-6]

SUN OIL CO.

Petition for Special Relief

JULY 22, 1974.

Take notice that on July 2, 1974, Sun Oil Company (Petitioner), Post Office Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI75-6, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests that it be granted relief from the area rate established in Opinion No. 586 for the sale of natural gas to Kansas-Nebraska Natural Gas Company, Inc., under its FPC Gas Rate Schedule No. 419, from petitioner's interest in certain leases located in the Bradshaw Field, Hamilton County, Kansas. The proposed rate is 35 cents per Mcf plus a 1 cent per Mcf annual escalation. The petition is based on increased operating costs due to the requirement for removing greater volumes of salt water from the wells.

Any person desiring to be heard or to make any protest with reference to said

petition should on or before August 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17205 Filed 7-26-74;8:45 am]

[Docket No. E-8859]

FLORIDA POWER CORP.

Proposed Changes in Rates and Charges

JULY 22, 1974.

Take notice that on June 19, 1974, Florida Power Corporation (Florida) tendered for filing the following five documents amending or superseding FPC rate schedules relating to its interconnections with the City of Wauchula, Tampa Electric Company, Florida Power & Light Company, and Orlando Utilities Commission:

1. A contract with the City of Wauchula dated July 6, 1973, with a requested effective date of December 1, 1973. Florida states that the contract is to replace an interconnection agreement with Wauchula dated August 3, 1967 (FPC No. 68) and all letters of commitment, supplements and amendments thereto. Florida states that the agreement provides for partial requirements service by Florida to Wauchula at rates equivalent to Florida's all-requirements wholesale for resale rates at 12 kv delivery voltage as approved by the Federal Power Commission. Florida states that it will modify the rates provided in the contract, and make appropriate refunds to conform with the all-requirements rate level approved by the Commission in Docket No. E-7679.

2. A Termination Agreement dated November 30, 1973, with a requested effective date of December 1, 1973. Florida states that Termination Agreement provides for termination, effective November 30, 1973, of Florida's interconnection agreement with Wauchula dated August 3, 1967 (FPC No. 68) and all letters of commitment, supplements and amendments thereto.

3. An Amendment Agreement dated February 1, 1974, to Florida's interconnection agreement with Tampa Electric Company dated September 1, 1957 (FPC No. 70). Florida states that the Amendment Agreement, with a requested effective date of February 1, 1974, amends the rate provisions of the 1957 contract in order to reflect more current costs and conditions on the parties' systems than were reflected by the rates in the 1957 contract. Florida states that the Amendment Agreement also provides for special energy charges and fuel adjustments to apply to energy from combustion turbines and from Tampa Electric Company's Hookers Point Station.

4. A Revision to Statement of Operating Arrangement between Florida Power & Light and Florida Power Corporation for Interconnection and Interchange of Power with a requested effective date of January 1, 1974. Florida states that the revision will change the initial statement of operating arrangement (FPC No. 75) to provide for an energy charge based on the seller's average steam production expenses, rather than such expenses at particular plants as provided in FPC No. 75. Florida states that the purpose of the revision is to facilitate billing, which presented administrative difficulties under the original arrangement.

5. A letter agreement with Orlando Utilities Commission, dated February 23, 1974, with a requested effective date of February 23, 1974. Florida states that the letter agreement provides that energy charges in a letter of commitment dated November 30, 1971 (Supp. No. 6 to FPC No. 71), under which Orlando agreed to supply Florida with 250,000 kw of firm interchange service from June 1, 1973, until the commercial operation date of Florida's Crystal River No. 3 unit, shall be based on Orlando's fossil fuel cost for the calendar month in which the energy is supplied rather than for the second preceding month. Florida states that this change was made to permit Orlando to recover changes in its fuel costs on a current basis.

Florida requests waiver of the thirty day notice requirement to permit the documents to become effective retroactively to the dates indicated.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17206 Filed 7-26-74;8:45 am]

[Docket No. E-8904]

GULF STATES UTILITIES CO.

Change in Metering Points

JULY 22, 1974.

Take notice that on July 12, 1974, Gulf States Utilities Company (Gulf States) tendered for filing a change in metering points under its electric service agreement with Cajun Electric Power Cooperative. According to Gulf States, the change involves the establishment of a new metering point located adjacent to Coly Substation on Highway 190 near Denham Springs, Louisiana. Gulf States states that this change is made in accordance with its FPC Rate Schedule No. 104 and that the effective date of this change is July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17207 Filed 7-26-74;8:45 am]

[Docket No. E-8008]

FLORIDA POWER AND LIGHT CO.

Notice of Filing of Interconnection Agreement

JULY 22, 1974.

Take notice that on July 8, 1974, Florida Power & Light Company (FP&L) tendered for filing a Contract, dated May 1, 1974, with the City of Homestead, Florida, providing for interchange service.

FP&L requests an effective date as of completiton of Homestead's substation.

FP&L requests waiver of the requirements of § 35.12(b)(1) of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17196 Filed 7-26-74;8:45 am]

[Docket Nos. RP74–82, RP74–81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Order Granting Late Petition To Intervene and Permitting State Commission To Intervene Out of Time

JULY 22, 1974.

On May 22, 1974, a late joint petition to intervene in this proceeding was filed by the Cincinnati Gas & Electric Company and the Union Light, Heat and Power Company (Cincinnati & Union). In a separate filing on May 28, 1974, the Public Utilities Commission of Ohio (Ohio) filed an untimely notice of intervention in this proceeding for and in behalf of the State of Ohio.

Our review of the Cincinnati & Union petition as well as Ohio's untimely notice of intervention indicates that good cause has been shown to grant both the late petition and the untimely notice of intervention and that this proceeding will not be delayed thereby.

The Commission finds:

Participation by the above intervenors may be in the public interest.

The Commission orders:

(A) Cincinnati & Union and Ohio are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting rights and interests specifically set forth in their respective petition to intervene and notice of intervention, and; *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of these proceedings.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–17199 Filed 7–26–74;8:45 am]

[Docket No. RP74–89]

TRUNKLINE GAS CO.

Order Granting Late Petitions To Intervene

JULY 22, 1974.

On June 28, 1974, we issued an order accepting for filing proposed tariff sheets, suspending and ordering revision of those tariff sheets, granting interventions, establishing hearing procedures, and denying waiver in the above captioned docket. On June 24, 1974, United Cities Gas Company and Mississippi River Transmission Corporation filed untimely petitions to intervene in this proceeding. Both petitioners allege that their interests may be affected by this proceeding. We shall permit these petitioners to intervene.

The Commission finds:

Good cause exists to grant the above-mentioned petitioners to intervene in this proceeding.

The Commission orders:

(A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late interventions granted herein shall not be the basis for delaying or deferring the procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–17200 Filed 7–26–74;8:45 am]

[Docket Nos. E–8811, E–8105 et al.]

CONNECTICUT LIGHT AND POWER CO.

Order Granting Request for Waiver of Notice Requirements and Accepting for Filing, Subject to Refund, Proposed Changes in Unit Sales Contracts

JULY 22, 1974.

On July 5, 1974, the Connecticut Light and Power Company (CL&P) submitted for filing an agreement which would make their filings of April 19, 1974, and May 22, 1974, in Docket Nos. E–8105 et al. and E–8811, respectively, subject to refund pending the conclusion of the proceedings in Docket No. E–8105 et al.[1] The filings would revise the unit contracts originally filed in Docket Nos. E–8105 and E–8422 to alter the purchasing companies' entitlements from certain generating units of CL&P.[2]

By order issued June 21, 1974, the Commission denied CL&P's requested waiver of the notice requirements in § 35.3 of the Commission's regulations and rejected the tendered filings of April 19, 1974, and May 22, 1974, in Docket Nos. E–8105 et al. and E–8811. However, this denial was without prejudice to CL&P's subsequent submittal of an agreement to make refunds, if ultimately determined to be necessary, from the proposed effective dates. Since CL&P has complied with this condition, we believe that it would be in the public interest to grant waiver of the Commission's regulations to permit an effective date of April 1, 1974, for the filing in Docket No. E–8811 and an effective date of March 1, 1974, for the filing in Docket No. E–8105 et al.

The Commission finds:

(1) Good cause exists to grant waiver of the Commission's regulations with respect to the filings of April 19 and May 22, 1974, in Docket Nos. E–8105 et al., and E–8811.

(2) The proposed amendments to the unit sales contracts in Docket Nos. E–8811 and E–8105 et al. should be accepted for filing subject to refund pending final Commission action in Docket No. E–8105 et al.

The Commission orders:

(A) CL&P's request for waiver of § 35.3 of Commission's regulations is hereby granted.

(B) The proposed amendments, filed April 19 and May 22, 1974, to the unit sales contracts in Docket Nos. E–8105 et al. and E–8811 are hereby accepted for filing subject to refund pending final Commission action in Docket No. E–8105 et al.

(C) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–17201 Filed 7–26–74;8:45 am]

[1] The filing in Docket No. E–8811 was designated Supplement No. 1 to Rate Schedule FPC No. 86, and the filing in Docket No. E–8105 et al. was designated Supplement No. 1 to Rate Schedule FPC No. 83.

[2] The filing in Docket No. E–8811 is an amendment to the unit contract originally filed in Docket No. E–8422 which docket was consolidated with Docket No. E–8105 et al. by order issued October 29, 1973, in Docket Nos. E–8418, E–8421, and E–8422.

[Docket No. RI74–220]

DINERO OIL CO.

Order Setting Date for Prehearing Conference

JULY 23, 1974.

On April 24, 1974, Dinero Oil Company (Dinero) filed an application pursuant to section 4 of the Natural Gas Act[1] and § 2.76 of the Commission's general policy interpretations[2] requesting relief from the contract rate of 17.24347 cents per Mcf of gas under its FPC Gas Rate Schedule No. 1 for proposed sales to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., (Tennessee) pursuant to a January 1, 1974, amendment to the November 21, 1955, base contract.

[1] 15 U.S.C. 717, et seq.

[2] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R–458, 49 FPC 992 (issued April 12, 1973), 18 CFR § 2.76.

Dinero seeks a proposed initial rate of 50 cents per Mcf, with a 2 cents per Mcf increase as of January 1, 1975, and the same escalation each January 1st thereafter. Dinero, previously certificated as a small producer,[3] proposes to rework a previously abandoned well in the Chess Todd Lease, Narcisso Tract No. 4, Willacy County, Texas (Texas Gulf Coast Area) in order to produce an estimated 100 to 150 MMcf of gas over a 2½ year period.

The amendment of January 1, 1974, extends the contract expiration date an additional 5 years from February 3, 1976, to February 3, 1981. The subject lease was assigned by Superior Oil Company (Superior) to the Coastal States Producing Company on March 31, 1960, which, in turn, assigned the lease to Petroleum Evaluation and Management Corporation (Petroleum) on June 1, 1969. Petroleum assigned the lease to Sonitt Petroleum Company (Sonitt) on August 1, 1970. Production ceased in September of 1971. On October 29, 1973. Sonitt released the lease to Superior which then assigned the lease to Dinero on November 14, 1973.

Notice of the application was issued on May 7, 1974, and appeared in the FEDERAL REGISTER on May 14, 1974, at 30 FR 17265. Tennessee filed a petition to intervene in favor of Dinero's petition on May 30, 1974.

In this, and in similar cases, the volume of additional reserves and deliverability which will be developed if the proposed project proceeds is of extreme importance to a determination of the justness and reasonableness of the rate to be charged by the producer. The producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. In the absence of such evidence and data, filed under oath as part of the application, we believe we have no alternative to ordering dismissal of the proceeding for failure of the applicant to carry his burden of going forward with the evidence.

We recognize that we have not clearly articulated the necessity for such a showing prior to this time, and rather than work a hardship on the applicant here by ordering dismissal on grounds that we have failed to make clear, we will permit this applicant, and others similarly situated, to make the required gas supply and project cost presentation as part of its application herein.

The evidence filed by the applicant relating to the cost of the project and gas supply and the staff analysis thereof are incorporated by reference as part of the evidentiary record upon which the decision of the Administrative Law Judge and the Commission will be based.[4]

[3] Docket No. CS73-319 (March 30, 1973).

[4] The staff analysis of the cost presentation submitted by applicant herein is attached below.

With respect to applications for special relief filed after this date, we announce our intention to withhold processing until the cost of the project and required gas supply information is properly filed.

An examination of the petition and the data in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow Tennessee to intervene in this proceeding.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) On or before August 2, 1974, Dinero and Tennessee shall file their direct testimony and evidence in support of the petition. All testimony and evidence filed herein shall be served upon the Presiding Administrative Law Judge, Commission Staff, and all other parties to the proceeding.

(C) On August 8, 1974, a prehearing conference shall be held in accordance with § 1.18 of the Rules of Practice and Procedure to resolve the issues herein in a hearing room of the Federal Power Commission, Washington, D.C., at 10:00 a.m.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose shall convene the prehearing conference in the proceeding.

(E) The Administrative Law Judge may in his discretion grant recesses from time to time if he deems a settlement or submission of the issues upon stipulated facts to be possible. If no stipulation or settlement can be reached by the parties hereto after reasonable time and provisions has been made for the same, the Presiding Administrative Law Judge shall establish the time for the submission of other evidence by any party desiring so to do, and the commencement of hearing and shall prescribe relevant procedural matters not herein provided.

(F) Tennessee is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that such intervenor might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Appendix A, calculation of unit cost of gas, filed as part of the original document.

Dinero Oil Co., docket No. R174-220 Chess Todd Lease, Narcisso Tract No. 4, Willacy County, Tex.

[Calculation of unit cost of gas]

Line No.	Description	Volume	Total cost
1	Total interest volumes: [4]		
2	Gas (thousand cubic feet) (at 14.65 p.s.i.a.) [2]	125,000	
3	Natural gas liquids (barrels)	0	
4	Investment [3]		$22,100
5	Operating expense [4]		12,330
6	Liquid revenue credit		0
7	Regulatory expense		250
8	Return on invested capital [5] (15 percent)		4,144
9	Return on working capital [7] (15 percent)		231
10	Overriding royalty at 12.5 percent [8]		5,579
11	Royalty at 12.5 percent [9]		6,376
12	Production tax [10]		4,135
13	Total cost of gas		55,146
14	Unit cost of gas (cents per thousand cubic feet)		44.12

[1] A production life of 2¼ yr is estimated for this property.
[2] This is an average value. Staff presumes this is based on geological information and previous production history.
[3] Includes $3,700 to acquire the lease equipment, $9,600 for a damaged compressor, and $8,800 for reworking well.
[4] Includes $5,580 in ad valorem taxes. This figure was backed out of a combined ad valorem and production tax estimate submitted by Dinero at an estimated rate of 6.5 percent.
[5] Estimated at 0.2¢/Mcf.
[6] Investment×interest rate×2¼ production life.
[7] ½×operating expense×interest rate.
[8] Defined as 12.5 percent of the total of lines 4–10.
[9] Defined as 12.5 percent of the total of lines 4–11.
[10] Texas production tax is 7.5 percent of total cost of gas (line 13).

[FR Doc.74-17212 Filed 7-26-74;8:45 am]

[Docket No. R174-236]

SUN OIL CO.

Order Setting Hearing

JULY 23, 1974.

On May 22, 1974, Sun Oil Company (Sun) filed a petition pursuant to Section 4 of the Natural Gas Act[1] requesting relief from the area rate established in Opinion No. 586, Area Rate Proceeding, et al., Hugoton-Anadarko Area, Docket No. AR64-1, et al.

[1] 15 U.S.C. 717, et seq.

Pursuant to a March 8, 1965, contract with purchaser Northern Natural Gas Company (Northern) Sun presently collects 18.285 cents per Mcf for gas produced from the Six Miles Field, Beaver County, Oklahoma. In this field Sun proposes to re-enter the Cole-McGrew Unit, Well No. 2, which was plugged and abandoned as a dry hole in 1961. It is estimated by Sun that 500 MMcf of gas can be recovered through the proposed reworking.

By letter agreement dated March 27, 1974, Northern agreed to pay to Sun an initial rate of 45 cents per Mcf plus 1 cent per Mcf annual escalation, subject to upward and downward Btu adjustment from 1000, for all gas produced from the reworked well. The applicable area rate is 19.7925 cents per Mcf.

The notice of petition was issued on May 29, 1974, and appeared in the FEDERAL REGISTER on June 5, 1974, at 39 FR 19990. No petition to intervene or protests have been filed with the Commission.

In this, and in similar cases, the volume of additional reserves and deliverability which will be developed if the proposed project proceeds is of extreme importance to a determination of the justness and reasonableness of the rate to be charged by the producer. The producer applicant who seeks special relief must furnish not only opinion evidence on the cost of the project and gas supply issues but also sufficient underlying data so that the reasonableness and credibility of the opinion evidence can be weighed by application of traditional evidentiary standards. In the absence of such evidence and data, filed under oath as part of the application, we believe we have no alternative to ordering dismissal of the proceeding for failure of the applicant to carry his burden of going forward with the evidence.

We recognize that we have not clearly articulated the necessity for such a showing prior to this time, and rather than work a hardship on the applicant here by ordering dismissal on grounds that we have failed to make clear, we will permit this applicant, and others similarly situated, to make the required gas supply and project cost presentation as part of its application herein.

The evidence filed by the applicant relating to the cost of the project and gas supply and the Staff analysis thereof are incorporated by reference as part of the evidentiary record upon which the decision of the Administrative Law Judge and the Commission will be based.[2]

With respect to applications for special relief filed after this date, we announce our intention to withhold processing until the cost of the project and required gas supply information is properly filed.

An examination of the petition and the data in support thereof raises a question of whether there is sufficient basis for us to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that a hearing be held in this matter to determine what relief, if any, should be granted.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. 1), Docket No. RI74-236 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on September 17, 1974, 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Sun shall file its direct testimony and evidence on or before August 16, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff shall file its direct testimony and evidence on or before August 30, 1974. All testimony and evidence shall be served upon the Presiding Judge and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before September 9, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[1]Appendix A, staff calculation of the cost of gas, filed as part of the original document.

Sun Oil Co., docket No. RI74-236, Beaver County, Okla.

[Staff calculation of the cost of gas]

Line No.	Description	Average year
	(a)	(b)
1	Gas production (N.W.I): [1] 67,708 Mcf.	
2	Investment rate base:	
3	Average net investment [2]	$59,104
4	Working capital (1/8×line 8)	629
5	Rate base	59,733
6	Cost of production:	
7	Return on rate base at 15 percent	8,960
8	Cash operating expenses [3]	5,035
9	DD & A expense	17,292
10	Total cost of production	31,287
11	Unit cost of gas (cents per thousand cubic feet):	
12	Unit cost of production (line 10÷line 1)	46.21
13	Oklahoma production tax at 7 percent	3.48
14	Subtotal	49.69
15	Oklahoma excise tax	.04
16	Total unit cost of gas	49.73

[1] G.W.I recoverable reserves of 500,000 Mcf×Sun's 81.25 percent N.W.I divided by 6-yr depletion period. No oil is to be produced.

[2] Includes cost of well completion and cost of compressor and surface equipment installation. The average net investment is based on the sum of each year's net book investment balance, assuming straight-line depreciation, divided by the depletion period.

[3] This is 1/6 of the $30,212 total operating cost over a 6-year depletion period including regulatory expense of 0.2¢/Mcf.

[FR Doc.74-17210 Filed 7-26-74;8:45 am]

[1]The Staff analysis of the cost presentation submitted by applicant herein is appended below.

[Docket No. RI74-177]

A. O. PHILLIPS ESTATE

Order Setting Date for Prehearing Conference; Correction

JULY 10, 1974.

In the Order Setting Date for Prehearing Conference issued July 3, 1974, and published in the FEDERAL REGISTER on July 12, 1974, 39 FR 25695, on title page of order delete "Optional Procedure".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17214 Filed 7-26-74;8:45 am]

[Docket No. E-8615]

LOUISIANA POWER & LIGHT CO.

Extension of Time and Postponement of Hearing

JULY 23, 1974.

On July 12, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued April 12, 1974, in the above-designated matter. The motion states that all parties concur in the proposed dates.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff Service, August 23, 1974.
Intervener Service, September 6, 1974.
Company Rebuttal, September 20, 1974.
Hearing, October 8, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17239 Filed 7-26-74;8:45 am]

[Docket No. E-8876]

NYPP-PJM INTERCONNECTION

Notice of Interconnection Agreement

JULY 22, 1974.

Take notice that on June 27, 1974 the New York Power Pool (NYPP) and Pennsylvania-New Jersey-Maryland (PJM) filed the Interconnection Agreement between them dated April 9, 1974. The members of the NYPP group are:

Central Hudson Gas & Electric Corporation.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company.
New York State Electric & Gas Corporation.
Niagara Mohawk Power Corporation.
Orange and Rockland Utilities, Inc.
Rochester Gas and Electric Corporation.

The members of the PJM group:

Public Service Electric and Gas Company.
Philadelphia Electric Company.
Pennsylvania Power & Light Company.
Baltimore Gas and Electric Company.
Potomac Electric Power Company.
Pennsylvania Electric Company.
Metropolitan Edison Company.
Jersey Central Power & Light Company.

The NYPP-PJM Interconnection Agreement provides for the continued parallel operation of the electric systems of the two groups, for cooperation with regard to matters affecting the development of their respective systems and the reliable operation of such systems, and for capacity and interchange transactions between the two groups. New services are specified for new conditions, including supplemental operating capacity and energy, non-replacement energy and transmission related to various capacity transactions.

No new facilities will be installed nor will existing facilities be modified in connection with instituting the Agreement. It is requested that the Agreement become effective on August 1, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before August 12, 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). Persons wishing to become parties to the proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-17240 Filed 7-26-74;8:45 am]

[Docket No. E-7690]

NEW ENGLAND POWER POOL AGREEMENT (NEPOOL)

Order Accepting for Filing and Permitting To Become Effective Certain Pool Transmission Cost Rules, Subject to Refund, and Initiating Hearing

JULY 23, 1974.

On September 21, 1972, the Commission accepted the New England Power Pool Agreement (NEPOOL Agreement) for filing in Docket No. E-7690, and instituted an investigation and hearing to determine the reasonableness thereof. The NEPOOL agreement provides for the exchange and transmission of electric power and energy between and among a number of participating electric utilities located in the northeast United States. A portion of the NEPOOL agreement deals with the use of transmission facilities of the NEPOOL participants to allow energy to move freely on the New England transmission network. Pool Transmission Facilities (PTF) are defined as those facilities rated 69 Kv or above required for the above-mentioned purposes.

The NEPOOL agreement provides that the carrying costs and depreciation rates used in determining PTF charges shall be based on uniform rules adopted by the NEPOOL Management Committee. The Commission's September 21, 1972, order accepting the NEPOOL agreement for filing directed NEPOOL to file the proposed PTF charges as a change in rate in accordance with § 35.13 of the Commission's regulations. (48 FPC 552). On February 5, 1973, the NEPOOL Management Committee filed its "Recommended Rules for Calculating Costs of EHV PTF under the NEPOOL Agreement." These rules were filed as a supplement to the NEPOOL agreement. The Management Committee requested waiver of the Commission's notice requirements to permit the proposed PTF cost rules to become effective on November 1, 1971, the effective date of the NEPOOL agreement.

The filing of the proposed PTF cost rules on February 5, 1973, was not fully in compliance with the Commission's applicable regulations. The filing was completed on March 12, 1974, on which date the NEPOOL Management Committee submitted certain additional information requested by the Commission's staff. The PTF cost rules will be assigned a filing date as of the completion of the filing on March 12, 1974.[1]

Notice of the filing of the proposed PTF cost rules was issued on March 5, 1973, providing for protests or petitions to intervene to be filed on or before March 19, 1973. No protests, petitions to intervene, or other comments have been received in response to the notice.

The proposed PTF cost rules represent, in effect, a formula by which charges for pool transmission services would be calculated. The proposed cost rules provide, inter alia, that depreciation shall be as recorded on the individual utility's books for all facilities placed in service prior to December 31, 1969. Depreciation thereafter on such facilities and on post-1969 facilities shall be calculated at the uniform rate of 3.33 percent, irrespective of the utility's book depreciation rate. The cost rules further provide that in determining the rate of return to be applied to the net investment in pool transmission facilities, the incremental cost of debt and preferred stock shall be used, and that short-term debt shall be included in determining the utilities' capital ratios. The return on common equity is based on a formula geared to the equity ratio. The lower a utility's equity ratio, the higher would be its equity return, and vice versa. The equity return would be 8 percent where the equity ratio was 100 percent, and would increase to over 15 percent if the equity ratio were (theoretically) zero. The equity return at a 35 percent equity ratio would be 13 percent.

We are unable on the record before us to approve the PTF cost rules proposed for determining depreciation and cost of capital. Charges for these items, calculated in accordance with the proposed cost rules, may be excessive and otherwise unlawful under the Federal Power Act. Accordingly, we shall initiate a separate hearing for purposes of determining the justness and reasonableness of the proposed PTF cost rules.

Inasmuch as the basic NEPOOL agreement has been previously accepted for filing and permitted to become effective as of November 1, 1971, it appears reasonable that the subject PTF cost rules, by which transmission charges under the NEPOOL agreement are to be calculated,

[1] The participating utilities together with applicable FPC rate schedule designations are set forth below.

should be made effective concurrently with the NEPOOL agreement. Accordingly, in light of the fact that the September 21, 1973, order directed NEPOOL to file the proposed PTF charges as a change in rate pursuant to § 35.13 of the regulations, we shall waive the Commission's notice requirements and permit the proposed PTF cost rules to become effective as of November 1, 1971, subject to refund pending the outcome of the hearing hereinafter ordered.

The Commission finds:

It is necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act that a hearing be held for the purpose of determining the justness and reasonableness of the proposed PTF cost rules.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 308, and 309 thereof, and the Commission's rules and regulations, a hearing is hereby initiated for the purpose of determining the justness and reasonableness of the proposed PTF cost rules, as filed herein by the NEPOOL Management Committee on February 5, 1973, insofar as such PTF cost rules provide for the calculation of charges for depreciation and cost of capital.

(B) Pending hearing and decision thereon, the PTF cost rules as tendered for filing herein on February 5, 1973, are accepted for filing as of March 12, 1974. The Commission's notice requirements are waived, and the proposed PTF cost rules are permitted to become effective on November 1, 1971, subject to refund.

(C) On or before August 28, 1974, the NEPOOL Management Committee shall serve its direct testimony and exhibits. Direct evidence by all other parties, if any, shall be served on or before September 27, 1974. Rebuttal evidence shall be served on or before October 18, 1974. Cross-examination shall commence on October 30, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, Washington, D.C.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedural matters not herein provided for, and shall conduct this proceeding in accordance with the Commission's rules and regulations and the term of this order.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

NEW ENGLAND POWER POOL AGREEMENT (PTF COST RULES)

RATE SCHEDULE DESIGNATIONS

Instrument: Recommended Rules for Calculating Costs of EHV PTF.
Dates: Not dated.
Filed: March 12, 1974.
Effective: November 1, 1971.

The above instrument will be designated as Supplement No. 2 to the following Rate Schedules

Company:	*Rate Schedule FPC No.*
Bangor Hydro-Electric Co	15
Blackstone Valley Electric Co	13
Boston Edison Co	59
Brockton Edison Co	9
Cambridge Electric Light Co	14
Canal Electric Co	11
Cape & Vineyard Electric Co	7
Central Maine Power Co	35
Central Vermont Public Service Corp	79
The Connecticut Light and Power Co	57
Citizens Utilities Co	13
Fall River Electric Light Co	16
Fitchburg Gas and Electric Light Co	9
Granite State Electric Co	7
Green Mountain Power Corp	40
The Hartford Electric Light Co	45
Holyoke Power & Electric Co	15
Holyoke Water Power Co	24
Massachusetts Electric Co	45
Montaup Electric Co	17
The Narragansett Electric Co	31
New Bedford Gas and Edison Light Co	15
New England Power Co	229
Public Service Co. of New Hampshire	55
The United Illuminating Co	23
Vermont Electric Power Co., Inc	145
Vermont Marble Co	1
Western Massachusetts Electric Co	62

[FR Doc.74-17215 Filed 7-26-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

W-P COAL CO.

Electric Face Equipment Standard; Applications for Renewal Permits; Opportunity for Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4023-000, W-P COAL COMPANY, Mine No. 18-L, Mine ID No. 46 01387 0, Omar, West Virginia, ICP Permit No. 4023-001 (Joy 14BU10-11AE Loading Machine, Ser. No. 8888), ICP Permit No. 4023-002 (Joy 16RB Cutting Machine, Ser. No. 17347), ICP Permit No. 4023-003 (Joy CD-61 Coal Drill, Ser. No. 3597), ICP Permit No. 4023-004 (Joy 18SC 10 BPXE-3 Shuttle Car, Ser. No. ET 8270), ICP Permit No. 4023-005 (Joy 18SC 10BE3 Shuttle Car, Ser. No. ET 8265), ICP Permit No. 4023-006 (Galis 300 Roof Bolter, I.D. No. 1), ICP Permit No. 4023-007 (Kersey BCP-1 Utility Truck, Ser. No. 69127), ICP Permit No. 4023-008 (Kersey P-AST-185 Utility Truck (Scoop), Ser. No. 69122).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 23, 1974.

[FR Doc.74-17183 Filed 7-26-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Meeting

JULY 23, 1974.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will take place at Coronado, California on August 15 and 16, 1974.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Garden Room, Hotel del Coronado, Coronado, California. The morning session will convene at 9:30 a.m. on Thursday, August 15, and will be open to the public. The agenda for the morning session will be as follows:

I. Minutes of previous meeting.
II. A. Summary of recent business.
B. Appropriation prospects.
C. Fiscal year 1976 budget.
D. Application report.
E. Gifts and matching funds.
F. Report on chairman's grants.
G. Selected project evaluations.

Because the remainder of the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer John W. Jordan, 806 15th Street, NW, Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74-17167 Filed 7-26-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

JULY 24, 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 August 8, 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–29079 (Sub-No. E25), filed May 21, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, P.O. Box 395, Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant site and warehouse of North American Rockwell Corporation near Winchester, Ky., on the one hand, and, on the other, points in New York west of U.S. Highway 62, points in Pennsylvania west of U.S. Highway 219 (except those located in Washington and Greene Counties). The purpose of this filing is to eliminate the gateway of Columbiana, Ohio.

No. MC–30280 (Sub-No. E59), filed May 15, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in North Carolina and South Carolina, to Danville, Va. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina west of U.S. Highway 29 and within 30 miles of Danville, Va.

No. MC–95540 (Sub-No. E306) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER June 27, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. The letter-notice remains as previously published. The gateway of Tifton, Ga., was omitted from the previous publication.

No. MC–95540 (Sub-No. E242), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in California on, south, and west of Interstate Highway 8 to points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line, and extending along Interstate 19 to Pittsburgh, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 68 to Rimersburg, thence along Pennsylvania Highway 861 to New Bethlehem, thence along Pennsylvania Highway 28 to Brockway, thence along U.S. Highway 219 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to Smithport, thence along Pennsylvania Highway 59 to its junction with Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E244), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Delaware, Maryland, and Virginia on the DelMarVa Peninsula south of the Chesapeake and Delaware Canal, to points in Arkansas on, west, and south of a line beginning at the Mississippi River and extending along Interstate Hghway 55 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Pike or Spalding Counties, Ga.

No. MC–95540 (Sub-No. E334) (Correction) filed May 13, 1974, published in the FEDERAL REGISTER June 25, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to Pennsylvania Highway 153, thence along Pennsylvania 153 to its junction with Pennsylvania Highway 555, thence along Pennsylvania Highway 555 to its junction with Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to its junction with Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to Port Allegany, thence along U.S. Highway 6 to Coudersport, thence along Pennsylvania Highway 44 to its junction with Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to its junction with Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line, to points in Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Tifton, Ga. The purpose of this correction is to indicate the correct route description in Pennsylvania.

No. MC–95540 (Sub-No. E386), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mesa, Ariz., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E388), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Omaha, Nebr., to points in Virginia on and south of a line beginning at the Virginia-North Carolina State line and extending along Virginia Highway 119 to U.S. Highway 158, thence along U.S. Highway 158 to South Boston, thence along U.S. Highway 15 to junction with U.S. Highway 360, thence along U.S. Highway 360 to Richmond, thence along Interstate Highway 64 to junction with Virginia Highway 168, thence along Virginia Highway 168 to junction with Virginia Highway 238, and thence along Virginia Highway 238 to Yorktown. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC–95540 (Sub-No. E393), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in its commercial zone).

No. MC–95540 (Sub-No. E395), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636,

Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in California to points in North Carolina.

No. MC–95540 (Sub-No. E400), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from points in Florida (except Brooksville, Orlando, and Winter Haven) on and southeast of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to Perry, thence along U.S. Highway 19/98 to its junction with Florida Highway 51, thence along Florida Highway 51 to Steinhatchee, to points in California. The purpose of this filing is to eliminate the gateway of Brooksville, Orlando, and Winter Haven, Fla.

No. MC–95540 (Sub-No. E423), filed May 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen canned preserved or prepared foodstuffs*, from Bridgeton, N.J., to points in California. The purpose of this filing is to eliminate the gateways of Richmond, Va., and points in Tennessee (except Memphis and its commercial zone).

No. MC–95540 (Sub-No. E424), filed May 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina on and south of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 20 to Columbia; thence along U.S. Highway 76/378 to Sumter; thence along U.S. Highway 378 to Conway; thence along U.S. Highway 501 to the Atlantic Ocean, to points in Arizona south of a line beginning at the Arizona-California State line and extending along Interstate Highway 10 to its junction with U.S. Highway 60; thence along U.S. Highway 60 to junction with U.S. Highway 71; thence along U.S. Highway 71 to Congress; thence along U.S. Highway 89 to Prescott; thence along Arizona Highway 69 to junction with Arizona Highway 164; thence along Arizona Highway 164 to junction with Interstate Highway 17; thence along Interstate Highway 17 to junction with Arizona Highway 279 to junction with Arizona Highway 87; thence along Arizona Highway 87 to junction with Arizona Highway 260; thence along Arizona Highway 260 to Show Low; thence along U.S. Highway 60 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC–95540 (Sub-No. E429), filed May 12, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and points in its commercial zone).

No. MC–95540 (Sub-No. E438), filed May 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen canned citrus products*, in mixed loads with citrus products, not canned and not frozen, from points in Florida east of Florida Highway 85 to points in Illinois on or north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 50 to Flora, thence along U.S. Highway 45 to its junction with Illinois Highway 15 to the Mississippi River. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga.

No. MC–95540 (Sub-No. E444), filed May 20, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen canned, preserved, or prepared citrus products*, from points in Florida (except Jacksonville), to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

No. MC–95540 (Sub-No. E532), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateway of points in Virginia on the DelMarVa Peninsula south of the Chesapeake and Delaware Canal.

No. MC–95540 (Sub-No. E538), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga., 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, canned, preserved, or prepared foodstuffs*, from Bridgeton, N.J., to points in Florida. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC–95540 (Sub-No. E539), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, canned, preserved, or prepared foodstuffs*, from Bridgeton, N.J., to points in Georgia. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC–95540 (Sub-No. E540), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, canned, preserved, or prepared foodstuffs*, from Bridgeton, N.J., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Richmond, Va., and Chattanooga, Tenn.

No. MC–95540 (Sub-No. E541), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen, canned, preserved, or prepared foodstuffs*, from Bridgeton, N.J., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC–95540 (Sub-No. E655), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to points in West Virginia. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E657), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products*, from points in Florida to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis and its commercial zone).

No. MC–100666 (Sub-No. E131), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing*, from points in Kansas, on, south, and west of a line beginning at the junction of Kansas Highway 27, and the Nebraska-Kansas State line, thence south on Kansas Highway 27 to the junction with Kansas Highway 96, thence east on Kansas Highway 96 to the junction with U.S. Highway 54, thence north and east on U.S. Highway 54 to junction with U.S. Highway 75, thence south on U.S. Highway 75 to the junction with Kansas Highway 39, thence east on Kansas Highway 39 to the junction with Kansas Highway 7, thence south on Kansas Highway 7 to the junction with Kansas Highway 126, thence east on Kansas Highway 126 to the Kansas-Missouri State line, to points in Kentucky, on, south, and east of a line beginning at the junction of U.S. Highway 62 and the Ohio River, thence east on U.S. Highway 62 to the junction with Interstate Highway 75, thence north on Interstate Highway 75 to the Ohio River. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC–103993 (Sub-No. E5), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from Fairmont, N.C., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of points in Minnesota, Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, West Virginia, Virginia, Michigan, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Indiana, Ohio, and the District of Columbia.

No. MC–103993 (Sub-No. E6), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors (except oilfield and industrial buildings), from points in Nevada, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Arizona, California, Idaho, Oregon, Utah, and Washington.

No. MC–103993 (Sub-No. E7), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from Victor, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of points in New York, Vermont, Massachusetts, Maine, Connecticut, Pennsylvania, and New Jersey.

No. MC–103993 (Sub-No. E8), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors (except oilfield and industrial buildings), from Boise, Idaho, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in California, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

No. MC–103993 (Sub-No. E18), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from Lawrenceville, Brunswick County, Va., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, thence along the Mississippi River to junction western boundary of Itasca County, Minn., thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the Uniited States and Canada (except points in Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina).

No. MC–103993 (Sub-No. E21), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and West Virginia.

No. MC–103993 (Sub-No. E22), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connector, from Worcester, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

No. MC–103993 (Sub-No. E23), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from the plant site of Starratt Modular Construction, Division of Starratt Brothers & Eken Development Corporation, at or near Voorheesville, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Ohio, Pennsylvania, West Virginia, Maryland, Delaware, and the District of Columbia.

No. MC–103993 (Sub-No. E24), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, in sections*, when transported on wheeled undercarriages equipped with hitchball connectors, from the plant site of Guerdon Industries, Inc., at Madison, S. Dak., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways of Iowa, Minnesota, Montana, Illinois, Wisconsin, the Upper Peninsula of Michigan, Nebraska, North Dakota, and Wyoming.

No. MC–103993 (Sub-No. E25), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Buildings, in sections,* when transported on wheeled undercarriages equipped with hitchball connectors, from Grand Junction, Colo., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of points in South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, Utah, Wyoming, Idaho, Montana, and Nevada.

No. MC–103993 (Sub-No. E26), filed May 23, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings, in sections,* when transported on wheeled undercarriages equipped with hitchball connectors, from the plant site of Taconic Industries, Inc., in Columbia County, N.Y., to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateway of Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

No. MC–107403 (Sub-No. E17), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax), and not including road oil, coal tar, and coal tar products, from points in Connecticut, Massachusetts, and Rhode Island to points in Alabama, Georgia, Mississippi, South Carolina, Tennessee, Virginia, West Virginia, and South Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC–107403 (Sub-No. E18), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soybean oil, resin plasticizer,* in bulk, from the plantsite of Archer-Daniels-Midland Company at or near Decatur, Ill., to points in Connecticut, New Jersey, New York, Rhode Island, Massachusetts, Vermont, Maine, and New Hampshire. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–107403 (Sub-No. E19), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum and petroleum products, coal tar products, and coal tar), in bulk, in tank vehicles, from the plantsite of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Columbus, Ohio and Philadelphia, Pa.

No. MC–107403 (Sub-No. E20), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from the plantsite of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio and Pittsburgh, Pa.

No. MC–107403 (Sub-No. E21), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible soybean oil,* in bulk, in tank vehicles, from Chicago, Ill., to points in New Jersey, New York, Connecticut, Delaware, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC–107403 (Sub-No. E22), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Inedible soybean oil,* in bulk, from Chicago, Ill., to points in Vermont, Maine, and, New Hampshire. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., and Newark, N.J.

No. MC–107403 (Sub-No. E24), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from the plantsite of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill., to points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio and Natrium, W. Va.

No. MC–107496 (Sub-No. E305), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from points in Utah to points in Missouri. The purpose of this filing is to eliminate the gateway of the pipeline outlet of Williams Brothers Pipeline Company in Doniphan County, Kans.

No. MC–107496 (Sub-No. E307), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from Des Moines, Iowa to points in Wisconsin in and south of La Crosse, Monroe, Juneau, Adams, Waushara, Winnebago, Calumet, and Manitowoc Counties. The purpose of this filing is to eliminate the gateways of Coralville, Iowa and points within 5 miles thereof and Rockford, Ill., and points within 10 miles thereof.

No. MC–107496 (Sub-No. E309), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Non-edible animal oils,* in bulk, in tank vehicles, from Council Bluffs, Iowa to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E310), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from points in Iowa to points in Utah. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points within 10 miles thereof, points in Nebraska on and west of U.S. Highway 83, and points in Colorado.

No. MC–107496 (Sub-No. E311), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from points in Adams, Taylor, Montgomery, Page, Mills, Fremont, Ringgold, and Union Counties to points in Wyoming. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points within 10 miles thereof, points in Nebraska, and points in Nebraska on and west of U.S. Highway 83.

No. MC–107496 (Sub-No. E312), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petrochemicals,* in bulk, in tank vehicles, from points in Iowa (except points west of U.S. Highway 75) to points in North Dakota. The purpose of this filing is to eliminate the gateway of the Kaneb Pipe Line Company at or near Milford, Iowa.

No. MC–107496 (Sub-No. E313), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's

representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in Iowa to points in Illinois south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa and Alexandria, Mo.

No. MC–107496 (Sub-No. E315), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin plasticizers*, in bulk, in tank vehicles, from the plantsite of Archer Daniels Midland Co., at or near Decatur, Ill., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plantsite of the Archer Daniels Midland Company at Valley Park, Mo.

No. MC–107496 (Sub-No. E316), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Methanol and anti-freeze* in bulk, in tank vehicles, from the plantsite of the Northern Petrochemical Company, located at or near Mapleton, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of La Platte, Nebr.

No. MC–107496 (Sub-No. E317), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol and anti-freeze*, from the plantsite of the Northern Petrochemical Company, located at or near Mapleton, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC–107496 (Sub-No. E318, filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Roxana, Ill., and points in Illinois within three miles of Roxana (except Hartford) and Wood River, Ill., and points within 1 mile of Wood River (except Hartford) to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Iowa on and east of U.S. Highway 69.

No. MC–107496 (Sub-No. E319), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Wisconsin on and south of U.S. Highway 16 and on and west of U.S. Highway 51. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and points within 10 miles thereof.

No. MC–107496 (Sub-No. E342), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Ponca City, Okla., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the Kaneb Pipeline Terminal near Nebraska.

No. MC–107496 (Sub-No. E343), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tulsa, Okla., to points in Colorado on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of points in Nebraska on and west of U.S. Highway 83.

No. MC–107496 (Sub-No. E344), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, in bulk, in tank vehicles, from Burlington, Iowa to points in Missouri. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E361), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* from the plantsite of the Missouri Portland Cement Company at St. Louis, Mo., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Joppa, Ill.

No. MC–107496 (Sub-No. E362), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry facings*, in bulk, from Cicero, Ill., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Highland, Ind.

No. MC–107496 (Sub-No. E403), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical adhesives*, in bulk, in tank vehicles, from the plantsite of H. B. Fuller Company at Kansas City, Kans., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC–107496 (Sub-No. E404), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Niles, Mich., to points in Missouri. The purpose of this filing is to eliminate the gateways of East Chicago, Ind., and Wood River, Ill.

No. MC–107496 (Sub-No. E405), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite and storage facilities of Martin Marietta Cement Midwestern Division, at or near Davenport, Iowa, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant or distribution terminal sites of Dundee Cement Company, located at or near Rock Island, Ill.

No. MC–107496 (Sub-No. E406), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the storage facilities of C F Industries, Inc., located at or near Frankfort, Ind., to points in Iowa. The purpose of this filing is to eliminate the gateway of Meridosia, Ill.

No. MC–107496 (Sub-No. E409), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, from Clayton, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of Troy Grove, Ill.

No. MC–107496 (Sub-No. E410), filed June 4, 1974. Applicant: RUAN TRANS-

PORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals derived from petroleum*, in bulk, in tank vehicles, from points in Iowa to points in the Lower Peninsula of Michigan (except points in Emmet, Cheboygan, and Presque Isle Counties). The purpose of this filing is to eliminate the gateway of the plant site of the Hawkeye Chemical Company at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E411), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Muscatine, Iowa, to points in Michigan. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–107496 (Sub-No. E412), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except those derived from petroleum and liquid oxygen, liquid nitrogen, and liquid hydrogen) from Port Neal Industrial Complex, and Big Soo Terminal, and the plant site of, and warehouses and storage facilities utilized by Terra Chemicals International, Inc., American Cyanamid Company, and Mosanto Company located in Woodbury County, Iowa, and Dakota County, Nebr., to points in California. The purpose of this filing is to eliminate the gateway of Denver, Colo.

No. MC–107496 (Sub-No. E413), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Indianapolis, Ind., to points in Iowa (except points east of U.S. Highway 65 and south of U.S. Highway 34). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–107496 (Sub-No. E414), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of Universal-Atlas Cement, Division of United States Steel Corporation in or near Independence, Montgomery County, Kans., to points in Indiana. The purpose of this filing is to eliminate the gateway of the plant or distribution terminal sites of Dundee Cement Company, located at or near St. Louis, Mo.

No. MC–107496 (Sub-No. E415), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Kansas City, Kans., to points in South Dakota (except points in Lincoln, Clay, and Union Counties). The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC–107496 (Sub-No. E416), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Colorado (except points south and east of a line beginning at the Kansas-Colorado State line, thence over Colorado Highway 96 to Pueblo, thence over U.S. Highway 85 to Walsenburg, thence over U.S. Highway 160 to Alamosa, thence over U.S. Highway 285 to the Colorado-New Mexico State line). The purpose of this filing is to eliminate the gateway of points in Nebraska west of Red Willow County, Nebr.

No. MC–107496 (Sub-No. E466), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from Milan, Ill., to points in Wisconsin (except points in Grant County). The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E467), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from Milan, Ill., to points in Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Co., at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E468), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Roxana, Ill., and points in Illinois within 3 miles of Roxana, Ill., and points z and Wood River, Ill., and points in Illinois within 1 mile of Wood River (except Hartford, Ill.), to points in North Dakota. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa, and the terminal of Kaneb Pipeline Company at or near Milford, Iowa.

No. MC–107496 (Sub-No. E469), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Peru, Ill., and points within 10 miles of Peru to points in Missouri on and north of U.S. Highway 40 and on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa, and points within a 15-mile radius thereof.

No. MC–107496 (Sub-No. E473), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer solutions, and dry fertilizer*, in bulk, in tank vehicles, from the plant site of Lominco Products, Inc., about 6 miles northwest of Beatrice, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E474), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Fremont, Nebr., to Gary, Ind. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–107496 (Sub-No. E476), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer*, in bulk, from Omaha, Nebr., to points in Michigan. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E477), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, in bulk, in hopper vehicles, from La Platte, Nebr., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of

the barge, warehouse, and storage facilities of Occidental Agricultural Chemical Corporation at Savage, Minn.

No. MC–107496 (Sub-No. E478), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Nebraska to points in Indiana (except points west of U.S. Highway 231 and south of U.S. Highway 150). The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and the plant site of the Hawkeye Chemical Company, at or near Clinton, Iowa.

No. MC–107496 (Sub-No. E479), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of Farmland Industries, Inc., near Hastings, Nebr., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E480), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company located at or near Hoag, Nebr., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC–107496 (Sub-No. E481), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from New Richmond, Wis., to points in Illinois. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E482), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Wausau, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC–107496 (Sub-No. E483), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north or west of U.S. Highway 151 to points in Colorado. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E484), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in Wisconsin on and north of U.S. Highway 10 to points in Nebraska. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–107496 (Sub-No. E491), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Lake, Porter, and Newton Counties, Ind., to points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along a nonnumbered highway via North Muskegon to U.S. highway 31, thence along U.S. 31 to Muskegon, thence along Michigan highway 46 to St. Louis, Mich., thence along U.S. 27 to Lansing, thence along U.S. 127 to junction of unnumbered highway near Mason (formerly U.S. 127), thence along unnumbered to U.S. 127, thence along U.S. 127 to Jackson, thence along former U.S. 127 via Liberty, Mich., to U.S. 112 (formerly U.S. 127), thence U.S. 112 to U.S. 127, thence along U.S. 127 to U.S. 223, thence along U.S. 223 to the Ohio-Michigan State line (except points in Berrien County). The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC–107496 (Sub-No. E492), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Peoria, Ill., and points within 10 miles thereof to points in Nebraska. The purpose of this filing is to eliminate the gateways of Ft. Madison, Iowa, Council Bluffs, Iowa, and points within 10 miles thereof, and points in Nebraska.

No. MC–107496 (Sub-No. E502), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Sugar Creek, Mo., and Kansas City, Kans., to points in North Dakota. The purpose of this filing is to eliminate the gateways of points in Taylor County, Iowa, Council Bluffs, Iowa, and points within 10 miles thereof, and Fremont, Nebr.

No. MC–107496 (Sub-No. E512), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Fairmont, Minn., to points in Indiana (except points west of a line beginning at the Michigan-Indiana State line over Indiana State Highway 15 to the junction of Indiana State Highway 14 thence over Indiana State Highway 14 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Ft. Madison, Iowa.

No. MC–107496 (Sub-No. E513), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in hopper vehicles, from Winona, Minn., to points in Indiana. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E514), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (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, from Welcome, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E515), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Welcome, Minn., to points in Indiana. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC–107496 (Sub-No. E516) filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the terminal of CF Industries, Inc., at

Pine Bend, Minn., to points in Colorado. The purpose of this filing is to eliminate the gateway of the plant site of Cominco Products, Inc., about six miles northwest of Beatrice, Nebr.

No. MC–107496 (Sub-No. E517), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Savage, Minn., to points in Colorado. The purpose of this filing is to eliminate the gateway of La Platte, Nebr.

No. MC–107496 (Sub-No. E518), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Florida. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E519), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Waterville, Minn., to points in Missouri. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC–107496 (Sub-No. E520), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Mankato, Minn., to points in Idaho. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107496 (Sub-No. E521), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to points in California. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–107839 (Sub-No. E10), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Coral Gables, Fla., to points in that part of Arizona on and north of a line beginning at the Arizona-Mexico State line, thence along U.S. Highway 66 to Flagstaff, thence along Interstate Highway 17 to Phoenix, thence along Interstate Highway 10 to the California-Arizona State line, points in that part of Utah on and south and west of a line beginning at the Arizona-Colorado State line, thence along U.S. Highway 6 to U.S. Highway 89, thence along U.S. Highway 89 via Salt Lake City to the Utah-Idaho State line; points in that part of Idaho on and south of U.S. Highway 12; and points in California, Nevada, Oregon and Washington. The purpose of this filing is to eliminate the gateways of Denver, Colo. and Gallup, N. Mex.

No. MC–107839 (Sub-No. E11), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen coffee and tea concentrates*, in mixed loads with frozen citrus products (as presently authorized), from Leesburg, Plymouth, Auburndale, and Dade City, Fla., to (1) San Diego, Calif., and (2) points in California in and north of Riverside and Orange Counties, restricted to the transportation of traffic originating at the plantsite and storage facilities of the Coca-Cola Company, Foods Division, and Lykes Pasco Packing Co., at the named origin points. The purpose of this filing is to eliminate the gateways of Denver, Colo. and Gallup, N. Mex.

No. MC–107839 (Sub-No. E12), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products and frozen seafood*, in vehicles equipped with mechanical refrigeration, from points in Florida north of a line beginning at Daytona Beach, thence along U.S. Highway 92 to U.S. Highway 17, thence along U.S. Highway 17 to Barberville, thence along Florida Highway 40 via Ocala, Dunnellon and Yankeetown to the Gulf of Mexico, to points in that part of California on and south of a line along U.S. Highway 91 (Interstate 15) from the California-Nevada State line to Barstow, thence along California Highway 58 to Bakersfield, thence along California Highway 99 to California Highway 152 near Chowchilla, thence along California Highway 152 to U.S. Highway 101 at Gilroy, thence along U.S. Highway 101 to San Jose, thence along California Highway 17 to Santa Cruz. The purpose of this filing is to eliminate the gateway of Denver, Colo., and Gallup, N. Mex.

No. MC–107829 (Sub-No. E13), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, 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, (1) from the plantsites and warehouses of Sterling Colorado Beef Packers, at or near Sterling, Colo., to points in Robeson, Columbus, Brunswick, Pender, Bladen, Cumberland, Sampson, Duplin, Onslow, Carteret and Craven Counties, N.C., and points in South Carolina; and (2) from the plantsites and warehouses of American Beef Packers, Inc., at or near Fort Morgan, Colo., to points in Tennessee on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of Plainview, Tex.

No. MC–107839 (Sub-No. E20), filed June 4, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood* (except canned), in vehicles equipped with mechanical refrigeration, from Tampa, Dover, and Miami, Fla., to Reno and Las Vegas, Nev.; Salt Lake City, Utah; points in Idaho on and south of U.S. Highway 12, and points in Oregon and Washington. The purpose of this filing is to eliminate the gateways of Denver, Colo., and Gallup, N. Mex.

No. MC–109397 (Sub-No. E1), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source materials, special nuclear materials, and by-product materials* (as defined in the Atomic Energy Act of 1954), *radioactive materials* when moving for burial or reprocessing and *associated materials* (except commodities which, because of size or weight, require the use of special equipment), and *nuclear reactor component parts*, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Washington, Oregon, California, Arizona, Nevada, Idaho, Montana, Utah, Wyoming, Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, and Wisconsin. The purpose of this filing is to eliminate the gateways of (1) the facilities of Combustion Engineering at or near Windsor, Conn., and (2) the plant site of Nuclear Fuel Services, Inc., in Cattaraugus County, N.Y.

No. MC–109397 (Sub-No. E2), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113,

Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Illinois, on the one hand, and, on the other, points in Washington, restricted to the transportation of traffic moving under Government bills of lading. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill.

No. MC–109397 (Sub-No. E3), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Illinois on and west of U.S. Highway 66, restricted to the transportation of traffic moving under Government bills of lading. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill.

No. MC–109397 (Sub-No. E8), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, Special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between the Cimarron facilities of Kerr-McGee Corporation at or near Crescent, Okla., on the one hand, and, on the other, points in Michigan, that part of Wisconsin on and east of U.S. Highway 51, and those parts of Indiana and Ohio on and north of U.S. Highway 30, restricted to the transportation of traffic under Government bills of lading. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) the Argonne National Laboratory of the U.S. Atomic Energy Commission, near Lemont, Ill.

No. MC–109397 (Sub-No. E9), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in Washington, Idaho, Oregon, Nevada, and that part of California on, west, and north of Interstate Highway 15, on the one hand, and, on the other, points in Illinois, restricted to the transportation of traffic under Government bills of lading. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill.

No. MC–109397 (Sub-No. E10), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special, nuclear, radioactive, and by-product materials* (except commodities in bulk, in tank or hopper-type vehicles), between the Nuclear Generating Stations located at or near Monticello, Minn., and Two Rivers, Wis., on the one hand, and, on the other, points in that part of South Carolina on and east of South Carolina Highway 121, restricted to the transportation of traffic moving under Government bills of lading. The purpose of this filing is to eliminate the gateways of (1) the facilities of the General Electric Co., located near Morris, Grundy County, Ill., and (2) Sheffield, Ill.

No. MC–109397 (Sub-No. E11), filed May 15, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special, nuclear, and by-product materials, and radioactive materials* (except commodities in bulk, in tank or hopper-type vehicles), between points in that part of South Carolina on and east of South Carolina Highway 121, on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 36, restricted to the transportation of traffic moving under Government bills of lading. The purpose of this filing is to eliminate the gateway of the facilities of the General Electric Co., located near Morris, Grundy County, Ill.

No. MC–110420 (Sub-No. E6), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Madison, Wis., to Litiz and Philadelphia, Pa., Charlotte, N.C., and points in Tennessee, Ohio, Kentucky, that part of Michigan in and south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, that part of Missouri in and south of Cass, Johnson, Pettis, Morgan, Moniteau, Cole, Osage, Gasconade, Franklin, and St. Louis Counties, and Sioux, Dawes, Box Butte, and Sheridan Counties, Nebr. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–111320 (Sub-No. E76), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, between points in New Hampshire, on the one hand, and, on the other, points in North Carolina on and south of a line from the Atlantic Ocean along U.S. Highway 117 to the junction of North Carolina Highway 58, thence along North Carolina Highway 58 to the junction of North Carolina Highway 561, thence along North Carolina Highway 561 to the junction of U.S. Highway 158, thence along U.S. Highway 158 to the junction of U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC–111320 (Sub-No. E77), filed May 31, 1974. Applicant: KEEN TRANSPORT, INC., P.O. Box 668, Hudson Ohio 44236. Applicant's representative: L. E. Gresh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, rejected, or defective self-propelled road building and contractor's vehicles or machinery*, in driveaway and truckaway service, between points in Vermont, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Elmira Heights, N.Y.

No. MC–113843 (Sub-No. E335), 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 Wisconsin on and north of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 141 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E403), 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 fruits and vegetables*, from Columbus, Ohio, to points in that part of Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Scranton, thence along Pennsylvania Highway 590 to

junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E406), 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: *Canned foods*, from points in those portions of Maryland and Delaware on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay to points in Minnesota, Nebraska, North Dakota, South Dakota, points in that part of Iowa on and west of Interstate Highway 35, and points in that part of Kansas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E407), 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: *Canned foods*, from points in that part of Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay to points in North Dakota, Nebraska, Iowa, South Dakota, Minnesota, and points in that part of Kansas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E412), 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 Davenport and Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E413), 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 Pocomoke City, Md., to Davenport and Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E418), 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 Montpelier, St. Johnsbury, Island Pond, and Newport, Vt., and Berlin, N.H. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E419), 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 Burlington, Vt., and points in Franklin and Orleans Counties, Vt. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC–113843 (Sub-No. E421), 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 and Crisfield, Md., to Caribou, Maine. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC–113843 (Sub-No. E422), 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: *Frozen prune juice*, from Cambridge, Md., to St. Joseph, Mo., and points in Kansas, Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E423), 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: *Frozen prune juice*, from Crisfield, Md., to Kansas City and St. Joseph, Mo., and points in Kansas, Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E424), 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 prune juice*, from Pocomoke City, Md., to Kansas City and St. Joseph, Mo., and points in Kansas, Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E446), 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: *Frozen foods*, from Hampton, Va., to Bradford, Pa. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E447), 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: *Frozen foods*, from Huntington, W. Va., to Portland and Bangor, Maine, Rutland, Vt., and Manchester, N.H. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E449), 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: *Frozen foods*, from Baltimore, Md., to points in Cimarron, Harmon, Jackson, and Texas Counties, Okla., and Oklahoma City, Okla. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E495), filed May 31, 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 Piqua, Ohio, to points in that part of Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Bradford, thence along Pennsylvania Highway 46 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Pennsylvania Highway 115 to junction Pennsylvania Turnpike Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–124174 (Sub-No. E1), filed June 4, 1974. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities

requiring special equipment, and those injurious or contaminating to other lading), between Anita, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, points in those parts of Nebraska, Iowa, Kansas, and Missouri within 60 miles of Auburn, Nebr., including Auburn, Nebr. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC-124692 (Sub-No. E1), filed May 13, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard building materials*, from Missoula, Mont., to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Big Horn County, Wyo.

No. MC-124692 (Sub-No. E12), filed May 13, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving joint asphalt, paving joint compounds, asphalt composition paving joint or floor planks, paving joint rubber, paving joint expansion cork and binder combined, and concrete surfact curing compounds* (except commodities in bulk, in tank vehicles), from Bedford Park, Ill., to points in Idaho. The purpose of this filing is to eliminate the gateway of points in Big Horn County, Wyo.

No. MC-124692 (Sub-No. E13), filed May 13, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials*, from Ft. Dodge, Iowa, to points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of points in Big Horn County, Wyo.

No. MC-124692 (Sub-No. E14), filed May 13, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building materials* (except commodities which, because of size or weight, require the use of special equipment), from Minneapolis, Minn., to points in Oregon. The purpose of this filing is to eliminate the gateway of points in Big Horn County, Wyo.

By the Commission.

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

[FR Doc.74-17251 Filed 7-26-74;8:45 am]

[Notice No. 557]

ASSIGNMENT OF HEARINGS

JULY 24, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after July 29, 1974.

MC 130206, William J. Chernesky, is continued to September 19, 1974 (2 days), at Boston, Mass., in Room 501, 150 Causeway Street.

MC 128383 Sub 43, Pinto Trucking Service, Inc., now assigned October 8, 1974, at Columbus, Ohio, is cancelled and transferred to modified procedure.

MC-F-12094, Ace Doran Hauling & Rigging Co.—Purchase (Portion)—Tri-State Motor Transit Co., now assigned September 30, 1974, at Washington, D.C., is postponed to October 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12114, Preston Trucking Company, Inc.—Purchase (Portion)—Express/S.D.Z. (Irvin Klein, Trustee), now being assigned continued hearing October 7, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

FF-426 Sub 1, Express Forwarding and Storage Co., Inc., now being assigned hearing October 9, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 136829 Sub-2, C. James, d.b.a. C. James Trucking, is reopened for further hearing on October 7, 1974 (1 week), at Portland, Oregon, in a hearing room to be later designated.

MC-119777 Sub 290, Ligon Specialized Hauler, Inc., now being assigned hearing October 1, 1974 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC-20783 Sub 99, Tompkins Motor Lines, Inc., now being assigned hearing October 2, 1974 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC-119792 Sub 39, Chicago Southern Transportation Co., now being assigned continued hearing on October 7, 1974 (1 week) at New Orleans, La., in a hearing room to be later designated.

Ex Parte No. 300, Increase in Charges for Mechanical Protective Service, I&S No. 8937, Detention Charges, Mechanical Refrigerator Cars, now being assigned hearing Sepetmber 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

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

[FR Doc.74-17249 Filed 7-26-74;8:45 am]

[Notice No. 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 23, 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.

No. MC 78400 (Sub-No. 39 TA) (Correction), filed June 18, 1974, published in the FEDERAL REGISTER issue of July 9, 1974, and republished as corrected this issue. Applicant: BEAUFORT TRANSFER COMPANY, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150.

NOTE.—The purpose of this republication is to show the correct place to send protests. SEND PROTESTS TO: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101, in lieu of Room 9A27, 819 Taylor Street, Fort Worth, Tex. 76102, which was published in the FEDERAL REGISTER in error. The rest of the application will remain as previously published in the FEDERAL REGISTER.

No. MC 113025 (Sub-No. 8 TA), filed July 15, 1974. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, S. Dak. 57732. Applicant's representative: A. Milton Evans, 426½ St. Joe Street, Box 2213, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Sioux City, Iowa, to points in South Dakota including farm yard deliveries, for the account of Hubbard Milling, Inc., 426 Omaha Street, Rapid City, S. Dak., for 180 days. SUPPORTING SHIPPER: Hubbard Millings, Inc., 426 Omaha Street, Box 431, Rapid City, S. Dak. 57701, Dennie Frederickson, Plant Mgr. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of

Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113678 (Sub-No. 558 TA), filed July 11, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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, from Snyder, Nebr., to Minneapolis, Minn., restricted to shipments stopping in transit for partial loading in connection with traffic originating at Denver, Colo., for 180 days. SUPPORTING SHIPPER: Mr. Steak, Inc., 5100 Race Court, Denver, Colo. 80216. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 117119 (Sub-No. 507 TA), filed July 11, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and/or storage facilities utilized by Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named destination points, for 180 days. SUPPORTING SHIPPER: Western Potato Service, Inc., Highway 2 West, Grand Forks, N. Dak. 58201. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118806 (Sub-No. 37 TA), filed July 15, 1974. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Blvd., Winnipeg, Manitoba, Canada R2J OT8. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated structures*, from Kansas City, Kans., to the ports of entry on the International Boundary line between the United States and Canada located at Pembina, N. Dak. and Noyes, Minn., for 180 days. SUPPORTING SHIPPER: Fashion, Inc., 311 Sunshine Road, Kansas City, Kans. 66115. SEND PROTESTS TO: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124078 (Sub-No. 604 TA), filed July 12, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Wilsonville, Ala., to Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Amax Resource Recovery Systems, Inc., 3440 Office Park Drive, Dayton, Ohio 45439 (Dennis A. Jones, Vice President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125925 (Sub-No. 14 TA), filed July 8, 1974. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. 22030. Applicant's representative: Frank B. Hand, Jr., Box 163, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded scrap metal*, from Washington, D.C., to Camden and Newark, N.J., for 180 days. SUPPORTING SHIPPER: Joseph Smith and Sons, Inc., 2001 Kenilworth Avenue, Box 5035, Washington, D.C. 20019. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 128030 (Sub-No. 72 TA), filed July 16, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable materials*, from points in Illinois, to points in Indiana, for 180 days. SUPPORTING SHIPPERS: Mr. Louis Mervis, Pres., Mervis Iron & Metal Co., Inc., 329 E. Harrison, Danville, Ill.; Mr. Joe Selicovitz, Owner, Selicovitz Junk Co., 2701 N. Market, Champaign, Ill.; Mr. Bradley B. Witmer, Owner, Witco Recycling, 121 N. Sixth St., Charleston, Ill.; Circle Iron & Metal, Mr. Bleveans, Jr., 1406 Warrington, Danville, Ill.; J. Solotken Co., Mr. Harry Katz, 101 S. Harding, Indianapolis, Ind.; and Mr. Dick Squire, VP, Twin City Reclamation and Recycling Service, 2808 N. Lincoln Ave., Urbana, Ill. 61801. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 133095 (Sub-No. 64 TA), filed July 15, 1974. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Brooklyn, N.Y. and Little Ferry and Kearny, N.J., to Wichita, Topeka, and Kansas City, Kans.; Joplin, Columbia, Kansas City, and Springfield, Mo.; and Denver, Colorado Springs and Boulder, Colo., for 180 days. SUPPORTING SHIPPER: Monsieur Henri Wines, Ltd., 7904 Cliffbrook (Southwest Division), Dallas, Tex. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 134922 (Sub-No. 89 TA), filed July 11, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, originating at the plant site and warehouse facilities of Morton Frozen Foods Division, Russellville, Ark., to points in Arizona, California, Indiana, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Continental Baking Co., Inc., Morton Frozen Foods, P.O. Box 731, Rye, N.Y. 10580. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139934 (Sub-No. 2 TA) (Correction), filed July 3, 1974, published in the FEDERAL REGISTER issue of July 17, 1974, and republished as corrected this issue. 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.

NOTE.—The purpose of this republication is to show the applicant sub number, which was omitted in the FEDERAL REGISTER. The MC number is No. MC 139934 (Sub-No. 2 TA). The rest of the publication will remain as previously published.

No. MC 139941 (Sub-No. 1 TA), filed July 15, 1974. Applicant: A–C DISTRIBUTING CO., 3407 Dover Drive, Springfield, Ill. 62703. Applicant's representative: Douglas G. Brown, 217 South 7th Street, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home care products, automobile care products, cosmetic care products, stainless steel cookware, cutlery, food supplements, literature and sales aids* (except commodities in bulk), between points in Illinois, restricted to shipments having prior or subsequent movement by motor common carrier, for 180 days. SUPPORTING SHIPPER: J. Terry Heffron, Transportation Supervisor, Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 139943 (Sub-No. 1 TA) (Amendment), filed June 26, 1974, published in the FEDERAL REGISTER issue of July 17, 1974, and republished as amended this issue. 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.

NOTE.—The purpose of this republication is to add the State of New Hampshire in Part A of the application, which was omitted in error. The rest of the application will remain as published.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 455 TA), filed July 15, 1974. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passenger, in round trip special operations, beginning and ending at Brooklyn and Staten Island, N.Y.; and points in Camden, Essex, Hudson, Middlesex, Passaic and Union Counties, N.J., and extending to Penn-National Race Course, Grantville, Pa., during the authorized racing season each year, for 180 days. SUPPORTING SHIPPERS: John J. Shumaker, President and General Manager, Penn National Race Course, Grantville, Pa.; William J. Bork, President and General Manager, Mountainview Thoroughbred Racing Association, Inc., Grantville, Pa.; also 63 individual people as Alexander Sholomitsky, 457 Franklin St., Elizabeth, N.J., and A. M. Cronin, 719 McGilloray Place, Linden, N.J. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-17250 Filed 7-26-74;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 24, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Perceived Functions of the Nurse in the Intensive Care Unit, Form HRABHRD 0612, Single Time, Collins, Nurses and Physicians.

ENVIRONMENTAL PROTECTION AGENCY

Save Gas, Media Postcard: Form ____, Single Time, Lowry, Radio & TV Stations, Commercial AM, FM, VHF & UHF.

NATIONAL SCIENCE FOUNDATION

Government/Industry Cost-Sharing: Form ____, Single Time, Sheftel, 20 to 30 Private Companies.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Phosphate Rock, Form 6-1250-S, Semi-annual, Weiner, Producers of Phosphate Rock.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget & Management Officer.

[FR Doc. 74-17343 Filed 7-26-74;8:45 am]

POSTAL RATE COMMISSION

POSTAL SERVICE FACILITIES

Notice of Visits

JULY 24, 1974.

Notice is hereby given that employees of the Postal Rate Commission will be visiting Postal Service facilities on dates indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's docket room.

Place of visit:	*Date of visit*
Washington, D.C.__	Wednesday, July 31, 1974.
Baltimore, Md.____	Thursday, Aug. 1, 1974.

By Direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74-17218 Filed 7-26-74;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Central Office Education and Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room 1142, at the McPherson Building, 1425 K Street, NW, Washington, D.C. on August 2, 1974 at 9 a.m. The meeting will be held for the purpose of determining whether Veterans Administration educational benefits shall continue to be paid to all eligible persons enrolled at the New England Aeronautical Institute.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief, Appraisal and Compliance, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2850), prior to July 30, 1974.

Dated: July 24, 1974.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.74-17274 Filed 7-26-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

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federal register

MONDAY, JULY 29, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 146

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

RADIOACTIVE NEW DRUGS AND RADIOACTIVE BIOLOGICS

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 310, 312, 370]

RADIOACTIVE NEW DRUGS; RADIOACTIVE BIOLOGICS

Notice of Proposed Rule Making

An order was published in the FEDERAL REGISTER of January 8, 1963 (28 FR 183), in which the Commissioner of Food and Drugs exempted, until further notice, radioactive new drugs (radiopharmaceuticals and radioactive biologics) for investigational use from the requirements of § 312.1 (21 CFR 312.1), provided they are being shipped in complete conformity with the regulations issued by the Atomic Energy Commission in Title 10, Parts 30 through 36, of the Code of Federal Regulations.

For the convenience of the reader, the former designations of sections in Title 21 which were recodified in the FEDERAL REGISTER on November 20, 1973 (38 FR 32048), and March 29, 1974 (39 FR 11680), and which are referred to in this proposal are as follows:

Recodified as:	*Formerly—*
§ 310.102	§ 130.37
§ 310.503	§ 130.49
§ 312.1	§ 130.3
§ 314.1	§ 130.4
Part 601	Part 273
§ 601.2	§ 273.201

The purpose of the temporary exemption granted by the January 1963 order was to allow for the continued availability of these unique new drugs while the Federal agencies responsible for supervising these drugs explored ways to avoid unnecessary duplication of regulatory controls. The exemption applied only to radioactive drugs manufactured from reactor-produced radionuclides, which are the only radioactive drugs subject to the regulatory controls of AEC. Because AEC has no regulatory control over radioactive drugs manufactured from non-reactor-produced radionuclides, these have never been exempt from the requirements of § 312.1.

This exemption was revoked in part by an order published in the FEDERAL REGISTER of November 3, 1971 (37 FR 21026) in which the Commissioner added a new § 310.503 to Title 21 of the Code of the Federal Regulations. This new section listed specific reactor-produced isotopes which, for certain stated uses, were no longer exempt from § 312.1. After further review of the 1963 exemption, it is the opinion of the Atomic Energy Commission and the Food and Drug Administration that all radioactive drugs should now become subject to the same clearance procedures as other drugs under section 505 of the Federal Food, Drug, and Cosmetic Act and 21 CFR 312.1 and 314.1; and section 351 of the Public Health Service Act and 21 CFR 601.2. The exemption from § 312.1 which now exists for some radioactive new drugs for investigational use is no longer justified or in the public interest.

On July 17, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 26143) a final order modifying its procedures for licenses regarding radioactive materials for medical use. As a condition for investigational use of certain radioactive materials in human beings under a group license, AEC will require the licensee to be covered by a "Notice of Claimed Investigational Exemption for a New Drug" which has been accepted by FDA. Further, AEC will require, as one precondition to becoming licensed to manufacture or distribute radioactive drugs for medical uses under group licenses, evidence that the applicant has complied with the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, as applicable. This order eliminates any duplication or overlapping between AEC and FDA on matters of controlling the pharmaceutical quality of radioactive drugs and the safety and effectiveness of all radioactive drugs with respect to the patient. This aspect of the AEC order is effective on January 13, 1975.

Accordingly, the Commissioner proposes to revoke his order of January 8, 1963, and classify, by use, radioactive drugs either as "new drugs" or as generally recognized as safe and effective for their intended use and therefore not "new drugs." All radioactive "new drugs" will be subject to the requirements of the new drug and investigational drug provisions of the Federal Food, Drug, and Cosmetic Act and the licensing provisions of the Public Health Service Act. Any radiopharmaceutical which is not a "new drug," i.e., when used under the conditions specified, will require neither an IND nor an NDA, but will require certain documentation to establish that the drug is in fact being used under the conditions set forth in the regulations. Similarly, use of any radioactive biologic under the specified conditions shall constitute licensure, and no other product license shall be required.

Because of the effective date of the AEC order and the need for FDA regulations to be in force by that date, the Commissioner's proposal identifies effective dates for specific changes. The Commissioner intends to issue a final order on this subject matter with effective dates as proposed. Therefore, all interested persons should file comments within the time allotted. No extension of time for filing of comments will be made.

A. *Effect of revocation of 1963 exemption.* The proposed addition of paragraph (h) to § 310.503 and deletion of the "Note" at the end of § 312.1 are intended to revoke the Commissioner's exemption order of January 8, 1963. Upon revocation of this exemption, the Food and Drug Administration will be responsible for assuring the safety and effectiveness of all radioactive drugs, regardless of the source (reactor, accelerator, or naturally occurring) of the radionuclide contained in it. Beginning Januay 1, 1975, no person shall introduce into interstate commerce a radioactive drug, except those covered by paragraphs B, C, and D of this preamble, unless it is subject to a "Notice of Claimed Investigational Exemption for a New Drug" (IND) or an approved new drug application (NDA) or product license application. Any IND or NDA shall be submitted in accordance with 21 CFR 312.1 or 314.1. A product license application for a biologic shall be submitted in accordance with 21 CFR Part 601.

Placing radioactive drugs under new drug procedures will necessitate certain changes in the IND application forms. Because radioactive drugs differ from other drug products in that radiation is usually the primary safety consideration, the Commissioner proposes to amend § 312.1 to require for such drug products sufficient information to permit adequate calculation of radiation dosimetry prior to human use. Accordingly, item 6 of Form FD–1571 "Notice of Claimed Investigational Exemption for a New Drug" would be altered to reflect this requirement for a radioactive new drug. Also, item 10.a of Form FD–1571 would be amended to require that during phase 1 of the clinical studies there shall be evaluation of radionuclide excretion, whole body retention, and organ distribution so that dosimetry calculations may be refined on the basis of adequate information from human use.

The Commissioner recognizes that radioactive drugs are often administered at very low pharmacologic doses and for short periods of time. In these cases chronic toxicity studies may not be required. In addition, both acute and chronic pharmacologic toxicity may be evaluated using a nonradioactive, chemically identical form of the agent to be studied. In certain cases, for example, when the radioactive drug consists of a small quantity of a normal body constituent in water or saline, animal toxicity studies may not be required. None of these special circumstances are in conflict with the regulations, which require only, as stated in item 6.a of Form FD–1571, that there be "Adequate information, including studies made on laboratory animals, on the basis of which the sponsor has concluded that it is reasonably safe to initiate clinical investigations with the drug."

B. *Transitional regulation of certain radioactive drugs with "well-established medical uses."* Section 310.503, established by the Commissioner in the order published in the FEDERAL REGISTER of November 3, 1971 (37 FR 21027), listed specific reactor-produced radionuclides ("isotopes" in the order) which, for the uses stated, were no longer exempt from § 312.1. The radioactive drugs listed in § 310.503 were those which the Atomic Energy Commission determined had well-established uses and for which the Atomic Energy Commission, the Division of Biologic Standards of the National Institutes of Health, and the Food and Drug Administration considered that manufacturers and distributors may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling. The agencies also concluded that these drugs should not be distributed under investigational use labeling when actually intended for use in medical practice. After the effective date of the order, March 3, 1972, shipment or other delivery of these radioactive drugs has been

permitted only under the investigation requirements of § 312.1 including the filing of an IND, or under an approved NDA pursuant to § 314.1, or under a product license pursuant to § 601.2.

In order to prevent any disruption in the availability of these medically important radioactive drugs during the transition from "exempt status" to "regulated status," the Commissioner provided as follows: Each manufacturer and distributor was given until March 3, 1972, to submit an NDA, application for product license, or IND for each radioactive drug containing a listed radionuclide ("isotope") for a listed purpose for which the manufacturer or distributor did not have an approved NDA or product license in effect. Commercial distribution of those drugs for which an NDA or product license application had been submitted by March 3, 1972, was permitted without approval of the NDA or product license application until the manufacturer was notified otherwise by the Food and Drug Administration. A number of new drug applications and applications for product license for these radioactive drugs were filed pursuant to § 310.503 and are currently being reviewed by the Food and Drug Administration.

The Commissioner anticipates that nearly all of the radioactive drugs now listed in § 310.503, including all of those which are widely used in the practice of nuclear medicine, will shortly be the subject of approved new drug applications or product licenses.

Therefore, the Commissioner proposes to amend § 310.503 by revising paragraph (d) so that, if a manufacturer or distributor had submitted an NDA or application for product license or an IND for a radioactive drug by March 3, 1972, as provided in § 310.503, then that manufacturer or distributor may continue to ship that radioactive drug in interstate commerce until the Food and Drug Administration denies the NDA or product license application or terminates the IND, or until Judy 1, 1975, whichever occurs first. This proposal, if adopted, will establish July 1, 1975, as the final date by which all radioactive drugs now covered by § 310.503 must have an approved NDA or product license if they are to be introduced into interstate commerce.

Subsequent to the November 3, 1971 order revoking the exemption from new drug requirements for certain radioactive drugs, the Atomic Energy Commission identified other radioactive drugs which it considered also had well-established medical uses. The Commissioner has reviewed this list and concludes that manufacturers and distributors of these drugs also may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling. These drugs should not be distributed under investigational use labeling when actually intended for use in medical practice.

Therefore, the Commissioner proposes that § 310.503 be amended by adding a new paragraph (f) to list new radionuclides ("isotopes") which, if contained in a drug and intended for a listed purpose, should be covered by an NDA or product license. If any person believes other radioactive drugs are widely used in medical practice and should be added to this list, he is invited to submit comments and data proposing and justifying the addition of such drugs.

In order to prevent any interruption in the availability of these previously exempted radioactive drugs, special transitional steps similar to those used in the November 3, 1971, order are proposed. Manufacturers and distributors will be given until December 31, 1974, to submit an NDA, application for product license, or IND for each drug containing any of these radionuclides ("isotopes") and for a purpose listed for which the manufacturer or distributor does not have an approved NDA or product license in effect. After December 31, 1974, shipment or other delivery of these radioactive drugs will be permitted only under the investigational requirements of § 312.1, including the filing of an IND, or under an approved NDA pursuant to § 314.1, or under a product license pursuant to § 601.2, except for those for which an NDA or product license application is submitted on or before December 31, 1974. Commercial distribution of those drugs for which an NDA or product license application is submitted by December 31, 1974, will be permitted for a reasonable period of time without approval of the NDA or product license. It is impossible to predict now what length of time will be reasonable, because it is not know how many applications will be submitted or what difficulties may arise after their submissions.

The Commissioner proposes to permit the affected radioactive drugs to be shipped in interstate commerce either until the Food and Drug Administration denies the NDA or product license application or until July 1, 1975, whichever occurs first. The Commissioner will, however, extend the cutoff date beyond July 1, 1975, if, after all applications are received, i.e., after January 1, 1975, it appears that the period is unreasonably short.

C. *Transitional regulation of radioactive drugs for investigational use.* While the exemption of January 8, 1963, is in effect, investigational use of radioactive drugs (except those affected by the November 3, 1971, revocation) is not subject to the requirements of § 312.1, but rather to requirements of the regulations of the Atomic Energy Commission (10 CFR 35.11). In order to prevent interruption in on-going research studies when the exemption is revoked, the Commissioner proposes, in new paragraph (g) of § 310.503, to extend the exemption until July 1, 1975, for any use which has been approved, on or before October 1, 1974, as part of a study in accordance with the requirements of the Atomic Energy Commission or an Agreement State, if the manufacturer of the drug or sponsor of the investigation submits to the Food and Drug Administration certain information regarding the study. Any use which has not been approved prior to October 1, 1974, even though the research project had been previously approved, e.g., where a protocol is amended after October 1, 1974, to utilize a radioactive drug in a way not originally planned, must be in accordance with the requirements of § 312.1 including the filing of an IND.

D. *Treatment of radionuclides for certain research uses.* Tracer quantities of certain radionuclides are attached to various compounds in order to study drug metabolism, specific physiologic or pathophysiologic processes in humans, and the kinetics, distribution, and localization of the various "tagged" compounds. Such studies may not be related primarily to the health needs of the subjects involved but they are of established importance in the advancement of medical knowledge. The radionuclides may be produced by reactor or accelerator or may be naturally occurring.

The Commissioner proposes to determine that under the following circumstances the use of tracer amounts of radionuclides for these research purposes is generally recognized as safe and effective and that the drugs used in such studies will be considered not to be "new drugs" under section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)). Because of this determination, a researcher will not be required to comply with § 312.1 and specifically will not be required to file an IND in conjunction with research done under the conditions prescribed:

1. The drug must be administered at a dose that is pharmacologically inactive.

As a rule, studies of these types utilize drug dosages below the level at which pharmacologic activity, including adverse reactions, is produced. When a drug is used at such dosage levels, it poses no hazard measured in terms of traditional pharmacology. Therefore, the Commissioner finds that when radioactive drugs are administered in amounts which have been demonstrated not to produce clinically detectable pharmacologic activity in human beings, such drugs are and must be generally recognized as safe from the viewpoint of traditional pharmacology. The Commisisoner proposes that this demonstration be by reference to published literature regarding human experience or other prior valid human studies.

If neither published literature regarding human experience nor other prior valid human studies are available from which the threshold of pharmacologic activity of a specific drug may be determined, even the smallest amount of that drug must be assumed to produce pharmacologic activity. Therefore, that drug when administered in any amount cannot be determined to be generally recognized as safe; the drug is considered to be a new drug and any research with it must meet the requirements of § 312.1, including filing an IND.

The Commissioner is concerned, however, that the proposed standard for demonstrating the absence of pharmacologic activity may be unnecessarily

difficult to meet. The objective of the standard is to establish a test which will assure that no subject is at risk of a toxic reaction; at the same time, the test should not be needlessly burdensome. It is not expected that there will always have been a formal dose-response study that will permit precise definition at a lower limit of pharmacologic activity. This appears to be especially likely for some common substances that occur naturally in the body. The phrase "human experience" is intended to encompass both true dose-response studies and investigations which define such parameters as the usual blood level of a substance, and which may also define dose levels which would not be pharmacologically active. The Commissioner specifically invites comments on the appropriateness of the standard proposed and welcomes suggestions for alternative tests.

In this regard, the Commissioner has considered an alternative test, namely, that the amount administered not exceed 10 percent of the lowest single dose recommended on the labeling, or if the drug has no approved labeling, 10 percent of the lowest single dose recommended by recognized medical texts, with the exact dosage being reviewed by a peer committee for safety. That committee would assure that the dosage could not be reduced without jeopardizing the quality of the study and was justified by the information sought. The Commissioner finds this test has merit, but notes that certain drugs cannot be generally recognized as safe even at this low dose level, e.g., certain drugs used in treatment of neoplastic disease. Thus, to adopt this test of pharmacologic safety, the safety of each drug or drug class would have to be established individually on the basis of published literature in order for the Commissioner to find that the drug is generally recognized as safe for use under the conditions set forth. This creates serious difficulties concerning the feasibility of adopting this test at this time, although the test might well serve in the future for specified classes of drugs, e.g., substance which are naturally occurring in the human body.

The Commissioner has also considered allowing the demonstration of pharmacologic inactivity to be by reference to animal data. However, the Commissioner believes that prior human experience is essential for determining safety for use in human beings. The first clinical studies on any drug must be done under the requirements of § 312.1, including the filing of an IND. Thus, animal data alone cannot be used to demonstrate the threshold of pharmacologic activity in human beings.

2. Radiation exposure may not exceed AEC limits for occupational radiation workers.

When a pharmacologically inactive amount of a radioactive drug is used, the issue of safety for use in human subjects becomes primarily one of whether the exposure of a human subject to the amount of radiation involved is justified by the quality of the study being undertaken and the importance of the information it seeks to obtain.

Radiation exposure has been extensively studied in the last 3 decades. Published literature documents the procedures for calculating dosimetry, including radionuclide excretion, whole body retention, and organ distribution. Various organizations (including the Atomic Energy Commission, the Federal Radiation Council, the National Council on Radiation Protection and Measurements, the International Commission on Radiological Protection, and the United Nations Scientific Committee on the Effects of Atomic Radiation) have studied the maximum safe radiation exposures, on a single basis and on a cumulative basis, to human beings. A consensus has developed in the literature permitting the establishment of exposure levels which are acceptable from the standpoint of radiation safety. A selected bibliography regarding these matters is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours, Monday through Friday.

The Atomic Energy Commission has established under 10 CFR 20.101 and 20.102 basic radiation protection criteria, including the specification of the maximum dose for single occasion exposures or maximum cumulative dose for multiple exposures per calendar quarter for occupational radiation workers. The criteria have been operational throughout the United States for over 15 years. The Commissioner believes that these criteria provide a reasonable basis for making an initial determination that a radioactive drug, when administered in amounts below the maximum quarterly dose for occupational radiation workers, is generally recognized as safe. These criteria enable a potential research subject, in research described above, to make an informed decision regarding participation in the study because he will, in effect, be deciding whether or not to become a radiation worker for the duration of the study.

The upper radiation limit for purposes of determining that a radioactive drug is not a "new drug" in no way suggests that any study within that limit is satisfactory. Each study must be useful and well designed, and radiation exposure involved must be reduced to the minimum necessary for the investigation. Similarly, the choice of an upper radiation limit for purposes of determining general recognition of safety is not to be construed as a Food and Drug Administration guideline regarding the upper radiation limit for an acceptable study under an IND, nor a lower limit below which no IND is required. The limit is solely for the purposes of determining that radioactive drugs, when administered in doses too small to produce a pharmacologic effect and below the radiation level set, and in a study approved and supervised as outlined below, are not "new drugs" under the act.

The Commissioner emphasizes that the criteria provide a basis for initially determining that a radioactive drug is generally recognized as safe. The Commissioner fully agrees with the following statement by the National Council on Radiation Protection and Measurements, in "Basic Radiation Protection Criteria" (Report No. 39, p. 14, 1971):

> It should be noted that each proposed human research application must be judged on its merits after review by competent peers, and the dose-limiting recommendations for radiation workers or the public do not apply to [human subjects] to be irradiated. Depending on circumstances, larger or smaller limits would be indicated.

The ultimate determination of safety rests on whether the amount of radiation exposure is necessary for the success of the study, and if so, is justified by the quality of the study and by the significance of the information sought.

3. The investigation must be approved and supervised by an appropriate peer review group.

Until the present time, the question of whether a given study is safe and justified has been considered in the context of each proposed study by at least one of three different groups: (i) The Atomic Energy Commission, through its expert panels; (ii) the reviewing bodies of the Atomic Energy Commission Agreement States; and (iii) the Radiation Safety Committees of so-called "Broad License Institutions" (committees which have met standards set by the Atomic Energy Commission and which are thereby empowered by the Commission to review investigational radionuclide uses). The experience of the Atomic Energy Commission has been that these different groups, all of which are basically "peer review groups," have reviewed individual studies with proper attention to such matters as informed patient consent, the quality of study and the usefulness of the information being sought, and the actual dose of radiation received by various parts of the body under the conditions of the study. Based upon the experience of the Atomic Energy Commission, the Food and Drug Administration proposes to establish standards under which new peer committees can be created to review, approve or disapprove, and monitor research studies involving radioactive drugs. The Commissioner, upon evaluation of the experience of the Atomic Energy Commission with "peer review committees" and the new requirements proposed herein for such committees, proposes to find that radioactive drugs, when administered within the dosage limitations and in types of research studies described in section D. of this preamble, and with prior approval and close scrutiny of "peer review groups" operating in accordance with proposed FDA-established standards, are generally recognized as safe from the viewpoint of radiopharmacology.

The effectiveness of radioactive drugs, when administered within the pharmacological and radioactive dosage limit described, under proper peer evaluation and supervision, is amply documented. "Effective," in this instance, means that such radioactive drugs, as used in these

investigations, provide valuable and important information which is not readily available without use of the radioactive drugs. A selected bibliography regarding effectiveness is on file with the Hearing Clerk, Food and Drug Administration, and may be seen during working hours, Monday through Friday. The proper functioning of the peer review groups assures that each study is useful, well designed, and likely to yield information of benefit to the scientific community, and that the radiation exposure cannot be reduced without jeopardizing the investigation. Thus, the Commissioner proposes to find that radioactive drugs, when used under the conditions described, are generally recognized as effective.

In summary, based upon extensive published literature concerning research with "tagged" radioactive drugs and exposure risks for occupational radiation workers, and upon the absence of a known safety problem apart from the potential hazard of radiation exposure, and upon the experience of the Atomic Energy Commission with peer review of research studies conducted under its auspices, the Commissioner proposes to conclude that these drugs are generally recognized as safe and effective when used in the types of research defined above under certain highly controlled circumstances. Therefore, under certain specified circumstances including (i) that the amount of the active drug administered be known not to cause any clinically detectable pharmacologic effect in human beings, (ii) that the amount of radiation exposure may not exceed the maximum exposure limits for occupational radiation workers, and (iii) that the investigation be approved and supervised by a peer review group operating in accordance with Food and Drug Administration regulations, drugs tagged by radionuclides in tracer quantities and used in the types of research defined above will be considered not to be "new drugs" under section 201(p) of the act (21 U.S.C. 321(p)).

The detailed conditions under which the radioactive drugs will be so considered are set forth in the proposed § 370.100. Such radioactive drugs used outside such conditions are not determined to be generally recognized as safe and effective and are therefore "new drugs" under section 201(p) of the act (21 U.S.C. 321(p)). Submittal of an IND will be required if the study deviates from these conditions, e.g., an investigation involving a radioactive drug which is given at a pharmacologically active dose or is above the radiation exposure limit, or an investigation involving a radioactive drug which meets the dosage limits set, but is not conducted under review of an FDA-approved Radiation Safety Committee.

The proposed determination that radioactive drugs are not "new drugs" for certain basic research uses does not include the research intended to demonstrate the clinical effectiveness of any drug, i.e., the so-called "clinical trial." The Commissioner wishes to make it clear, however, that a study is not excluded merely because it has potential clinical relevance. Thus, the initial investigations that demonstrate the localization of a drug in a particular organ or fluid space and determine the kinetics of that localization should be considered basic research. In contrast, the evaluation of the drug as a clinical tool, including comparison with other agents, should be considered as part of a clinical trial and subject to the requirements of § 312.1.

The proposed determination regarding new drug status does not alter the requirement under § 312.1 that every study, including any radioactive tracer study, conducted as part of the evaluation of any drug under that section, shall be carried out in compliance with that section rather than pursuant to proposed § 370.100.

The Food and Drug Administration may review any specific research study at any time to determine that it is within the purposes and restrictions of § 370.100. If it is found that a research project uses a radioactive drug for a purpose or in any way that is not encompassed in the Commissioner's findings that such drug is generally recognized as safe and effective, the Food and Drug Administration will take necessary steps to assure compliance with the act.

The proposed § 370,100 contains the criteria under which a radioactive drug will be considered not to be a "new drug" or under which a radioactive biologic will be considered licensed. These are (i) that an FDA-approved Radiation Safety Committee review the proposed study and make certain determinations regarding its safety and merit; (ii) that the amount of pharmaceutical ingredients administered be demonstrated not to cause a clinically detectable pharmacologic effect in human beings; and (iii) that the amount of radioactivity to which the patient is exposed be the minimum amount practicable for the study and in no event exceed the currently permitted occupational exposure limits for the radionuclide. A Radiation Safety Committee must meet certain standards regarding membership, and must agree to comply with Food and Drug Administration regulations, before obtaining Food and Drug Administration approval. Once approved, the Radiation Safety Committee, in approving individual studies, must assure that each study satisfies certain specified requirements, including qualifications of investigators, selection and consent of human research subjects, quality controls for the radioactive drug, standards for the research protocol, and monitoring of adverse reactions. These requirements are all contained in the proposed § 370.100. The Food and Drug Administration will permit each Radiation Safety Committee to develop its own working relationship with the Institutional Review Committee in the same institution. The Radiation Safety Committee may serve as a subcommittee of an Investigational Review Committee, or operate independently. The Food and Drug Administration will also permit a Radiation Safety Committee to perform functions required by the Atomic Energy Commission and appropriate State and local officials responsible for licensing persons engaged in possession and use of radioactive drugs.

The proposed § 370.100 also contains specific requirements regarding the label and labeling for a radioactive drug intended for use pursuant to the section. Because of the closely circumscribed conditions for use set forth in the section, the Commissioner finds that the requirements of section 502(f)(1) of the act regarding inclusion of adequate directions for use on the labeling are not necessary for the protection of the public health. Therefore, the proposed § 370.100 and the proposed amendment to § 1.106 as a cross-reference to § 370.100, include an exception from section 502(f)(1) of the act if certain other requirements are met. These requirements, taken together with requirements imposed by sections 502 (b) and (e) of the act, will mean that all labels and labeling must contain (i) the established name of the drug, if any; (ii) the established name and quantity of each active ingredient; (iii) the name, quantity and half-life of the radionuclide; (iv) the name and address of the manufacturer, packer or distributor; (v) the net contents; (vi) an identifying lot or control number; (vii) a prescription legend; and (viii) a statement reading "To be administered in compliance with the requirements of Federal regulations for radioactive drugs for research use (21 CFR 370.100)". Furthermore, if the drug is intended for parenteral use, the label shall contain a statement as to whether or not the drug is sterile. The other label and labeling requirements of section 502 of the act remain in force, where applicable. The Food and Drug Administration will also permit the label and labeling to contain information required by the Atomic Energy Commission or by State authorities who regulate radioactive materials.

At this time the Commissioner is not proposing any additional regulations pertaining to current good manufacturing practices regarding radioactive drugs, or additional reports to be filed by manufacturers of such drugs. These matters remain under study and will be handled in a subsequent proposal.

E. *Relationship between regulation by the Food and Drug Administration and licensing for use of reactor-produced materials by the Atomic Energy Commission and Agreement States.* The Atomic Energy Commission, under authority of the Atomic Energy Act, and in order to ensure the safe handling of radioactive materials, will continue to license, directly or in cooperation with the States, persons engaged in the possession, use, or transfer of reactor-produced radionuclides including radioactive drugs. A number of States, under working agreements with the Atomic Energy Commission under Federal law, license persons engaged in the possession, use, or transfer of reactor-produced radionuclides in their respective States. The Atomic Energy Commission retains responsibility for licensing such persons in those States where no such working agreements exist.

In order to avoid duplicative requirements by FDA and AEC in licensing of persons engaged in the manufacture and distribution of reactor-produced radioactive drugs, the Atomic Energy Commission and a number of States have agreed that they will use, as one precondition for licensing such a person, evidence that an IND concerning use of a radioactive drug by such person has been accepted by the Food and Drug Administration or that the Food and Drug Administration has approved an NDA or product license application submitted by such person concerning the radioactive drug. In the event that the radioactive drug is being used under the conditions generally recognized as safe and effective, the Atomic Energy Commission and the Agreement States will use, as one precondition for licensing, notification by the appropriate FDA-approved Radiation Safety Committee that it has approved the proposed study in accordance with Food and Drug Administration regulations. The Food and Drug Administration will provide the Atomic Energy Commission and appropriate State officials with a complete and current list of all FDA-approved Radiation Safety Committees.

In order to notify the Atomic Energy Commission and/or appropriate State officials that an IND has been accepted, however, the Food and Drug Administration needs the consent of the sponsor of the IND. In order to provide a mechanism for obtaining this consent, the Commissioner proposes to amend § 312.1, by adding a new item 16 to Form FD–1571, to request that persons submitting a "Notice of Claimed Investigational Exemption for a New Drug" for a radioactive drug include a summary of the information contained therein and authorization for the Food and Drug Administration to furnish such summary to appropriate Federal and State officials for their use in licensing such persons to possess, use, or transfer the radioactive drug in a particular State or States. The Commissioner also proposes to amend § 312.1, by adding a new item 6.i to Form FD–1572 and a new item 4.i to Form FD–1573, to request an investigator to acknowledge in his "Statement of Investigator" that he understands and agrees that the information he submits to the sponsor regarding any radioactive drug may be furnished in a summarized form to appropriate Federal and State officials. The Food and Drug Administration is requesting sponsors and investigators to submit voluntarily such summaries and authorizations. While failure to submit such information would not be grounds for termination of the claimed investigational exemption under § 312.1, the Food and Drug Administration would not be able to furnish verification to the Atomic Energy Commission and the States that a proper IND has been filed. Without such confirmation, licensing cannot be accomplished by Federal and State officials.

F. *Relationships between the Food and Drug Administration and licensing for use of non-reactor-produced materials by all States.* Persons handling accelerator-produced or naturally occurring radionuclides, which are not subject to control by the Atomic Energy Commission, are licensed in various ways by the individual States and localities. Upon request of any State or locality with licensing authority, the Food and Drug Administration will follow the procedures outlined in paragraph E of this preamble in order to assist in licensing persons to handle non-reactor-produced radioactive material in connection with radioactive drug research, diagnosis, therapy, or other medical and scientific research.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 351, 371(a)), and to the 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), and in cooperation with the Atomic Energy Commission, the Commissioner of Food and Drugs proposes to amend Parts 1, 310, 312, and 370 of Title 21 of the Code of Federal Regulations as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

1. In § 1.106 by adding a new paragraph (p) to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(p) *Exemption for radioactive drugs for research uses.* A radioactive drug intended for administration to human research subjects during the course of a research project intended to obtain basic research information regarding metabolism (including kinetics, distribution, and localization) of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry (but not intended for immediate therapeutic, diagnostic, or similar purposes), under the conditions set forth in § 370.100 of this chapter, shall be exempt from section 502(f)(1) of the act if the packaging, label, and labeling are in compliance with § 370.100(f) of this chapter.

PART 310—NEW DRUGS

2. By amending § 310.503 by revising paragraph (d), and adding new paragraphs (f), (g), and (h), to read as follows:

§ 310.503 Requirements regarding certain radioactive drugs.

* * * * *

(d) (1) In view of the extent of experience with the isotopes listed in paragraph (c) of this section, the Atomic Energy Commission and the Food and Drug Administration conclude that such isotopes should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(2) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, is terminated on March 3, 1972, except as provided in paragraph (d)(3) of this section.

(3) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, for which drug a new drug application or a "Notice of Claimed Investigational Exemption for a New Drug" was submitted prior to March 3, 1972, or for which biologic an application for product license or "Notice of Claimed Investigational Exemption for a New Drug" was submitted prior to March 3, 1972, is terminated either upon issuance of a nonapprovable notice for the new drug application or application for product license or termination of the "Notice of Claimed Investigational Exemption for a New Drug," or on July 1, 1975, whichever occurs first.

* * * * *

(f) (1) Based on its experience in regulating investigational radioactive pharmaceuticals, the Atomic Energy Commission has compiled a list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling; such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Fluorine 18.	Fluoride	Bone imaging.
Technetium 99m.	Human serum albumin microspheres.	Lung imaging.
Do	Diethylenetriamine pentaacetic acid (Sn).	Kidney imaging; kidney function studies.
Do	do	Brain imaging.
Do	Polyphosphates	Bone imaging.
Do	Technetated aggregated albumin (human).	Lung imaging.
Do	Disodium etidronate.	Bone imaging.

(2) In view of the extent of experience with the isotopes listed in paragraph (f)(1) of this section, the Atomic Energy Commission and the Food and Drug Administration conclude that they should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(3) Any manufacturer or distributor interested in continuing to ship in interstate commerce drugs containing the isotopes listed in paragraph (f)(1) of this section for any of the indications listed, shall submit, on or before December 31, 1974, to the Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, a new drug application or a "Notice of Claimed Investigational Exemption for a New Drug" for each such drug for which the manufacturer or distributor does not have an approved new drug application pursuant to section 505(b) of the act. If the drug is a biologic, a "Notice of Claimed Investigational Exemption for a New Drug"

or an application for a license under section 351 of the Public Health Service Act shall be submitted to the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, in lieu of any submission to the Bureau of Drugs.

(4) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the "chemical form" and intended for the uses stated, is terminated on January 1, 1975, except as provided in paragraph (f)(5) of this section.

(5) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the "chemical form" and intended for the uses stated, for which drug a new drug application or a "Notice of Claimed Investigational Exemption for a New Drug" was submitted to the Bureau of Drugs prior to January 1, 1975, or for which biologic an application for product license or "Notice of Claimed Investigational Exemption for a New Drug" was submitted to the Bureau of Biologics prior to January 1, 1975, is terminated either upon issuance of an nonapprovable notice for the new drug application or application for product license or termination of the "Notice of Claimed Investigational Exemption for a New Drug," or on July 1, 1975, whichever occurs first.

(g) The exemption referred to in paragraph (a) of this section, as applied to any drug intended solely for investigational use as part of a research project, which use had been approved on or before October 1, 1974, in accordance with 10 CFR 35.11 (or equivalent regulation of an Agreement State) is terminated on July 1, 1975, if the manufacturer of such drug or the sponsor of the investigation of such drug submits on or before December 31, 1974, to the Food and Drug Administration, Bureau of Drugs, HFD-150, 5600 Fishers Lane, Rockville, MD 20852, the following information:

(1) The research project title;

(2) A brief description of the purpose of the project;

(3) The name of the investigator responsible;

(4) The name and license number of the institution holding the specific license under 10 CFR 35.11 (or equivalent regulation of an Agreement State);

(5) The name and maximum amount per subject of the radionuclide used;

(6) The number of subjects involved; and

(7) The date on which the administration of the radioactive drugs is expected to be completed.

(h) The exemption referred to in paragraph (a), as applied to any drug not referred to in paragraphs (d), (f), and (g) of this section, is terminated on January 1, 1975.

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

§ 312.1 [Amended]

3. In § 312.1:

a. By amending Form FD-1571 set forth in paragraph (a)(2) by adding a new item 6.d, by adding a flush paragraph to item 10.a, and by adding a new item 16; by amending Form FD-1572 set forth in paragraph (a)(12) by adding a new item 6.i; and by amending Form FD-1573 set forth in paragraph (a)(13) by adding a new item 4.i, as follows:

(a) * * *

(2) * * *

FORM FD-1571

* * * * *

6. * * *

d. If the drug is a radioactive drug, sufficient data must be available from animal studies or previous human studies to allow a reasonable calculation of radiation absorbed dose upon administration to a human being.

* * * * *

10. * * *

a. * * *

If a drug is a radioactive drug, the clinical pharmacology phase must include studies which will obtain sufficient data for dosimetry calculations. These studies should evaluate the excretion, whole body retention, and organ distribution of the radioactive material.

* * * * *

16. If the drug is a radioactive drug, a summary of information and authorization for release to appropriate Federal, State and local officials shall be included in the following format:

RADIOACTIVE DRUGS FOR INVESTIGATIONAL USE

SUMMARY OF INFORMATION

a. Name and address of the sponsor.

b. Name of the investigational radioactive drug.

c. Description of the investigational radioactive drug including the generic name of the drug, its chemical and physical form, and whether the radioactivity is naturally occurring, artificially produced, or produced by nuclear fission.

d. Names and addresses of all investigators and their affiliated institutions.

e. Purpose of the clinical trial, e.g., diagnostic, therapeutic, etc.

f. Number of subjects to be studied by each investigator and criteria for subject selection by age, sex, and condition, e.g., normal healthy volunteer, sick volunteer, etc.

g. Dosage, i.e., ranges and route of administration.

h. Duration of the clinical investigation.

i. A statement as to whether or not the investigation will be subject to the review of an institutional review committee.

j. A statement that the sponsor authorizes the Food and Drug Administration to release this summary of information, in whole or in part, to appropriate Federal, State, or local officials for their use in licensing persons to possess, handle, or transfer the investigational radioactive drug in a particular state or locality.

(Sponsor)

Per_____

(Indicate Authority)

NOTE: This summary, if released by the Food and Drug Administration to appropriate Federal, State, or local officials, will have attached to it by the Food and Drug Administration the number of the claimed investigational exemption, the date of receipt of the claimed investigational exemption by the Food and Drug Administration, and a statement as to whether the Food and Drug Administration has requested the sponsor to continue to withhold or to restrict use of the drug in human subjects after the expiration of the 30-day interval provided for in § 312.1(a)(2) of Title 21 of the Code of Federal Regulations.

* * * * *

(12) * * *

FORM FD 1572

* * * * *

6. * * *

i. The investigator understands and agrees that the information submitted by him to the sponsor regarding any radioactive drug may be furnished in a summarized form to appropriate Federal, State, and local officials for their use in licensing persons to possess, handle, or transfer the radioactive drug in a particular state or locality.

* * * * *

(13) * * *

FORM FD 1573

* * * * *

4. * * *

i. The investigator understands and agrees that the information submitted by him to the sponsor regarding any radioactive drug may be furnished in a summarized form to appropriate Federal, State, and local officials for their use in licensing persons to possess, handle, or transfer the radioactive drug in a particular state or locality.

* * * * *

b. By deleting in its entirety, effective January 1, 1975, the "Note" regarding an order of the Commissioner of Food and Drugs published in the FEDERAL REGISTER on January 8, 1963 (28 FR 183), as it appears at the end of § 312.1.

PART 370—PRESCRIPTION HUMAN DRUGS GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

4. By adding a new Part 370, to consist at this time of the following:

SUBPART A—DEFINITIONS AND PROCEDURES [RESERVED]

SUBPART B—DRUG MONOGRAPHS

Sec.

370.100 Radioactive drugs for certain research uses.

AUTHORITY: Federal Food, Drug, and Cosmetic Act, Sec. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; (21 U.S.C. 355, 371(a); Public Health Service Act, Sec. 351, 58 Stat. 702, as amended, (42 U.S.C. 262); 21 CFR 2.120.

Subpart A—Definitions and Procedures [Reserved]

Subpart B—Drug Monographs

§ 370.100 Radioactive drugs for certain research uses.

(a) Radioactive drugs are generally recognized as safe and effective when administered, under the conditions set

forth in paragraph (b) of this section, to human research subjects during the course of a research project intended to obtain basic research information regarding the metabolism (including kinetics, distribution, and localization) of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry, but not intended for immediate therapeutic, diagnostic, or similar purposes. Certain basic research studies, e.g., studies to determine whether a drug localizes in a particular organ or fluid space and to describe the kinetics of that localization, may have eventual therapeutic or diagnostic implications, but the initial studies are considered to be basic research within the meaning of this section.

(b) The conditions under which use of radioactive drugs for research are considered safe and effective are:

(1) *Approval by Radiation Safety Committee.* A Radiation Safety Committee, composed and approved by the Food and Drug Administration in accordance with paragraph (c) of this section, has determined, in accordance with the standards set forth in paragraph (d) of this section, that:

(i) The pharmaceutical dose is within the limits set forth in paragraph (b)(2) of this section;

(ii) The radiation dose is within the limits set forth in paragraph (b)(3) of this section;

(iii) The radiation exposure is justified by the quality of the study being undertaken and the importance of the information it seeks to obtain;

(iv) The study meets the other requirements set forth in paragraph (d) of this section regarding qualifications of the investigator, proper licensure for handling radioactive materials, selection and consent of research subjects, quality of radioactive drugs used, research protocol design, reporting of adverse reactions, and approval by an appropriate Institutional Review Committee; and

(v) The use of the radioactive drug in human subjects has the approval of the Radiation Safety Committee.

(2) *Limit on pharmaceutical dose.* The amount of active pharmaceutical ingredient or combination of active pharmaceutical ingredients to be administered shall be known not to cause any clinically detectable pharmacological effect in human beings.

(3) *Limit on radioactive dose.* The amount of radioactive material to be administered shall be such that the subject is exposed to the smallest amount of radioactivity with which it is practical to perform the study without jeopardizing the quality of the study. In no circumstances, however, may the amount exceed any of the currently permitted occupational exposure limitations for the radionuclide under the most analogous conditions. For whole body exposure for adult research subjects, the maximum permissible limitations are as follows:

	Rem
Single exposure	3
Quarterly cumulative	3
Yearly cumulative	5

For critical organ exposure for adult research subjects, the maximum permissible limitations are as follows:

	Rem
Single exposure	5
Quarterly cumulative	5
Yearly cumulative	15

For a research subject under 18 years of age at his last birthday, the maximum permissible whole body and critical organ exposure limitations are 10 percent of the foregoing. Numerical definitions of exposure shall be based on an absorbed fraction method of radiation absorbed dose calculation, such as the system set forth by the Medical Internal Radiation Dose Committee of the Society of Nuclear Medicine, or the system set forth by the International Committee of Radiation Protection.

(c) A Radiation Safety Committee, in order to comply with paragraph (b)(1) of this section, shall be composed, shall function, and shall obtain and maintain approval of the Food and Drug Administration in conformity with the following:

(1) *Membership.* A Radiation Safety Committee shall consist of at least five individuals qualified in varied disciplines pertinent to the field of nuclear medicine (e.g., radiology, internal medicine, clinical pathology, hematology, endocrinology, radiation therapy, radiation physics, radiation biophysics, health physics, and radiopharmacy), including a physician recognized as a specialist in nuclear medicine, a person qualified by training and experience to formulate radioactive drugs, and other persons with special competence in radiation safety and radiation dosimetry. Membership shall be sufficiently diverse to permit expert review of the technical and scientific aspects of proposals submitted to the committee. The addition of consultants in other pertinent medical disciplines is encouraged. A Radiation Safety Committee shall be either associated with a medical institution operated for care of patients and with sufficient scientific expertise to allow for selection of committee members from its faculty, or with a committee established by a State authority to provide advice on radiation health matters. Joint committees involving more than one medical institution which have been established in order to achieve a high level and diversity of experience will be acceptable. The Director of the Bureau of Drugs may modify any of the foregoing requirements in a particular situation where alternative factors provide substantially the same composition and association.

(2) *Function.* Each Radiation Safety Committee shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least quarterly with a quorum present. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. No member shall vote on a protocol in which he is an investigator.

(3) *Reports.* Each Radiation Safety Committee shall submit an annual report on or before January 31 of each year to the Food and Drug Administration, Bureau of Drugs, HFD–150, 5600 Fishers Lane, Rockville, MD 20852. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the Radiation Safety Committee, and, for each study conducted during the preceding year, a summary of information presented in the following format:

REPORT ON RESEARCH USE OF RADIOACTIVE DRUG

1. Title of the research project.
2. Brief description of the purpose of the research project.
3. Name of the investigator responsible.
4. Pharmacologic dose:
   a. Active ingredients.
   b. Maximum amount administered per subject.
5. Radiation absorbed dose:
   a. Name of the radionuclide used.
   b. Maximum amount of radioactivity administered per subject.
   c. Maximum cumulative radiation exposure per subject.
   d. Single radiation exposure per subject.
6. Number of subjects used.
7. A claim of confidentiality, if any.

NOTE: Contents of this report, except for information regarding the name of the investigator, are available for public disclosure unless confidentiality is requested by the investigator and it is adequately shown by the investigator that the report constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or paid consultant, has been developed at significant cost, and provides a competitive advantage.

Investigator

Chairman, Radiation Safety Committee

At any time a proposal is approved which will result in exposure either of more than 30 research subjects, or of any research subject under 18 years of age, the committee shall immediately submit to the Food and Drug Administration a special summary of information in the format shown, except that item 6 shall include the ages of the subjects, if relevant. Contents of these reports, except for information regarding the name of the investigator, are available for public disclosure, unless confidentiality is requested by the investigator and it is adequately shown by the investigator that the report constitutes a trade secret or confidential information because it is unique, has not previously been disclosed in an authorized manner to anyone other than a company employee or paid consultant, has been developed at significant cost, and provides a competitive advantage.

(4) *Approval.* Each Radiation Safety Committee shall be specifically approved by the Bureau of Drugs of the Food and Drug Administration. Applications shall be submitted to the Food and Drug Administration, Bureau of Drugs, HFD–150, 5600 Fishers Lane, Rockville, MD 20852, and shall contain the names and qualifications of the members of the committee, and a statement that the committee agrees to comply with the requirements set forth in this section. Approval shall be based upon an assessment of the

qualifications of the members of the committee, and the assurance that all necessary fields of expertise are covered. Approval of a committee may be withdrawn at any time for failure of the committee to comply with any of the requirements of this section.

(5) *Monitoring.* The Food and Drug Administration shall conduct periodic reviews of approved committees. Monitoring of the activities of the committee shall be conducted through review of its annual report, through review of minutes and full protocols for certain studies, and through on-site inspections.

(d) In making the determinations required in paragraph (b)(1) of this section, a Radiation Safety Committee shall consider the following requirements and assure that each is met:

(1) *Radiation exposure per subject.* In order to determine that radiation exposure does not exceed limitations set forth in paragraph (b)(3) of this section, the Radiation Safety Committee shall require that the investigator provide absorbed dose calculations based on biologic distribution data available from published literature or from other valid studies. Under no circumstances may an individual human subject, through repeated study, receive an absorbed dose of radiation exceeding that permissible for occupationally exposed personnel.

(2) *Pharmacological dosage.* In order to determine that the amount of active pharmaceutical ingredients to be administered does not exceed the limitations set forth in paragraph (b)(2) of this section, the committee shall require that the investigator provide pharmacological dose calculations based on data available from published literature or from other valid human studies.

(3) *Qualifications of investigators.* Each investigator shall be qualified by training and experience to conduct the proposed research studies.

(4) *License to handle radioactive materials.* The responsible investigator or institutions shall, in the case of reactor-produced isotopes, be licensed by the Atomic Energy Commission or Agreement State to possess and use the specific radionuclides for research use or be a listed investigator under a broad license, or in the case of non-reactor-produced isotopes, be licensed by other appropriate State or local authorities, when required by State or local law, to possess and use the specific radionuclides for research use.

(5) *Human research subjects.* Each investigator shall select appropriate human subjects and shall obtain the consent of such human beings or their representatives in accordance with § 310.102 of this chapter. The research subjects shall be at least 18 years of age and legally competent. Exceptions are permitted only in those special situation when it can be demonstrated to the committee that the study presents a unique opportunity to gain information not presently available and requires the use of research subjects less than 18 years of age and is without significant risk to the subject. Studies involving minors shall be supported with review by qualified pediatric consultants to the Radiation Safety Committee. Each female research subject of child-bearing potential shall state in writing that she is not pregnant, or be given a pregnancy test, before she may participate in any study.

(6) *Quality of radioactive drug.* The radioactive drug used in the research study shall be of appropriate standards of identity, strength, quality, and purity (chemical, pharmaceutical, radiochemical, and radionuclidic) as needed for safety and be of such uniform and reproducible quality as to give significance to the research study conducted. The Radiation Safety Committee shall determine that radioactive materials for parenteral use are available in sterile and pyrogen-free form.

(7) *Research protocol.* No study involving administration of radioactivity to research subjects, no matter how small the amount of radioactivity, shall be permitted unless the Radiation Safety Committee concludes, in its judgment, that scientific knowledge and benefit is likely to result from that study. Therefore, the protocol shall be based upon a sound rationale derived from appropriate animal studies or published literature and shall be of sound design such that information of scientific value may result. The radiation dose shall be both sufficient and no greater than necessary to obtain valid measurement. The projected number of subjects shall be sufficient but no greater than necessary for the purpose of the study. The number of subjects shall also reflect the fact that the study is intended to obtain basic research information referred to in paragraph (a) of this section and no intended for immediate therapeutic, diagnostic or similar purposes.

(8) *Adverse reactions.* The investigator shall immediately report to the Radiation Safety Committee all adverse effects associated with the use of the radioactive drug in the research study. All adverse reactions probably attributable to the use of the radioactive drug in the research study shall be immediately reported by the Radiation Safety Committee to the Food and Drug Administration, Bureau of Drugs, HFD–150, 5600 Fishers Lane, Rockville, MD 20852.

(9) *Approval by Institutional Review Committee.* The investigator shall obtain the review and approval of an Institutional Review Committee which conforms to "The Institutional Guide to DHEW Policy on Protection of Human Subjects," National Institutes of Health, DHEW Publication No. (NIH) 72–102. A codified version of the DHEW guide was published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18914) under 45 CFR Part 46 *Protection of Human Subjects.*[1]

(e) The results of any research conducted pursuant to this section as part of the evaluation of a drug pursuant to § 312.1 of this chapter shall be included in the submission required under § 312.1 of this chapter.

(f) A radioactive drug prepared, packaged, distributed, and primarily intended for use in the accordance with the requirements of this section shall be exempt from section 502(f)(1) of the act and § 1.106 of this chapter if the packaging, label, and labeling are in compliance with Federal, State, and local law regarding radioactive materials and if the label and labeling either separate from or as part of any label and labeling required for radioactive materials by the Atomic Energy Commission or by State or local radiological health authorities bear the following:

(1) The statement "Caution: Federal law prohibits dispensing without prescription";

(2) The statement "To be administered in compliance with the requirements of Federal regulations regarding radioactive drugs for research use (21 CFR 370.100)";

(3) The name, quantity, and half-life of the radionuclide;

(4) An identifying lot or control number from which it is possible to determine the complete manufacturing history of the package of the drug; and

(5) If the drug is intended for parenteral use, a statement as to whether the contents are sterile.

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before September 27, 1974. Such comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and 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 23, 1974.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.74–17223 Filed 7–26–74;8:45 am]

[1] Copies may be obtained from: National Institutes of Health, Division of Research Grants, Westwood Bldg., Rm. 448, 5333 Westbard Ave., Bethesda, MD 20016.