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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 publication.)

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Title 3—The President

EXECUTIVE ORDER 11815

Delegating to the National Capital Planning Commission the Function of Establishing the Metes and Bounds of the National Capital Service Area

By virtue of the authority vested in me by section 739(g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93–198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739(g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

Gerald R. Ford

THE WHITE HOUSE,
October 23, 1974.

[FR Doc.74–25063 Filed 10–23–74;1:15 pm]

EXECUTIVE ORDER 11816

Delegation of Certain Reporting Functions Under the Foreign Assistance Act to the Secretary of the Treasury

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended, and section 301 of title 3 of the United States Code, section 301(a) of Part III of Executive Order No. 10973, as amended, is hereby amended to read as follows:

"(a) The functions conferred upon the President by subsection (a)(2) and (b) of section 514 of the Act, by the second sentence of section 612(a) of the Act, and by subsections (f) and (g) of section 634 of the Act."

Gerald R. Ford

THE WHITE HOUSE,
October 23, 1974.

[FR Doc.74-25064 Filed 10-23-74;1:16 pm]

rules and regulations

Title 7—Agriculture

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

[Lemon Reg. 663]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Oct. 27-Nov. 2, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.963 **Lemon Regulation 663.**

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons so far this week is somewhat improved, although a shortage of larger fruit continues to exist. Average f.o.b. price was $6.75 per carton the week ended October 19, 1974, compared to $6.90 per carton the previous week. Track and rolling supplies at 152 cars were up 23 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until November 25, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 22, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 27, 1974, through November 2, 1974, is hereby fixed at 200,000 cartons.

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

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

Dated: October 23, 1974.

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

[FR Doc.74-25160 Filed 10-24-74;11:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 223—REENTRY PERMITS

PART 223a—REFUGEE TRAVEL DOCUMENT

Eligibility for Issuance

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of September 5, 1974 (39 FR 32139) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments of §§ 223.1 and 223a.3 of Chapter I of Title 8 of the Code of Federal Regulations, pertaining to eligibility for issuance of reentry permits and refugee travel documents, respectively.

The amendment to § 223.1 as proposed, provided that an applicant for a reentry permit who is a lawful permanent resident and who is in possession of a refugee travel document issued pursuant to 8 CFR 223a may not be issued a reentry permit unless he surrenders the refugee travel document to the Service. The amendment to § 223a.3, as proposed, likewise provided that a lawful permanent resident alien who is in possession of a reentry permit issued pursuant to section 223 of the Immigration and Nationality Act and 8 CFR 223 may not be issued a refugee travel document unless he surrenders the reentry permit to the Service.

No representations were received concerning the proposed rules of September 5, 1974. No change has been made in the proposed rules. The proposed rules, as set forth below, are hereby adopted:

In Part 223, § 223.1 is amended by adding a new sentence between the existing fifth and sixth sentences thereof. As amended, § 223.1 reads as follows:

§ 223.1 **Application.**

An application for a reentry permit under the provisions of § 223 of the Act shall be submitted on Form I–131 by an applicant in the United States at least 30 days prior to the proposed date of departure. It shall be accompanied by the

applicant's alien registration receipt card Form I–151, AR–3, or AR–103, or an application for a lost or destroyed card on Form I–90. A reentry permit shall not be issued unless the alien is in possession of or is being furnished Form I–151. Additional pages for the affixation of foreign visas may be attached to a valid reentry permit without formal application or fee. A reentry permit applicant who is a lawful permanent resident alien, but who has an occupational status which would if he were seeking admission to the United States entitle him to a nonimmigrant status under section 101 (a)(15) (A), (E), or (G), of the Act, may be issued a reentry permit only if he executes and submits with his application, or has previously executed and submitted, the written waiver on Form I–508 required by section 247(b) of the Act and Part 247 of this chapter, and, if applicable, Form I–508F (election as to tax exemption under the Convention between the United States and the French Republic) required by Part 247 of this chapter. A reentry permit applicant who is a lawful permanent resident alien and who is in possession of a refugee travel document issued pursuant to Part 223a of this chapter may be issued a reentry permit only if he surrenders the refugee travel document to the Service. The applicant shall be notified of the decision made on his application for a reentry permit and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

In Part 223a, § 223a.3 is amended by adding a new sentence at the end thereof. As amended, § 223a.3 reads as follows:

§ 223a.3 Eligibility.

Any alien physically present in the United States may apply for a refugee travel document if he believes he is a refugee. A refugee travel document shall be issued to a refugee whose presence in the United States is lawful unless compelling reasons of national security or public order otherwise require; lawful presence, as used herein, does not include brief presence as a transit or crewman, or any other presence so brief as not to signify residence even of a temporary nature. A refugee travel document may be issued, in the exercise of discretion, to any other refugee unless reasons of national security or public order otherwise require; sympathetic consideration shall be given to such an application unless the Service intends to expel or exclude the alien from the United States. For reasons of national security, a refugee travel document shall not be issued to an alien who intends to travel to, in, or through Cuba or Communist portions of Korea or Viet Nam, unless the restriction with respect to any such place or places has been waived as provided in § 223a.5(b)(2). An alien who is a lawful permanent resident and who is in possession of a reentry permit issued pursuant to section 223 of the Act and Part 223 of this chapter may be issued a refugee travel document only if he surrenders the reentry permit to the Service.

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

The basis and purpose of the above-prescribed regulations are to prevent any possible abuse which might result from an alien being in possession of multiple documents entitling the holder to apply for admission to the United States as a returning resident.

Effective date. The amendments contained in this order shall become effective on November 25, 1974.

Dated: October 21, 1974.

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

[FR Doc.74–24985 Filed 10–24–74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Supplier/Purchaser Relationships and Allocation Levels for Aviation Fuels

On August 8, 1974, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (39 FR 28863, August 9, 1974) to amend Subpart H of Part 211, the Mandatory Petroleum Allocation Regulations, proposing certain changes in supplier/purchaser relationships and allocation levels for aviation fuels. On August 21, 1974, FEA issued a notice which extended the comment period, rescheduled the public hearing and provided a further explanation of the proposed regulations (39 FR 30506, August 23, 1974). Since the August 8 proposals encompassed and expanded upon issues raised in an earlier proposed rulemaking relating to supplier/purchaser relationships for civil air carriers, upon which no final rule was issued, the proposals were considered a continuation of that rulemaking (39 FR 11203, March 26, 1974).

The August 8, 1974, notice contained two alternative proposals for modifying supplier/purchaser relationships for aviation fuels to permit greater freedom for certain users in selecting suppliers. The two proposals were initiated because present and estimated future supplies of aviation fuels permit greater flexibility within the allocation program.

Approximately sixty-five (65) written comments were received in response to the August 8 notice of proposed rulemaking. In addition, twenty-one parties made oral presentations at the public hearing, which was held on September 5 and 6, 1974. Most of the comments favored the second of the two proposals set forth in the notice, with various changes.

Proposal Number 2 is hereby adopted with several modifications, as set forth below, based on the oral and written comments received, on the present and projected future supply situation and on other relevant information. Public comments received in response to the March 26, 1974 notice of proposed rulemaking have also been considered.

Supplier/purchaser relationships. Under Proposal Number 2, wholesale purchaser-consumers of aviation fuel would have been permitted to terminate unilaterally supplier/purchaser relationships at any station and enter into mutually acceptable supply arrangements with any supplier of aviation fuels which had an allocation fraction of 1.0 at the time of the new arrangements. The new supplier/purchaser relationships established under the new supply arrangements would be subject to the provisions of the Mandatory Petroleum Allocation Regulations.

As adopted, § 211.145(c) enables any wholesale purchaser, not just a wholesale purchaser-consumer, to terminate supplier/purchaser relationships with its base period supplier of aviation fuels for that portion of its base period use supplied at any station. A supplier may not unilaterally terminate supplier/purchaser relationships with its wholesale purchasers. These terminations may be effective only at the end of a period corresponding to a base period, which for aviation fuels is the calendar quarter of 1972 corresponding to the current quarter. The wholesale purchaser must notify both the supplier affected and the National FEA of its intention to terminate a supplier/purchaser relationship at least thirty days prior to the end of a period corresponding to a base period. In addition, the wholesale purchaser is required to report the parties, stations and volumes of fuel involved in the termination. Terminations under this paragraph may first be made effective for the period January 1–March 31, 1975, by giving notice thirty days prior to the beginning of that period.

Wholesale purchasers may also make or implement mutually acceptable supply arrangements with any supplier, regardless of whether the supplier supplied the purchaser during the base period, to be supplied aviation fuels in excess of the portion of the base period use currently supplied by the supplier at a station, provided that the supplier has an allocation fraction of 0.96 or above at the time the supply arrangement is made. That supplier will then be deemed the base period supplier for the amounts of fuel involved. The wholesale purchaser and supplier may not increase the wholesale purchaser's allocation entitlement through such arrangements, and to the extent that amounts in excess of the wholesale purchaser's base period use will be supplied under a new supply arrangement, the wholesale purchaser is required to terminate supplier/purchaser relationships with other suppliers for an amount corresponding to that excess. New supply arrangements may be implemented for any period corresponding to a base period beginning after December 31, 1974. Suppliers are required to report to the National FEA within ten days of making new supply arrangements the names of the parties, the

stations affected and the amounts of fuel to be supplied.

In addition, any civil air carrier which entered into a contract with a supplier for the purchase of aviation fuels prior to November 1, 1973, may designate that supplier as its base period supplier, provided that the contract would not by its terms expire prior to December 31, 1974, and that the supplier has an allocation fraction of 0.96 or above at the time of the designation. Upon designation of a contract supplier the contract may immediately be given effect to the extent that it is not inconsistent with FEA regulations.

The designation of a contract supplier as a base period supplier is accomplished by means of a certification to the supplier, with a copy of the certification and the contract to FEA. The civil air carrier is required to terminate other supplier/purchaser relationships to the extent necessary so as not to receive fuel in excess of its allocation level.

Allocation levels. Proposal Number 2 as set forth in the notice of proposed rulemaking provided that the allocation level for local service air carriers be raised from one hundred percent to one hundred ten percent of the base period use, and that all allocation levels now below one hundred percent of the base period use be raised to that level, still subject to the supplier's allocation fraction.

The FEA has concluded that these increases in allocation levels should be adopted as proposed, except that the allocation level of one hundred percent of base period use should be retained for local service air carriers. However, § 211.145(b) has been modified to permit an adjustment to base period use based upon changed circumstances for local service air carriers if the FEA determines, after consultation with appropriate Federal agencies, that such an adjustment is needed to provide or improve service to locations which now have inadequate scheduled air service. The adjustment to base period use based upon changed circumstances also is retained for other civil air carriers as well, and provides for such adjustments based upon fully documented applications, for FEA consultation with appropriate Federal agencies, and for granting such adjustments only where there are compelling situations requiring relief.

The new allocation levels specified herein become effective January 1, 1975, which is the beginning of the next complete period corresponding to a base period.

Reporting requirements. Section 211.147(c) has been revised to provide for monthly reports from civil air carriers on their aviation fuel usage, in accordance with forms and instructions to be issued by the FEA.

Allocation of non-bonded fuel to international air carriers. Both proposals set forth in the August 8 notice would have revoked the provisions of § 211.146 relating to allocation of non-bonded aviation fuels to international air carriers. Neither proposal would have denied international air carriers access to non-bonded fuel, but would have eliminated the requirement that those carriers certify their needs for non-bonded fuel under the existing regulations.

In light of comments and testimony in response to the proposals, the FEA has concluded that the present means of providing for allocation of non-bonded fuel to international air carriers should be retained. However, the FEA intends shortly to issue for public comment specific proposals to modify or replace the existing method of allocation with respect to international air carriers in order to correct certain technical difficulties in the operation of the regulations. Therefore, the present rulemaking proceeding is continued as it relates to this subject. It is anticipated that modified regulations pursuant to this continuation will be effective on January 1, 1975, at the beginning of the next complete period corresponding to a base period.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below. Section 211.143 is effective January 1, 1975. Sections 211.145 and 211.147 are effective immediately.

Issued in Washington, D.C., October 22, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.143 is amended by deleting paragraphs (d), (e), and (f), and by revising paragraph (c) to read as follows:

§ 211.143 Allocation levels.

* * * * *

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency aviation services, safety and mercy missions;

(ii) Energy production flying;

(iii) Aircraft manufacturing but not to exceed one hundred thirty (130) percent of base period use; and

(iv) Telecommunications flying.

(2) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(i) Domestic, supplemental, and scheduled cargo air carriers, including requirements for crew training and proficiency flying;

(ii) International air carriers, including requirements for crew training and proficiency flying—the total of both bonded and non-bonded fuels;

(iii) Intrastate carriers, including requirements for crew training and proficiency flying;

(iv) Local service air carriers, including requirements for crew training and proficiency flying;

(v) Other air carriers, including requirements for crew training and proficiency flying;

(vi) Non-flying use of aviation fuels;

(vii) Business flying, including requirements for crew training and proficiency flying;

(viii) Public aviation;

(ix) Personal non-business flying;

(x) Instructional flying; and

(xi) Air travel club flying, including requirements for crew training and proficiency flying.

2. Section 211.145 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 211.145 Supplier/purchaser relationships and adjustments of base period use.

* * * * *

(b) (1) Civil air carriers may apply to the National FEA for adjustments to base period use based upon changed circumstances. Applications under this paragraph shall be fully supported by detailed facts, figures and other documentation. FEA may consult with appropriate Federal agencies in processing such applications. Adjustments under this paragraph will be granted only where there are compelling situations requiring relief.

(2) Applications for adjustment to base period use based upon changed circumstances submitted by local service air carriers may only be granted upon a determination by FEA, after consultation with appropriate Federal agencies, that the adjustment to base period use is needed for providing or improving service to locations which have inadequate scheduled air service.

(c) (1) Notwithstanding the provisions of Subpart A of this part, for periods corresponding to a base period commencing after December 31, 1974, any wholesale purchaser may unilaterally terminate its supplier/purchaser relationship with a supplier of aviation fuel for that portion of its base period use supplied at any station, provided that the termination is effective at the end of a period which corresponds to a base period. Any wholesale purchaser which determines that it will terminate its supplier/purchaser relationship with a supplier at a station shall provide that supplier and the National FEA with written notice of its intention at least thirty (30) days prior to the commencement of the period corresponding to a base period for which the termination is to be effective. The written notice shall include the names of the wholesale purchaser and the supplier, the stations affected and the portion of the wholesale purchaser's base period use affected by the termination.

(2) Notwithstanding the provisions of Subpart A of this part, for periods corresponding to a base period commencing after December 31, 1974, any wholesale purchaser may make or may implement mutually acceptable arrangements with any supplier of aviation fuel, to be supplied a portion of the wholesale purchaser's base period use in excess of that portion of the wholesale purchaser's base

period use currently supplied by the supplier at a station provided that the supplier has an allocation fraction of 0.96 or above at the time such arrangements are made. A supplier accepting such an arrangement shall be deemed a base period supplier of the wholesale purchaser for the increased portions of the purchaser's base period use to be supplied by that supplier. The supplier shall notify the National FEA in writing within ten (10) days of making the arrangement. The notice shall include the names of the parties, the stations affected and the increased portion and the total portions of the wholesale purchaser's base period use to be supplied at each station by the supplier. To the extent that a supplier agrees to supply aviation fuel to a wholesale purchaser in excess of the portion of the wholesale purchaser's base period use currently supplied by that supplier, the wholesale purchaser shall terminate supplier/purchaser relationships with other base period suppliers for an amount of the wholesale purchaser's base period use equal to such excess amount.

(d) (1) Notwithstanding paragraph (c) of this section, any civil air carrier may designate as a base period supplier, any supplier which had entered into a contract with that carrier prior to November 1, 1973 for the purchase of aviation fuels: *provided*, That (i) the contract would not expire by its terms prior to December 31, 1974 (regardless of whether any amounts of aviation fuels were delivered pursuant to the contract prior to November 1973) and would be in force and effect had FEA regulations not required other supplier/purchaser relationships and (ii) the supplier has an allocation fraction of 0.96 or above at the time of the designation. Upon designation of such a supplier as a base period supplier, the terms and conditions of such contracts may be given effect to the extent that these terms and conditions are not inconsistent with FEA regulations and orders.

(2) A civil air carrier shall make a designation pursuant to paragraph (d) (1) of this section by providing a certification prior to December 31, 1974, to any supplier which the carrier may designate as a base period supplier pursuant to this paragraph. The designation shall be effective immediately upon delivery of the certification to the supplier. A copy of the certification and the contract shall be provided to the National FEA, A certification shall contain the following information:

(i) The identity of the parties to the contract, the volumes of aviation fuel to the supplied under the contract, by station, and the effective and expiration dates of the contract;

(ii) The civil air carrier's base period use for each base period; and

(iii) A statement that the civil air carrier is designating the supplier as a base period supplier pursuant to this paragraph.

(3) If the base period use of a civil air carrier which designates a supplier as a base period supplier pursuant to paragraph (d) (1) of this section is equal to or less than the amounts to be supplied under the contract, the supplier/purchaser relationships between the civil air carrier and its other base period suppliers for the locations specified in the contract shall be terminated. The civil air carrier shall notify its other base period suppliers of the termination at the time of the designation.

(4) If the base period use of a civil air carrier which designates a supplier as a base period supplier pursuant to paragraph (d) (1) of this section exceeds the amounts to be supplied under the contract for the purchase of aviation fuels at the locations specified in the contract, the excess portion of its base period use shall be supplied by the base period suppliers which had supplied that carrier prior to the designation of that supplier pursuant to paragraph (d) (1) of this section. In such case, the civil air carrier shall upon making its designation immediately notify the base period suppliers which had previously supplied that carrier of the reduced amount of its base period use to be supplied by those suppliers as a result of the designation. Those base period suppliers shall then supply the reduced amount in proportion to the amount of the civil air carrier's base period use supplied by those suppliers prior to the carrier's designation pursuant to paragraph (d) (1) of this section.

(e) No wholesale purchaser-consumer shall accept from its suppliers in a period corresponding to a base period volumes of aviation fuel in excess of its allocation level for such period except as permitted by § 211.10(g). No international air carrier shall accept from its suppliers in a period corresponding to a base period, volumes of non-bonded aviation fuels which when aggregated with its purchases of bonded aviation fuel from all sources exceeds one hundred (100) percent of its base period volume as defined in § 211.142 except as permitted by § 211.10(g). No wholesale purchaser-reseller shall accept from its suppliers in a period corresponding to a base period volumes of aviation fuel which exceed its allocation entitlement as defined in § 211.12(b) (1), except as permitted by § 211.10(g).

3. Section 211.147(c) is revised to read as follows:

§ 211.147 Procedures and reporting requirements.

* * * * *

(c) The general reporting and recordkeeping requirements contained in § 211.222 shall apply to this subpart. In addition, civil air carriers shall report monthly their aviation fuel usage to FEA in accordance with forms and instructions issued by FEA. Civil air carriers (except air taxi/commercial operators) shall file reports pursuant to this paragraph with the National FEA at the address provided in § 205.12, unless otherwise specified. Air taxi/commercial operators shall file reports pursuant to this paragraph with the appropriate Regional FEA office at the address provided in § 205.12 unless otherwise specified.

* * * * *

[FR Doc.74-25033 Filed 10-23-74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

Revision of Chapter Heading

This chapter contains rules and regulations which are prescribed by an officer designated by law (R.S. 324, 12 U.S.C. § 1) as the Comptroller of the Currency, and which are usually referred to by the title of the officer. The Comptroller of the Currency has therefore determined that the heading of this chapter should be revised and that notice and public procedure for the revision are unnecessary and not in the public interest. The revision will accordingly become effective upon publication.

The heading of Chapter I, Title 12 of the Code of Federal Regulations is hereby revised to read as follows: Chapter I—Comptroller of the Currency, Department of the Treasury.

Dated: October 22, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-25002 Filed 10-24-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-RM-11]

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

Alteration of Transition Area

On September 18, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 33540) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Cherokee, Wyo.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., January 2, 1975.

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

Issued in Aurora, Colorado, on October 15, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.181 (39 FR 440) amend transition area for Cherokee, Wyo. to read:

CHEROKEE, WYO.

That airspace extending upward from 1200 feet above the surface within 9 miles south and 6 miles north of the Cherokee, Wyo. VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC; and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on

the north by the north edge of V–26 and on the south by the south edge of V–4, excluding that airspace within the Rawlins, Wyo. transition areas.

[FR Doc.74–24942 Filed 10–24–74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11056, File No. S7–515]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Amendments to Regulation of Short Sales of Securities; Temporary Suspension

The Securities and Exchange Commission on September 27, 1974, in Securities Exchange Act Release No. 11030, which was published in the FEDERAL REGISTER for October 2, 1974, at 39 FR 35570, had announced that it was adopting, effective October 4, 1974, proposed amendments to Securities Exchange Act Rules 3b–3, 10a–1 and 10a–2 [1] to establish comprehensive short sale regulation for securities which will be reported pursuant to the consolidated transaction reporting system. The Commission has announced on October 17, 1974, however, that it is temporarily suspending, pending further consideration, the effectiveness of those adopted amendments for Rules 10a–1 and 10a–2. The amendment to Rule 3b–3 is unaffected by the Commission's announcement of October 17, 1974.

The adopted amendments to Rules 10a–1 and 10a–2 govern short sales in securities included in the consolidated transaction reporting system declared effective pursuant to Rule 17a–15 [2] under the Securities Exchange Act of 1934. These amendments had modified the Commission's short selling regulations by prohibiting short sales in such securities below the price of the last sale (a "minus tick") or at the last sale if the preceding different sale was at a higher price (a "zero-minus tick") in relation to last sale reported in the consolidated transaction reporting system. Prior to the adoption of the amendments, Rule 10a–1 prohibited short sales effected on a national securities exchange on a minus tick or zero minus tick in relation to last sale effected on such exchange. The Commission is taking this action in response to representations made to the Commission by certain self-regulatory organizations that numerous mechanical and operational difficulties exist in the implementation of the adopted amendments.

The Commission also announced that reporting participants in Phase I of the consolidated transaction reporting system who effect over-the-counter transactions in listed securities ("third market pilot participants") have agreed to comply, during the eighteen week pilot phase of the consolidated transaction reporting system, with the following provision:

No third market pilot participant shall effect a short sale in a security which is included in reporting during Phase I of the consolidated transaction reporting system declared effective pursuant to Rule 17a–15 under the Securities Exchange Act of 1934 below the last sale in such security, or at the last sale if the preceding different sale was at a higher price, effected by such third market maker; provided, however, that such third market maker may effect a short sale in such security if such sale is necessary to equalize the price of such security in its market with the last price of such security reported in the consolidated transaction reporting system.

The Commission announced also that it intends to reconsider the amendments to Rules 10a–1 and 10a–2 referred to above in the immediate future. Among other things, the Commission intends to consider whether the so-called "equalizing exemption" currently available for short sales effected on the nation's regional exchanges should be modified. That exemption, before the adoption of the referred to amendments, was available for a short sale by any person effected on a regional exchange in accordance with its terms. The amendments, as they applied to the regional exchanges, would have limited that exemption to short sales effected by registered specialists and market makers on those exchanges.

Interested persons should note that the action taken on October 17, 1974, by the Commission means that short sales effected on national securities exchanges must be effected in accordance with the terms of Rule 10a–1 as it existed prior to the amendments adopted on September 27, 1974. The Commission will announce shortly the extent, and nature of, its reconsideration of the amendments.

The Commission has determined that because: (1) Certain mechanical and operational difficulties exist in the adopted amendments to Rules 10a–1 and 10a–2; and (2) more time is required to consider the nature and effect of the short sale rules, there is good cause to, and the Commission hereby does, declare the amendments to Rule 10a–1 and Rule 10a–2 adopted effective October 4, 1974, to be temporarily suspended until further notice.

Commission Action: The Securities and Exchange Commission, acting pursuant to the provisions of Securities Exchange Act of 1934, and particularly sections 10(a) and 23(a) thereof, hereby temporarily suspends the effectiveness of amendments to Part 240 of Chapter II of Title 17 of The Code of Federal Regulations §§ 240.10a–1 and 240.10a–2 previously adopted at 39 FR 35570.

(Sec. 3(b), 48 Stat. 882, 15 U.S.C. 78c(b); sec. 10, 48 Stat. 891, 15 U.S.C. 78j(a); sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, sec. 10, 78 Stat. 580, 15 U.S.C. 78w(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 17, 1974.

[FR Doc.74–24936 Filed 10–24–74;8:45 am]

[Release No. IC–8542, File No. S7–518]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Certain Joint Transactions Involving Registered Investment Companies; Exemption From Application Requirements

On March 14, 1974 the Securities and Exchange Commission announced in Investment Company Act Release No. 8273 (published in the FEDERAL REGISTER for March 27, 1974 [39 FR 11312] that it had under consideration the adoption of an amendment to Rule 17d–1 [17 CFR 270.17d–1] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.]. As proposed, the amendment (1) would enable certain affiliated companies of registered investment companies and certain persons affiliated with such affiliated companies to participate in joint transactions with registered investment companies and companies controlled by registered investment companies without an order of the Commission, and (2) would clarify the present Rule 17d–1 to remove any doubt as to whether certain stock option plans of registered small business investment companies ("SBICs") may become operative without an order of the Commission. The Commission has considered the comments and views of all interested persons concerning this proposal and has determined to adopt the amendment to Rule 17d–1 in the form set forth below. The amendment to Rule 17d–1 is adopted pursuant to the authority set forth in sections 17(d), 6(c) and 38(a) of the Act [15 U.S.C. 80a–17(d), 80a–6(c), 80a–37(a)].

Section 17(d) of the Act makes it unlawful for any:

> * * * affiliated person of or principal underwriter for a registered investment company * * * or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from or less advantageous than that of such other participant.

Rule 17d–1(a) prohibits all such affiliated persons, and principal underwriters, acting as principal, from participating in or effecting any:

> * * * transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company, or a company controlled by such registered company, is a participant * * * unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted * * *.

Section 6(c) of the Act provides that the Commission, by rule, regulation or order, may conditionally or unconditionally exempt any person or transaction, or any class of persons or transactions, from any provision of the Act, if and to the

[1] 15 U.S.C. 78c(b), 78j(a) and 78w(a); 17 C.F.R. 240.3b–3, 240.10a–1 and 240.10a–2.
[2] 17 C.F.R. 240.17a–15.

extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 38(a) of the Act authorizes the Commission to issue and amend such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

New paragraph (d)(4) of Rule 17d–1—SBIC stock option plans. Paragraph (c) of Rule 17d–1 defines "joint enterprise or other joint arrangement or profit-sharing plan" for purposes of Rule 17d–1 as, inter alia, any "stock option or stock purchase plan." In The National Association of Small Business Investment Companies (Investment Company Act Release No. 6523, May 14, 1971) the Commission exempted from the provisions of sections 18, 19, and 23 of the Act [15 U.S.C. 20a–18, 80a–19, 80a–23], subject to conditions for the protection of investors, the issuance by SBICs of stock options which qualify under section 422 of the Internal Revenue Code and under appropriate Small Business Administration ("SBA") regulations to officers, directors and employees of SBICs. It appears, however, that a question remained as to whether or not an application is needed under Rule 17d–1 for an order of the Commission permitting the issuance of such qualified stock option plans. In order to remove any doubt in this regard, new paragraph (d)(4) of Rule 17d–1 permits registered SBICs to issue qualified stock options to their officers, directors and employees without a prior Commission order.

New paragraph (d)(5) of Rule 17d–1—joint transactions with certain affiliated persons. New paragraph (d)(5) provides an exemption from the application provisions of Rule 17d–1 for joint transactions or arrangements in which any registered investment company or a company controlled by such registered investment company is a participant, and in which a company affiliated with such registered investment company or an affiliated person of such affiliated company is also a participant, provided that neither certain affiliated persons nor the principal underwriter of the registered investment company has a financial interest in the transaction. The exemption is available for transactions involving SBICs, venture capital and other registered investment companies.

In adopting new paragraph (d)(5) of Rule 17d–1 the Commission believes that when the persons designated in items (*a*) through (*e*) of paragraph (d)(5)(i) do not have a financial interest in a joint transaction, there is little likelihood that participation by registered investment companies, or controlled companies thereof, in joint transactions with other affiliated persons, or affiliated persons of such other affiliated persons, will result in unfair or disadvantageous treatment to the investment companies or their controlled companies.

New paragraph (d)(5) does not, however, exempt from the application requirements of the rule those joint transactions in which an investment company or a company controlled by such company commits in excess of 5 percent of its assets, except that registered SBICs may commit as much as 20 percent of their private capital (paid-in capital and surplus). The 20 percent limitation for SBICs is consistent with investment restrictions already imposed by SBA regulations, under which an SBIC is permitted to invest up to 20 percent of its private capital in a single small business.

An exception to these investment limitations contained in new paragraph (d)(5) is provided for a merger of a controlled company of the registered investment company with another controlled or affiliated company of the registered investment company. Since there is little likelihood that the investment company might be overreached or disadvantaged in such transactions, paragraph (d)(5)(ii) provides that the percentage limitations are inapplicable to controlled companies of investment companies in merger transactions otherwise meeting the conditions for exemption imposed by new paragraph (d)(5).

Apart from the provisions of the amendments, it should be noted that the anti-fraud provisions of the federal securities laws are also applicable to joint transactions in which registered investment companies or their controlled companies participate. In particular, Rule 10b–5 under the Securities Exchange Act of 1934 [17 CFR 240.10b–5] prohibits the employment of manipulative and deceptive devices in connection with the purchase or sale of any security. That prohibition would be applicable even where the exemption afforded by the amendment is available. Furthermore, the officers, directors and investment advisers of registered investment companies will remain subject to the fiduciary obligations imposed by section 36(a) of the Act [15 U.S.C. 80a–35(a)] with respect to joint transactions exempted by new subparagraph (5).

The Commission also contemplates that an additional item will be included shortly in the annual report forms for registered investment companies, or in other appropriate periodic reports, which will require information relating to all transactions carried out without the filing of an application under Rule 17d–1 where the parties have relied on the exemption provided by paragraph (d)(5). The reporting requirement will not, however, be a condition precedent to the availability of the exemption provided by paragraph (d)(5).

Illustrative of the type of joint transaction which is exempt under new paragraph (d)(5) are the following:

1. Frequently, a company is an affiliated person of a registered investment company because 5 percent or more of the former's common stock is in the portfolio of the registered investment company. In addition, an officer or director of the affiliated portfolio company (an affiliated person of a portfolio company) may own some of the affiliated portfolio company's common stock, or another individual may own 5 percent or more of the portfolio company's common stock (and, therefore, be affiliated with the portfolio company).

If the portfolio company reorganizes its capital structure by the exchange of new securities for its already outstanding securities, paragraph (d)(5) would eliminate the need for an application under Rule 17d–1, provided, of course, that the persons specified in items (*a*) through (*e*) of paragraph (d)(5)(i) do not also have a financial interest in the transaction. The exemption would be available even though a reorganization would involve participation by an affiliated person of an affiliated person of the registered investment company in a joint enterprise (namely, the exchange of securities of the portfolio company for new securities thereof) in which the registered investment company is also a participant and in which both have a financial interest.

2. A somewhat similar situation arises when an affiliated portfolio company of the registered investment company is to be merged with a company controlled by the registered investment company. Frequently, an affiliated person of the affiliated portfolio company (e.g., an officer, director or 5 percent stockholder) has a financial interest in the joint transaction. Under new paragraph (d)(5), an application for an order of the Commission to permit this transaction would not be required, provided that the persons specified in items (*a*) through (*e*) of paragraph (d)(5)(i) do not have a financial interest in the joint transaction.

3. Where two registered investment companies each own 5 percent or more of the common stock of the same portfolio company, each is an affiliated person of an affiliated person of the other. Under new paragraph (d)(5), it would not be necessary to file an application under Rule 17d–1 where either or both of the investment companies desire to increase or decrease their holdings of such security or to exchange securities with the portfolio company, provided that the persons specified in paragraph (d)(5)(i) do not have a financial interest in the transaction, and further provided that any increase in the holdings of either investment company does not result in its investing in excess of 5 percent of its assets in the portfolio company.

COMMISSION ACTION

The Securities and Exchange Commission, pursuant to authority given it in sections 6(c), 17(d) and 38(a) of the Investment Company Act of 1940, hereby amends § 270.17d–1 of Chapter II of Title 17 of the Code of Federal Regulations by adding new paragraphs (d)(4) and (5). The amendment starts with paragraph (d)(4) below; the preliminary language exists in Rule 17d–1 and has been included only for purposes of readability.

§ 270.17d–1 Applications regarding joint enterprises or arrangements and certain profit-sharing plans.

* * * * *

(d) Notwithstanding the requirements of paragraph (a) of this section no application need be filed pursuant to this section with respect to any of the following:

* * * * *

(4) The issuance by a registered investment company which is licensed by the Small Business Administration pursuant to the Small Business Investment Act of 1958 of stock options which qualify under section 422 of the Internal Revenue Code, as amended, and which conform to § 107.805(b) of Chapter I of Title 13 of the Code of Federal Regulations.

(5) Any joint enterprise or other joint arrangement or profit-sharing plan (hereinafter referred to as a "joint enterprise") in which a registered investment company or a company controlled by such a company, is a participant, and in which a company which is an affiliated person of such registered investment company or an affiliated person of such a person is also a participant: *Provided,* That

(i) No person who is included in items (*a*) through (*e*) of this paragraph (d)(5)(i) is, was or proposes to be, a participant in the joint enterprise through a financial interest, direct or indirect, in any person (except the registered investment company) who is, was or will be a participant in the joint enterprise:

(*a*) An officer, director, employee, investment adviser, member of an advisory board, depositor, promoter of or principal underwriter for the registered investment company,

(*b*) A person directly or indirectly controlling the registered investment company,

(*c*) A person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of the registered investment company,

(*d*) A person directly or indirectly under common control with the registered investment company, except a person who, if it were not directly or indirectly controlled by the registered investment company, would not be directly or indirectly under the control of a person who controls the registered investment company, or

(*e*) An affiliated person of any of the foregoing, except (*1*) the registered investment company, or (*2*) a person who (*i*) if it were not directly or indirectly controlled by the registered investment company, or (*ii*) if 5 per centum or more of its outstanding voting securities were not directly or indirectly owned, controlled, or held with power to vote by the registered investment company, would not be an affiliated person of a person described in item (*b*) or (*c*) hereinabove;

(ii) In such joint enterprise, other than a merger of a controlled company of the registered investment company with another controlled company or affiliated company of the registered investment company, neither the investment company nor a company controlled by such company commits in excess of 5 per centum of its assets, except that a registered investment company which is licensed by the Small Business Administration pursuant to the Small Business Investment Act of 1958 may not commit in excess of 20 per centum of its paid-in capital and surplus; and

(iii) For the purpose of determining whether, pursuant to this paragraph (d)(5), an application need be filed pursuant to this rule, the term "financial interest" as used herein shall not include (*a*) any interest through ownership of securities issued by the registered investment company; (*b*) any interest of a wholly-owned subsidiary of the registered investment company; (*c*) usual and ordinary fees for services as a director; (*d*) an interest of a nonexecutive employee; (*e*) an interest of an insurance company arising from a loan or policy made or issued by it in the ordinary course of business to a natural person; (*f*) an interest of a bank arising from a loan to a person who is an officer, director or executive of a company which is a participant in the joint transaction or from a loan to a person who directly or indirectly owns, controls, or holds with power to vote, 5 per centum or more of the outstanding voting securities of a company which is a participant in the joint transaction; or (*g*) an interest acquired in a transaction described in paragraph (d)(3) hereof.

NOTE.—The Commission contemplates including an additional item in the annual report forms for registered investment companies, or in other appropriate periodic reports, which will require information relating to all transactions carried out without the filing of an application under Rule 17d-1 where the parties have relied on the exemption provided by paragraph (d)(5). See Release IC-8542 (October 15, 1974).

(Secs. 6(c), 17(d), 38(a); 54 Stat. 800, 815, 841; 15 U.S.C. 80a-6(c), 80a-17(d), 80a-37(a)).

Effective date. This amendment becomes effective on November 25, 1974.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 15, 1974.

[FR Doc.74-24935 Filed 10-24-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

PART 35—FILING OF RATE SCHEDULES

[Docket No. R-463]

Electric Service Tariff Changes; Order Clarifying Prior Order

OCTOBER 21, 1974.

On July 17, 1973, we issued Order No. 487 in this docket which amended § 35.13 of the regulations under the Federal Power Act. The amendment to the regulation requires, inter alia, that all electric utilities applying for rate increases in excess of $50,000 anually file unadjusted cost of service data for the most recent twelve consecutive months for which actual data are available (Period I) plus estimated cost data for any twelve months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II).

Ordering paragraph (D) of our July 17, 1973, order provided that the filing requirements of Period II are voluntary for companies with applications for increases less than one million dollars. However, our order did not incorporate this provision into our regulations. A considerable amount of confusion has resulted from the fact that this provision was not actually made part of our regulations, and therefore we shall clarify Order No. 487 by adding this provision to our regulations.

The Commission finds. It is in the public interest to amend § 35.13 of the regulations under the Federal Power Act to reflect the provision contained in ordering paragraph (D) of Order No. 487.

The Commission orders. (A) Section 35.13(b)(4)(iii) of the regulations under the Federal Power Act (Part I Chapter C Title 18 of the Code of Federal Regulations) is amended by adding the following sentence at the end of that section:

The filing requirements of Period II herein are voluntary for companies with applications for increases less than one million dollars.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24966 Filed 10-24-74;8:45 am]

[Docket No. RM74-23; Order No. 514]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Information on Gas Supply and Deliverability in Applications for Certificates

OCTOBER 21, 1974.

By notice issued May 2, 1974, and published in the FEDERAL REGISTER on May 9, 1974 (39 FR 16487), in Docket No. RM 74-23 pursuant to section 553 of Title 5 of the U.S. Code and sections 7 and 16 of the Natural Gas Act, as amended,[1] the Commission proposed to amend § 157.14 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, by revising paragraph (a)(10) thereof, 18 CFR 157.14(a)(10), to require to be included as Exhibit H to applications for certificates of public convenience and necessity filed pursuant to section 7 of the Natural Gas Act certain information with respect to gas supply

[1] 52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 52 Stat. 830, 15 U.S.C. 717o.

and deliverability which presently may be incorporated by reference when applicants have filed annual reports required by § 260.7 of Statements and Reports (Schedules), 18 CFR 260.7. It was proposed to require gas supply and deliverability to be set forth and not incorporated, as now allowed, by reference to FPC Form No. 15, the annual report prescribed by § 260.7. An Exhibit H would be required in all applications for authorization to increase existing sales, facilities or capacity; to construct new facilities to make new sales; to alter any type of gas service; and to attach new sources of supply except budget-type applications filed under paragraph (b) of § 157.7 of the regulations under the Natural Gas Act, 18 CFR 157.7(b).

Paragraph (a)(10) presently provides that companies filing Form No. 15 may incorporate by reference in their certificate applications the gas supply and deliverability information in said reports, except with respect to applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes. This procedure does not give the Commission access to the latest available gas reserve data since the most recent Form No. 15 may contain data up to 15 months out of date and in cases of new reserve attachments does not make available any reserve data.

This proceeding was instituted because it became apparent, in light of deepening energy supply problems, that it is incumbent upon the Commission to review more critically the gas supply aspects of pipeline certificate applications. In this regard, there is a pressing need for more comprehensive and timely gas reserve and deliverability data that are not filed in applications lacking an Exhibit H. Since timely data are necessary in processing applications, failure to provide an Exhibit H results in delays in the administrative process as Commission personnel are required to seek out such data by protracted correspondence and/or field trips. In addition, failure to include gas supply and deliverability data in applications often denies the public ready access to such information.

The Commission is herein amending the Regulations under the Natural Gas Act to require that gas supply and deliverability information be set forth in all applications made under section 7 of the Natural Gas Act in which the authorization sought may be dependent upon the applicants' gas supply or where the service to be provided may have an effect on the applicants' ability to serve present customers. The data will not be required in budget-type applications under paragarph (b) of § 157.7 of the regulations under the Natural Gas Act or for facilities realignment or replacement. In all other applications the information will have to be set forth to the extent that it is relevant to the particular facility, sale or other authorization which is sought.

Responses to the notice of proposed rulemaking have been received from Associated Gas Distributors (AGD), El Paso Natural Gas Company (El Paso), Equitable Gas Company (Equitable) and The Kentucky West Virginia Gas Company (Kentucky), Interstate Natural Gas Association of America (INGAA), Mobil Oil Corporation (Mobil), Natural Gas Pipeline Company of America (Natural), Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee), and United Gas Pipeline Company (United).

AGD states that as a general proposition it supports the proposed rule; however, it suggests that a 90-day limitation be imposed on staff's review of Exhibit H to avoid delaying the final disposition of the pipeline certificate application.[2]

While respondents' comments varied, several respondents including INGAA, Tennessee, United, El Paso, and Natural filed similar responses which generally stated are as follows:

(1) The proposed rule's required filing of an Exhibit H is contrary to the avowed purpose of the Commission's Order No. 279, issued April 7, 1964 (31 FPC 750), which prescribed the filing of FPC Form No. 15 to expedite the processing of pipeline company certificate applications and reduce the filing burden in the application process. Respondents contend that the proposed rule will result in an increased filing burden on applicants and delay the processing of applications.

Respondents correctly note that Order No. 279 was issued to meet a need for, among other things, expedition in the processing of applications and to reduce the burden of filing on applicants. Speed in processing of applications is, however, but one aspect of the Commission's regulatory posture. Timely and comprehensive information must be available to the Commission during such processing for the Commission to examine properly the applications before it in the discharge of its administrative duty to regulate. The Commission must consider all relevant matters in its review of such applications and at this time of deepening energy supply problems, gas supply and deliverability data are most relevant. There can be no sacrifice in the investigation of relevant data merely to expedite processing applications nor can one sever out considerations of gas supply data from a review of the application as a whole. The feasibility or lack thereof of a specific application must be viewed in its entirety and for such a reason the Commission believes piecemeal review or a specific time limitation affixed to the review of Exhibit H would be inappropriate.

The Commission does not intend or anticipate that its proposed rule will be delaying in nature. The inclusion of an Exhibit H at the time of filing a pipeline application will serve to lessen delays in obtaining such data experienced under present procedures due to the time lag involved in the transmission of and response to deficiency letters from staff to applicants. At the same time relevant data will be available on a regular basis to allow for a more meaningful review of such applications. The Commission, moreover, has not deviated from its policy of processing applications as expeditiously as due care and the public interest allow.

The Commission is aware of the burden involved in requiring applicants to make voluminous and repetitious filing. The Commission acknowledged this burden in its Order No. 279 as it does now. The intent of this proposed rule is not to burden applicants unreasonably with additional filing of repetitious data. For this reason and for the sake of clarity the proposed rule's language will be modified to reflect a requirement on the part of affected applicants to file only those portions of the annual report for which changes have been made or which are supplemental to the annual report then currently on file with the Commission. Applicants will, therefore, not be required to make duplicative filings as a result of this order and any additional burden placed on a filing company is in the Commission's opinion outweighed and fully justified by improved service to the public interest.

(2) The proposed rule is vague and ambiguous in its definition of the terms "probable" reserves and in regard to the scope of the required filing. Due to our deletion of the procedure for summary filing under the amended rule which will be discussed below it is unnecessary to address the issue of vagueness as to the terms "probable" and "possible potential" reserves related to such summary filing procedure. Moreover the Commission fails to perceive any ambiguity or vagueness in its language describing the scope of the filing required as a result of this order. The proposed rule states clearly that the required filing "need pertain only to the supply and deliverability for that phase of the company's operations which would be affected by the facility or sale for which authorization is sought." When an applicant proposes to make an additional sale or construct and connect additional facilities to its system, that applicant surely does not view the addition proposed in a vacuum but views it with an eye towards its operation in conjunction with existing facilities and obligations. An applicant should reasonably be able to anticipate material changes in its existing operation which will result from the proposed addition. The amended rule is directed at requiring the applicant to supply the Commission with gas supply and deliverability information in respect to that phase of the applicant's existing and proposed operations which would be affected by such changes. An applicant should be able to respond to the proposed filing requirements with no difficulty through the exercise of a minimum amount of common sense and discretion. For example, when an applicant proposes to make an additional sale of gas

[2] AGD also suggests that the Commission in its proposed rulemaking procedure in Docket No. RM74-16 require producers to file similar data to include probable gas reserves. Consideration of such suggestion is beyond the scope of the instant proceeding.

an application for authorization therefor should furnish gas reserve and deliverability data which would indicate whether or not there are sufficient supplies of gas to support such a sale.

(3) The proposed rule requires that confidential information be included in Exhibit H and the possible release of such information as a result of § 2.72 of the Commission's General Policy and Interpretations (18 CFR 2.72) may be counter-productive to the purpose of pipeline companies' acquiring gas supplies. Respondent, Mobil, directed the entirety of its comments along this line and further alleges that by the amended rule the Commission seeks to impose a penalty on companies asserting confidentiality as part of an overall Commission strategy to destroy confidential status.

The proposed rule is not counterproductive to the purpose of pipeline companies in acquiring gas supplies nor is it an attempt by the Commission to abolish confidential status. Moreover, this is not the proper forum to debate the propriety of § 2.72 nor the Commission's policy on divulgence of information therein established. The Commission has fully addressed this issue in Order No. 509–A, Availability of Information Acquired by Staff Investigation, issued August 23, 1974, in Docket No. RM74–24 (52 FPC —) and has determined that concern of detriment to proprietary interests as a result of such Commission policy is not well founded.

It is this Commission's policy as stated in Order No. 509–A that the Commission staff should examine no data of any participant in any proceeding before this Commission with any promise of confidentiality, except as directed by an appropriate judicial or quasi-judicial body and that the staff is not such a body. For this reason the proposed rule's language will be further modified to delete any provision which would suggest that an applicant could comply with the filing requirements of this proposed rule through summary filing of the information required to be included in the application as Exhibit H while separately filing complete data to the Commission in a confidential status. In order to comply with the requirement of filing an Exhibit H, as set forth in this amended rule, specific gas supply and deliverability data must be filed.

The Commission does not intend by this deletion of summary filing procedure to compel any party to submit confidential data. As we noted in Order 509–A any party is free to deny access to data considered to be confidential and assert any legal right or protection in that respect. Applicants should note, however, that assertion of confidentiality does not relieve an applicant of the burden of producing evidence sufficient to support its application.

(4) Most of the respondents join INGAA in requesting a conference with the Commission staff to clarify some of the beforementioned matters prior to issuance of a final order by the Commission in this proceeding.

The Commission is of the opinion that such a conference would not be productive and that through its responses to the comments of respondents in this order the purpose, scope, and operation of the amended rule are set forth with sufficient clarity.

Equitable and Kentucky while not calling for a conference state that they are unable to furnish data required to be filed by the amended rule as such data are not available or obtainable on Appalachian area wells and request adjustment in the reporting requirements for the proposed Exhibit H for the Appalachian area or exemption from such filing requirements. The Commission has long recognized this problem peculiar to the Appalachian area and does not intend by this order to require Equitable or Kentucky or others similarly situated to file any information in any greater detail than is presently filed in Form 15.

To clarify what information is required to be filed by this proposed rule the Commission has revised its proposed amendment of § 157.14 of Part 157, Subchapter 2 of Chapter I, Title 18 of the Code of Federal Regulations, by modifying its original revision of paragraph (a) (10) (vi) thereof, as follows (modification underscored):

* * * When gas supply and deliverability information is required to be in the application and is not permitted to be incorporated by reference, such information need pertain only to the supply and deliverability for that phase of the company operations which would be affected by the facility or sale for which authorization is sought. In those instances, the pipeline company may file only those portions of the annual report for which changes have been made or which are supplemental to the annual report then currently on file with the Commission. Total system supply and deliverability information shall be included in all applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes. * * *

* * * * *

Consonant with Commission policy as expressed in Order No. 509–A the proposed rule is further modified by deleting the following language from said original revision of paragraph (a) (10) (vi), as follows:

* * * In those instances in which the information contained in the annual report required by § 260.7 is not permitted to be incorporated by reference and in which the applicant or his producer supplier regards the required information as confidential, there shall be included in the application as Exhibit H a statement showing total reserves for the proposed project segregated into proven and probable reserves, a description of the leases and/or offshore blocks from which the reserves may be available without relating specific reserves to specific properties, and as much of the information required by (i) through (v) above and (vii) below which the applicant or his supplier do not regard as confidential. Any reserves claimed as possible potential must be accompanied by a description of the leases and/or offshore blockes for which these reserves are claimed and copies of the gas purchase contracts or option agreements under which the applicant has a claim to any reserves discovered. If information is excluded from the application as confidential, there shall be included in the application a statement that such information has been excluded and the reasons therefor. The Commission reserves the right to require the release of information from a confidential status as a condition for consideration of an application or issuance of a certificate. The receipt, maintenance, and consideration of information in a confidential status is subject to the requirements of paragraph (f) of § 1.36 and § 2.72 of this chapter and the laws of the United States.

We do not believe that such amendment as modified requires further notice since the modification is minor and clarifying in nature and consistent with the purpose of the proposed rule as originally noticed.

Except as noted above, the proposed amendment is adopted without change.

The Commission finds. (1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements in 5 U.S.C. 553.

(2) The amendment hereinafter set forth is necessary and appropriate in carrying out the provisions of the Natural Gas Act.

(3) Since the revision made herein does not represent a substantial departure from the amendment as proposed or impose additional burdens on persons subject to this regulation and is clarifying in nature, further notice prior to adoption is unnecessary.

(4) The amendment adopted herein will provide the Commission with comprehensive and timely information required in the processing of the aforementioned applications without imposing undue burdens upon jurisdictional pipelines or adversely affecting their customers or delaying processing of such applications.

The Commission, acting pursuant to authority granted pursuant to the Natural Gas Act, as amended, particularly Sections 7 and 16 thereof (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 52 U.S.C. 830, 15 U.S.C. 717(o)) in accordance with 5 U.S.C. 533, *orders.* (A) Section 157.14 of Part 157, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising paragraph (a) (10) thereof to read as follows:

§ 157.14 Exhibits.

(a) * * *

(10) *Exhibit H—Total gas supply data.* A statement of total gas supply committed to, controlled by, or possessed by applicant which is available to it for the acts and services proposed, together with:

* * * * *

(vi) Pipeline companies which have filed annual reports in conformity with § 260.7 of this chapter will be required to file additional information with regard to gas supply and deliverability in support of applications for certificates for authorization to increase existing sales,

facilities or capacity; to construct new facilities to make new sales; to alter any type of gas service; and to attach new sources of supply except budget-type applications filed under paragraph (b) of § 157.7 of this chapter. In all other applications the pipeline company may rely on the information set forth in said annual report, by reference thereto, unless otherwise ordered by the Commission. When gas supply and deliverability information is required to be in the application and is not permitted to be incorporated by reference, such information need pertain only to the supply and deliverability for that phase of the company operations which would be affected by the facility or sale for which authorization is sought. In those instances, the pipeline company may file only those portions of the annual report for which changes have been made or which are supplemental to the annual report then currently on file with the Commission. Total system supply and deliverability information shall be included in all applications for authorization to serve major new markets or to serve major existing markets from new sources of gas supply over new routes.

The receipt, maintenance, and consideration of any information received by the Commission staff for review under this section is subject to the requirements of paragraph (f) of § 1.36 and § 2.72 of this chapter and the laws of the United States.

* * * * *

(Sec. 7, 52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); sec. 16, 52 Stat. 830, (15 U.S.C. 717o))

(B) The amendment promulgated herein shall be effective October 21, 1974.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-24970 Filed 10-24-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974.....)

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

HEARINGS, APPEALS, AND JUDICIAL REVIEW

On February 15, 1974, there was published in the FEDERAL REGISTER (39 FR 5778) a notice of proposed rule making with proposed amendments to Subpart N of Regulations No. 16 of the Social Security Administration. The proposed amendments contained provisions for hearings, appeals, and judicial review under title XVI of the Social Security Act, as amended by Pub. L. 92-603.

Interested persons were given the opportunity to submit data, views, or arguments with regard to the proposed amendments on or before March 18, 1974. Four letters were received in response to the proposal and there follows a discussion of the comments and the disposition thereof.

Section 416.1433 states that the presiding officers shall fix a time and place within the United States for the hearing. One writer objected to this provision interpreting it to mean that the place fixed for the hearing could be anywhere in the United States without regard to the accessibility to the applicant or recipient. The reference to a place within the United States in § 416.1433 as well as in § 416.1446(c) is included because hearings are not set at a place outside the 50 States or the District of Columbia. The place for a hearing is not fixed arbitrarily; and, as a matter of policy, hearings are held in a place convenient to the applicant or recipient which the writer suggests should be the practice.

The second writer indicated that the supplemental security income applicants or recipients may be unable to comprehend the proposed appeals system and process and suggested that the Social Security Administration provide an advocacy system for these individuals.

The hearings and appeals process for the Supplemental Security Income program is very similar to the nonadversary appeals process which the Social Security Administration has for many years provided for the programs under title II of the Social Security Act, as amended (20 CFR Part 404). Many of the same individuals who are supplemental security income applicants or recipients and individuals with similar backgrounds have pursued matters under the title II process. The system has been considered effective in providing due process and equal protection for all individuals.

In administering the programs for which it is responsible, it is the policy of the Social Security Administration to provide advice and assistance as necessary and to insure the protection of every individual's rights under the law.

The situation of the vast majority of supplemental security income applicants and recipients is recognized; but, from the Social Security Administration's past experience in dealing with individuals from all socio-economic backgrounds, the procedures for providing support and assistance to individuals have proven adequate without a formal advocacy approach. Therefore, the suggestion to provide an advocacy system for individuals under the Supplemental Security Income program is not accepted.

In the third letter, the writer (1) expressed concern that the concept of continuation of payment which was proposed in § 416.1420 (39 FR 1053) was not reiterated in 39 FR 5778; (2) disagreed with the requirement in § 416.1426 that a request for hearing be in writing and suggested that oral requests be accepted; and (3) suggested that at least 60 days be provided for requesting a hearing with flexibility for extension of such time for good cause.

Due process of law requires that, in situations with a potential for factual disagreement, an individual be afforded an opportunity for evidentiary hearing before the termination of payments unless provision is made for continuance of payment until after administrative hearing. Section 416.1420 (39 FR 1053) of Subpart N provides for continuation of payment in all cases where appropriate although the section does not clearly state that, where a request for hearing is made after initial determination that disability has ceased due to medical improvement, payment may continue until the hearing decision is rendered. However, § 416.1420 refers to Subpart M which specifically provides in § 416.1336 (c) (39 FR 12030) for continuation of payment until a hearing decision is reached in a medical cessation case. Since the regulations provide for continuance of payment in all cases in which it is required, it is not considered necessary to again state the provision in the sections of Subpart N herewith.

The requirement in § 416.1426 that a request for hearing must be in writing is provided primarily for the protection of the individual. Making a request in writing places no undue burden on the individual since as a matter of practice, whenever a request for hearing is made orally, the Social Security Administration representative reduces such oral request to writing.

The 30 days for requesting hearing stated in § 416.1426 is set forth in section 1631(c)(1) of the Social Security Act, as amended. The regulations contain provisions for extension of time for filing a request for hearing where there is good cause (§§ 416.1473 and 416.1474).

In the fourth letter, the writer includes comments concerning the predetermination hearing process and other provisions which are not covered in this publication and such comments will be considered with the pertinent sections of the regulations.

The fourth writer's views and comments primarily make a comparison of these regulations and the regulations under which State agencies were required to provide for a system of fair hearings when the programs replaced by title XVI were State administered. One of the fourth writer's principal concerns is that this process is more complex and not as easily understandable as the procedures to which former recipients of State assistance have been accustomed. The regulations herewith governing full administrative hearing and review are in accordance with the Social Security Act, as amended, and Administrative Procedure Act (5 U.S.C. 554, 556, and 557) and comply with requirements for administrative due process. The process is more comprehensive than the former State system but, as stated above with respect to the second letter, the Social Security Administration will provide support and assistance to individuals in pursuing their rights. Such assistance includes provid-

ing oral explanations in understandable terms, as the fourth writer suggests, as well as other types of assistance an individual may need.

In further comments the fourth writer: (1) States that written notice should include procedures necessary to request a hearing, inform the claimant that if hearing is not requested in the prescribed time, right to further administrative appeal may be forfeited, and inform the individual of his right to be represented by legal counsel, relative, friend or other spokesman or by himself and a means of obtaining legal assistance if so desired; (2) expresses concern that the regulations do not specify that evidence may be examined prior to the hearing; (3) objects to the requirements that requests for hearing must be in writing (which has been discussed above); (4) indicates the regulations should provide for payments of transportation and other costs incurred by individuals in connection with their hearing; (5) objects to the provisions of § 416.1450 concerning abandonment of a request for hearing; (6) objects to the provision of § 416.1460 concerning payment for documents and time for filing briefs; (7) suggests that the Appeals Council action should be completed within the 90 days provided for hearing decision; and (8) suggests that judicial review follow hearing rather than the Appeals Council action.

Although details of the various notices are not specified, the regulations provide for proper written notice to an individual in all appropriate situations; i.e., notice of determination, notice of time and place for hearing, etc. Although it is not considered necessary to state in regulations every detail of the particular notice, the information the fourth writer suggests is included with the appropriate notice except the source of legal assistance since this is not within the purview of the Social Security Administration. If an individual states he is unable to afford legal counsel, however, the Social Security Administration office will refer such individual to organizations which provide legal assistance free of charge.

The notice of hearing also informs the individual that evidence may be examined prior to hearing. Section 416.1442 provides that the parties shall have the opportunity to examine the evidence. This permits an individual to examine evidence before, during, or after a hearing.

Payment is not routinely made for transportation to a hearing since hearings are generally scheduled in a location within close proximity of an individual's residence. If travel of considerable distance is involved, however, a claimant may be reimbursed for travel expenses. Consideration is being given to advancing funds for travel to a hearing. Provision is made for payment for evidence needed in connection with a hearing where the individual is unable to obtain the evidence without charge.

A request for hearing is not arbitrarily dismissed for abandonment under § 416.1450. The notice of hearing informs the individual that failure to appear at the time and place set for the hearing may cause dismissal and informs the individual of the procedure if something happens to prevent his appearance. An individual is given full opportunity to show good cause for not appearing before a case is dismissed for abandonment.

As the writer indicates, § 416.1460 provides for waiver of payment for records in connection with Appeals Council review. The financial circumstances of the majority of supplemental security income applicants and recipients is recognized and where there is a need for the records, the cost will be waived. It is not feasible to eliminate the cost provision, however, since it is not possible to routinely furnish records without charge where the need does not exist. The 10 days for filing briefs is provided to avoid delay in action if none will be filed. As the fourth writer recognized, § 416.1460 provides for extension of time if it is need for proper preparation of briefs.

Section 1631(c)(2) of the Social Security Act, as amended, provides that decision after hearing shall be made within ninety days except in cases involving the existence of a disability. The right to request review by the Appeals Council is provided after hearing. To reduce the time for hearing decision and limit the time for Appeals Council action would not provide full protection of thorough administrative review. Although the fourth writer suggests that Appeals Council review be eliminated, the Appeals Council action on request for review, or own motion review where there is gross error found in the hearing decision, takes less time and is less expensive than court action. The Appeals Council provides a necessary and convenient last administrative appeal.

The final regulations contain revisions of cross-references in § 416.1425 and § 416.1433 which were incorrect in the original proposal.

The language in § 416.1460 has been revised to clarify that the Appeals Council shall make a decision when a case is certified to it with a recommended decision unless the case is remanded to the presiding officer.

The provisions in § 416.1467 are essentially the same as those in the original proposal. However, the language has been revised for clarity.

With these changes, the amendments as set forth below are adopted.

Effective date. These amendments shall become effective on October 25, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.007, Supplemental Security Income Program.)

Dated: October 2, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 21, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart N of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto §§ 416.1425–416.1474 to read as follows:

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

Sec.

AUTHORITY: Secs. 1102 and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended; 86 Stat. 1476 (42 U.S.C. 1302, 1383).

§ 416.1425 Right to hearing.

An individual has a right to a hearing about any matter designated in § 416.1403 if:

(a) An initial determination and a reconsideration of the initial determination have been made by the Social Security Administration; *or* an initial determination has been made that disability has ceased due to medical improvement; *and*

(b) The individual is a party referred to in § 416.1428; *and*

(c) The individual has filed a written request for a hearing under the provisions described in § 416.1426.

§ 416.1426 Time and place of filing request for hearing.

The request for hearing shall be in writing and filed with an officer of the Social Security Administration, including a hearing office, or with the Appeals Council. The request for hearing must be filed within 30 days after the date of receipt of notice of the reconsidered determination *or* within 30 days after the date of receipt of notice of the initial determination that disability has ceased due to medical improvement. For purposes of this section, the date of receipt of notice shall be presumed to be five days after the date such notice is mailed, unless there is reasonable showing to the contrary.

§ 416.1427 Request for hearing.

(a) A request for hearing filed in accordance with § 416.1426 may be made on Form HA–501, "Request for Hearing," or by other writing requesting a hearing. Such request shall be signed by the party and shall contain:

(1) Name of individual and social security number;

(2) Name and social security number of spouse, if any;

(3) The reason(s) for disagreeing with the reconsidered or revised determination or the initial determination that disability has ceased due to medical improvement;

(4) Statement of additional evidence which will be submitted and the anticipated date of submittal if it does not accompany the request; and

(5) The name and address of the individual's representative, if any.

(b) Where possible, documentary evidence which is to be offered at the hearing by the claimant shall be submitted to the presiding officer (see § 416.1429) with the request for hearing or within 10 days after the filing of such request. Every reasonable effort shall be made to insure that all relevant evidence has been received by the presiding officer or will be available at the time and place set for the hearing.

§ 416.1428 Parties to a hearing.

The parties to a hearing shall be the person or persons who were parties to the initial determination in question or the reconsideration where applicable. Any individual may, upon appropriate order of the presiding officer, become a party to the proceedings when such proceedings may prejudice such individual's rights with respect to eligibility or amount of benefits.

§ 416.1429 Presiding officer.

The hearing provided for in this Subpart N shall, except as herein provided, be conducted by:

(a) An administrative law judge appointed pursuant to 5 U.S.C. 3105; or

(b) A hearing examiner, SSI (hearing examiner, Supplemental Security Income), appointed pursuant to the authority of the Secretary as provided in section 1631(d)(2) of the Act.

Such presiding officer shall be designated by the Director of the Bureau of Hearings and Appeals or his delegate. Where a consolidated hearing is conducted as provided in § 416.1436, the presiding officer designated shall be an administrative law judge. The Director may also designate a member or members of the Appeals Council to conduct a hearing, in which case the provisions of this Subpart N governing the conduct of a hearing by a presiding officer shall be applicable thereto.

§ 416.1430 Disqualification of presiding officer.

No presiding officer shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party may have to the presiding officer who will conduct the hearing, shall be made by such party at his earliest opportunity. The presiding officer shall consider such objection and shall, in his discretion, either proceed with the hearing or withdraw. If the presiding officer withdraws, another presiding officer shall be designated by the Director of the Bureau of Hearings and Appeals or his delegate to conduct the hearing. If the presiding officer does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as provided in § 416.1461, as reasons why the hearing decision shall be revised or a new hearing held before another presiding officer.

§ 416.1432 Prehearing and posthearing conferences.

The presiding officer at his discretion, upon his own motion or request of any party to the hearing, may hold pre or post hearing conferences for the purpose of facilitating the hearing or decision of the presiding officer. Notice shall be given to the parties of the time and place of such conference and the purpose therefor, not less than seven days prior to the conference date unless such notice is waived by the parties. The presiding officer may consider matters in addition to those specified in the notice provided the parties consent in writing thereto. A record shall be made of all agreements and actions resulting from any such conference and the presiding officer shall issue an order setting forth all such agreements and actions. Absent objections of the parties, such agreements and actions at the conference shall become part of the hearing record and be binding upon all parties, unless, in the discretion of the presiding officer, such would be unreasonable or inequitable.

§ 416.1433 Notice of hearing.

The presiding officer shall fix a time and place within the United States (as defined in § 416.120(c)(10)) for the hearing, written notice of which, unless waiver by a party, shall be mailed to the parties at their last known addresses or given to them by personal service not less than ten days prior to such time. The notice of hearing shall include the time and place of the hearing, and a statement of the specific issues to be determined, and matters on which findings will be made and decision reached. The parties shall be informed of their right to representation. Written notice of the objections of any party to the time and place fixed for a hearing, or the issues to be decided shall be filed by the objecting party with the presiding officer at the earliest practicable opportunity before the time set for such hearing. Such notice shall state the reasons for the party's objection and, with respect to time and place, his choice as to the time and place within the United States for the hearing. The presiding officer may, for good cause, fix a new time or place for the hearing. The presiding officer shall rule, either in writing or at the hearing, on any objections raised as to the issues on which evidence will be taken and a decision issued.

§ 416.1434 Issues before the presiding officer.

(a) *General.* The presiding officer shall inquire fully into those issues which formed the basis of the reconsidered determination, or where applicable, the initial determination, except for those issues on which findings fully favorable to the party were made. However, where facts elicited before or at the hearing raise a question as to such favorable findings, said issues may be set for hearing upon notice.

(b) *New issues.* At any time after a request for hearing has been made, as provided in § 416.1426, and prior to the issuance of the decision, the presiding officer may, in his discretion, in addition to the matters brought before him by the request for hearing, give notice that he will also consider any specified new issue whether pertinent to the same or a related matter, and whether arising subsequent to the request for hearing, which may affect the rights of such party even though the Social Security Administration has not made an initial or reconsidered determination with respect to such new issues; *provided,* That notice of the time and place of hearing on any new issue, unless waived, shall be given as specified in § 416.1433; *and provided further,* That the (matter) claim is not within the jurisdiction of a State agency under a Federal-State agreement pursuant to section 221(b) or section 1633 of the Act.

§ 416.1435 **Remand prior to hearing.**

Where new and material evidence is received or there is a change in law, regulations, or other precedents which would permit findings favorable to the individual, the presiding officer, in his discretion, may remand the case to the appropriate Social Security Administration office for a revised determination where such action would expedite payment to the individual. Unless the remand is requested by the individual, the order of remand shall inform the individual that any objection to the remand shall be filed with the presiding officer within 10 days from the date of such order. Absent any objections by the individual, consent of such individual will be presumed.

§ 416.1436 **Consolidated hearing.**

(a) *Requests for hearing pending under various laws within the jurisdiction of the Social Security Administration.* Where request for hearing is made, as provided in § 416.1426, and there is a timely request for hearing pending with respect to the same party, under any other law administered by the Social Security Administration, the presiding officer shall conduct a consolidated hearing on all such pending requests for hearing, if practicable. Such consolidated hearing shall be in accordance with this Subpart N and with provisions of Subpart J of Part 404, Subpart G of Part 405, and Subpart F of Part 410 of this chapter, as appropriate to such other claim(s).

(b) *Claims involving same issues.* Where there is pending before the Social Security Administration a claim with respect to the same party under title II or XVIII of the Act or title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969, as amended, which presents one or more of the same issues which are before the presiding officer on the request for hearing under this Subpart N, the presiding officer shall consider whether a consolidated hearing should be held. A presiding officer may, in his discretion, remove such other claim or claims to himself and conduct a consolidated hearing on all claims which involve the same issues even though the Social Security Administration has not made an initial or a reconsidered determination on such other claims or even though the party has not made request for hearing, as provided in §§ 404.918, 405.722, or 410.631 of this chapter. In such hearing, the provisions of Subpart J of Part 404, Subpart G of Part 405, or Subpart F of Part 410 of this chapter shall be applied, as appropriate to such other claim(s) and this Subpart N. The requirements of such subpart, governing the programs under which said type claim is filed, must be satisfied as appropriate.

(c) *Record, evidence and decision at consolidated hearings.* When a consolidated hearing is held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or consolidated decision shall be made, as appropriate.

§ 416.1437 **Joint hearings.**

Where two or more hearings are to be held with respect to claims under title XVI of the Act, and the same or substantially similar evidence would be relevant and material to the matters in issue at each such hearing, the presiding officer may, with consent by the parties, fix the same time and place for the hearings and conduct all such hearings jointly. Where joint hearings are held, a single record of the proceedings shall be made and the evidence introduced in one case may be considered as introduced in the others, and a separate or joint decision shall be made as appropriate.

§ 416.1439 **Change of time and place for hearing.**

The presiding officer may change the time and place for the hearing, either on his own motion or for good cause shown by a party. The presiding officer may adjourn or postpone the hearing, or he may reopen the hearing for the receipt of additional evidence at any time prior to the mailing of notice to the party of the decision in the case. Reasonable notice shall be given to the parties of any change in the time or place of hearing or an adjournment or a reopening of the hearing.

§ 416.1440 **Subpoenas.**

When reasonably necessary for the full presentation of a case, a presiding officer or a member of the Appeals Council, may, either upon his own motion or upon the request of a party, issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, and other documents which are relevant and material to any matter in issue at the hearing. Parties who desire the issuance of a subpoena shall, not less than 5 days prior to the time fixed for the hearing, file with the presiding officer or at the office of the Social Security Administration a written request therefor, designating the witnesses or documents to be produced, and describing the address or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witness or document and whether such facts could be established by other evidence without the use of a subpoena. Subpoenas, as provided for above, shall be issued in the name of the Secretary of Health, Education, and Welfare, and the Social Security Administration shall pay the cost of the issuance and the fees and mileage of any witness so subpoenaed, as provided in section 205(d) of the Act.

§ 416.1441 **Conduct of hearing.**

Hearings shall be open to the parties and to such other persons as the presiding officer deems necessary and proper. The presiding officer shall inquire fully into the matters at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the presiding officer believes that there is relevant and material evidence available which has not been presented at the hearing, the presiding officer may adjourn the hearing or, at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the hearing shall be conducted, except as these regulations otherwise require, shall be in the discretion of the presiding officer and shall afford the parties a reasonable opportunity for a fair hearing.

§ 416.1442 **Evidence.**

Evidence may be received at the hearing even though inadmissible under rules of evidence applicable to court procedures. The parties shall have an opportunity to examine the evidence in the record.

§ 416.1443 **Witnesses.**

Witnesses at the hearing shall testify under oath or affirmation, unless they are excused by the presiding officer for cause. Witnesses shall be subject to examination by the presiding officer and the parties or their representatives. If the presiding officer conducts the examination of a witness, he may allow the parties to suggest matters as to which they desire the witness to be questioned, and the presiding officer shall question the witness with respect to such matters if they are relevant and material to any issue pending for decision before him.

§ 416.1444 **Oral argument and written allegations.**

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Where there is more than one party to the hearing, copies of any brief or other written statement shall be filed in sufficient number that they may be made available to any party.

§ 416.1445 **Record of hearing.**

A complete record of the proceedings at the hearing shall be made. The record shall be transcribed in any case when directed by the presiding officer or the Appeals Council or in any case where a civil action is commenced against the Secretary.

§ 416.1446 **Right to appear and present evidence.**

(a) *General.* Any party to a hearing shall have the right to appear in person or by representation before the presiding officer and present evidence and contentions. In regard to any party unwilling, unable, or waiving the right to appear personally and by representation before the presiding officer, it shall not be required that an oral hearing be conducted as provided in §§ 416.1433 through 416.1445.

(b) *Waiver of right to appear.* A waiver of the right to appear and present evidence and allegations as to facts and law shall be made in writing and filed

with the presiding officer. Such waiver may be withdrawn by a party at any time prior to the mailing of notice of the decision in the case. Even though all of the parties have filed a waiver of the right to appear and present evidence and contentions at a hearing before the presiding officer, the presiding officer may, nevertheless, give notice of a time and place and conduct a hearing as provided in §§ 416.1433 to 416.1445, inclusive, if he believes that the appearance and testimony of the party or parties would assist him to ascertain the facts in issue in the case.

(c) *Record as basis for decision.* Where all of the parties have waived their right to appear in person and waived the right to appear through a representative, the presiding officer may decide the case without scheduling an oral hearing. Where a party currently residing outside the United States at a place not readily accessible to the United States does not indicate that he wishes to appear in person or through a representative before the presiding officer, and there are no other parties to the hearing who wish to appear, the presiding officer may decide the case without scheduling an oral hearing. In any case where an oral hearing is not scheduled, the presiding officer shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial determination and reconsideration, where applicable, and whatever additional relevant and material evidence the party or parties may present in writing for consideration by the presiding officer. Such documents shall be considered as all of the evidence in the case, and the decision as provided shall be based thereon.

§ 416.1447 Fully favorable decision on the record.

Where evidence submitted with the request for hearing (see § 416.1427) or received in pre-hearing preparation (see § 416.1432) provides substantial documentary evidence which may permit a decision on the record fully favorable to the party or parties, the presiding officer, at his discretion, may issue a decision on such record without an oral hearing. The record for such decision shall be made as set forth in § 416.1446 (c). The notice of such decision issued on the record shall inform the party or parties of their right to an oral hearing and right to examine the evidence received in the record.

§ 416.1449 Dismissal of request for hearing; by application of party.

With the approval of the presiding officer at any time prior to the mailing of notice of the decision, a request for a hearing may be withdrawn or dismissed upon the application of the party or parties filing the request for such hearing. A party may request a dismissal by filing a written notice of such request with the presiding officer or orally stating such request at the hearing. Where a request for hearing is withdrawn or dismissed the findings in the initial or the reconsidered determination are final and binding (see § 416.1453).

§ 416.1450 Dismissal by abandonment of party.

With the approval of the presiding officer, a request for hearing may also be dismissed upon its abandonment by the party or parties who filed it. A party shall be deemed to have abandoned a request for hearing if neither the party nor his representative appears at the time and place fixed for the hearing and either: (a) prior to the time for hearing such party does not show good cause as to why neither he nor his representative can appear; or, (b) within a reasonable period after furnishing of notice to him by the presiding officer to show cause, such party does not show good cause for such failure to appear and failure to notify the presiding officer prior to the time fixed for hearing that he cannot appear.

§ 416.1451 Dismissal for cause.

The presiding officer may, on his own motion, dismiss a hearing request, either entirely or as to any stated issue, under any of the following circumstances:

(a) *Res judicata.* Where there has been a previous determination or decision by the Secretary under this Part of this chapter with respect to the rights of the same party on the same facts pertinent to the same issue or issues which has become final.

(b) *No right to hearing.* Where the party requesting a hearing is not a proper party under section 1631(c) of the Act or does not otherwise have a right to a hearing under § 416.1425 or § 416.1428.

(c) *Hearing request not timely filed.* Where the party has failed to file a hearing request timely pursuant to § 416.1426 and the time for filing such request has not been extended as provided in § 416.1473.

(d) *Death of party.* Where the party who filed the request for hearing dies and there are no other parties and there is no information before the Social Security Administration or the presiding officer showing the existence of an eligible spouse or person contending to be an eligible spouse or if there is such a person, the person has stated in writing that he does not wish to proceed with the hearing. The dismissal shall be vacated where an eligible spouse or person contending to be an eligible spouse requests in writing such vacation (within 30 days of receipt of the dismissal notice) and shows that he may be prejudiced by the reconsidered determination or initial determination, where applicable.

§ 416.1452 Notice of dismissal and right to request review thereon.

Notice of the presiding officer's dismissal action shall be given to the parties or mailed to them at their last known addresses. Such notice shall advise the parties of their right to request review of the dismissal action by the Appeals Council (see § 416.1461).

§ 416.1453 Effect of dismissal.

The dismissal of a request for hearing shall be final and binding unless vacated in accordance with § 416.1454.

§ 416.1454 Vacation of dismissal of request for hearing.

A presiding officer or the Appeals Council may vacate any dismissal of a request for hearing at any time for good cause shown and at the request of the party filed within 30 days from the date of receipt of the notice of dismissal. The date of receipt of such dismissal notice shall be presumed to be five days after the date such dismissal is mailed, unless there is reasonable showing to the contrary. In any case where a presiding officer has dismissed the hearing request, the Appeals Council may, on its own motion, within 30 days after the mailing of such notice, review such dismissal and may, in its discretion, vacate such dismissal and remand the case for hearing, except where it decides to render a fully favorable decision.

§ 416.1455 Time period for decision on request for hearing.

The decision of a presiding officer shall be issued not later than 90 days after the filing of a request for hearing, as provided in § 416.1426 and § 416.1427, except where the matter or matters to be decided involve disagreement with the existence of disability under section 1614 (a)(3) of the Act, or unless there is good cause for extension of the time period because of delays and unavoidable circumstances as follows:

(a) *Party's action.* Where delays are caused by the individual or his representative, the time period for decision may be extended by the total number of days of such delays. Such delays include any parties' delay in the submission of evidence, briefs or other statements, postponements or adjournments of the proceedings at the request of the parties, and any other delays caused by the actions of the parties or their representatives.

(b) *Other delays.* Where delays occur through no fault of the Secretary (e.g., acts of God) good cause for extension of the time period for decision on request for hearing shall be deemed to exist and the decision shall be issued as soon thereafter as practicable.

§ 416.1456 Collateral estoppel.

The doctrine of collateral estoppel shall apply with respect to any specific findings of fact made with respect to the same party in a previous initial or reconsidered determination, which became final, or in a previous decision after hearing, which became final, under title II or XVIII of the Act or title IV, Part B, of the Federal Coal Mine Health and Safety Act of 1969, as amended, unless there is a reasonable showing that such prior findings of fact may be incorrect. Where the doctrine of collateral estoppel is applicable, the findings in the prior action shall be controlling in the decision under this Subpart N.

§ 416.1457 Presiding officer's decision.

(a) *Hearing decision.* As soon as practicable after the close of a hearing, but no later than the 90th day after request for hearing in non-disability cases (see § 416.1455) the presiding officer shall issue a decision. Such decision shall be based upon the evidence adduced at the hearing or otherwise included in the hearing record (see §§ 416.1433–416.1446, inclusive). The decision shall be made in writing and contain findings of fact and reasons in support thereof. A copy of the decision, which shall include a list of exhibits shall be mailed to the parties at their last known address. Where appropriate, the presiding officer may certify a case to the Appeals Council after a hearing with a recommended decision.

(b) *Recommended decision in court remand cases.* Where the presiding officer conducts a hearing on a case remanded to the Appeals Council by the court such case shall be returned to the Appeals Council with a recommended decision (see § 416.1460).

§ 416.1458 Effect of presiding officer's decision.

The presiding officer's initial hearing decision, provided for in § 416.1457(a) shall be final and binding upon all parties to the hearing unless it is reviewed by the Appeals Council. If a party's request for review of the presiding officer's decision is denied, such decision shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States as provided in section 1631 (c)(3) of the Act, or unless the decision is revised in accordance with pertinent regulations.

If a party's request for review of the presiding officer's decision is dismissed, such decision shall be final and binding upon all parties to the hearing unless the decision is revised in accordance with pertinent regulations.

§ 416.1459 Removal of hearing to Appeals Council.

The Appeals Council on its own motion may remove to itself any request for hearing pending before a presiding officer. The hearing on any request so removed to the Appeals Council shall be conducted in accordance with the requirements of §§ 416.1433 to 416.1446, inclusive. Notice of such removal shall be mailed to the parties at their last known addresses.

§ 416.1460 Case certified to Appeals Council by presiding officer.

(a) *Notice.* When a case has been certified to the Appeals Council by a presiding officer with his recommended decision, the presiding officer shall mail notice of such action with a copy of the recommended decision to the parties at their last known addresses. The parties shall be notified of their right to file with the Appeals Council within 10 days from the date of mailing of the recommended decision, briefs or other written statements of exceptions or allegations as to applicable fact and law. Upon request of any party made within such 10 day period, a 10-day extension of time for filing such briefs or statements shall be granted and, upon a showing of good cause, such 10-day period may be extended, as appropriate. Where there is more than one party, copies of such briefs or written statements shall be filed in sufficient number that they may be made available to any party requesting a copy or any other party designated by the Appeals Council. Copies or a statement of the contents of the documents or other written evidence received in evidence in the hearing record, and a copy of the transcript of oral evidence adduced at the hearing, if any, or a condensed statement thereof shall be made available to any party upon request, upon payment of the cost, or if such cost is not readily determinable, the estimated amount thereof, unless, for good cause shown, such payment is waived.

(b) *Procedure.* The proceedings before the Appeals Council on certification pursuant to paragraph (a) of this section shall be in accordance with the rules and procedure in § 416.1466. The Appeals Council shall make a decision. Where the Appeals Council determines that additional evidence is required, it may remand the case to the presiding officer for further inquiry into the matters, rehearing, receipt of evidence and a subsequent initial hearing decision, or a revised recommended decision to the Appeals Council except where the Appeals Council decides that it can obtain the additional evidence more expeditiously, it will take the appropriate action.

§ 416.1461 Right to request review of presiding officer's decision or dismissal.

Any party to a hearing may request review by the Appeals Council of a decision issued as provided in § 416.1457 or a dismissal action as provided in §§ 416.1449–416.1451, inclusive.

§ 416.1462 Time and place of filing request.

(a) The request for review shall be in writing and filed with any office of the Social Security Administration, including a hearing office, or with the Appeals Council. The request shall be accompanied by such documents or other evidence the party desires to be considered on review. The request for review must be filed within 30 days from the date of receipt of the notice of the decision or dismissal. The date of receipt of such notices shall be presumed to be five days after the mailing date, unless there is reasonable showing to the contrary. The time for filing such requests may be extended for cause shown as provided in § 416.1473.

(b) Where a consolidated hearing is conducted as provided in § 416.1436, the request must be filed within 60 days from the date of mailing notice of the decision in the manner and place as set forth in paragraph (a) of this section. The time for filing such request may be extended for cause shown as provided in § 404.954 and § 416.1473 of this chapter.

§ 416.1463 Appeals Council own motion review.

The Appeals Council may, on its own motion, within 30 days (or where a consolidated hearing is conducted as provided in § 416.1436, within 90 days) from the date of mailing notice of a decision, reopen a decision for review or for the purpose of dismissing the party's request for hearing for any reason for which it could have been dismissed by the presiding officer (see §§ 416.1449 through 416.1451). Notice of the action by the Appeals Council shall be mailed to the party at his last known address. Where a consolidated hearing is conducted, as provided in § 416.1436, the Appeals Council shall consider such cases at the same time and the Appeals Council action on such concolidated cases shall be in accordance with the appropriate procedures in accordance with Subpart J of Part 404, Subpart G of Part 405, or Subpart F of Part 410 of this chapter.

§ 416.1464 Action by Appeals Council on request for review.

The Appeals Council may dismiss, deny or grant a party's request for review of a presiding officer's decision as hereinafter provided. Notice of action by the Appeals Council shall be mailed to the party at his last known address.

§ 416.1465 Basis for review of the presiding officer's decision or dismissal by Appeals Council.

The Appeals Council, on its own motion or on request for review, will review a hearing decision or dismissal where:

(a) There appears to be an abuse of discretion by the presiding officer;

(b) There is an error of law;

(c) The presiding officer's action, findings or conclusions, are not supported by substantial evidence; or

(d) There is a broad policy or procedural issue which may affect the general public interest.

Where new and material evidence is submitted with the request for review, the entire record will be evaluated and review will be granted where the Appeals Council finds that the presiding officer's action, findings or conclusion is contrary to the weight of the evidence currently of record.

§ 416.1466 Procedure before Appeals Council on review.

(a) *Notice.* Unless a case is remanded to a presiding officer, as provided in § 416.1467, whenever the Appeals Council determines to review a presiding officer's decision, the Appeals Council shall give the parties written notice of the reasons for granting review and, where appropriate, specify those issues which the Appeals Council shall consider on review. The Appeals Council shall make available to any party upon request, copies or a statement of the contents of the documents or other written evidence upon which the presiding officer's decision was based, and a copy of the transcript of oral evidence, if any, or a condensed statement thereof, upon payment of the cost, or if such cost is not readily de-

terminable, the estimated amount thereof, unless for good cause shown, such payment is waived. The parties shall be given, upon request, a reasonable opportunity to file briefs or other written statements of allegations as to fact and law. Copies of such brief, or other written statements, where there is more than one party, shall be filed in sufficient number that they may be made available to any party requesting a copy and to any other party designated by the Appeals Council.

(b) *Limitation of issues.* The Appeals Council may limit the issues it considers provided written notice is given the party of such specific matters before the Appeals Council on review.

(c) *Evidence.* Evidence in addition to that received into the record in connection with the hearing may be admitted into the record by the Appeals Council. Where the Appeals Council determines that the additional evidence submitted with the request for review satisfactorily completes the record, it may receive the evidence into the record and issue its decision. Where the Appeals Council determines that additional evidence is needed for a sound decision, it will remand the case to a presiding officer for receipt of the evidence, further proceedings and a new decision except where the Appeals Council can obtain the evidence more expeditiously and the rights of the claimant will not be adversely affected.

(d) *Oral argument.* The claimant may request an appearance before the Appeals Council for the purpose of presenting oral argument. Such request will be granted where the Appeals Council determines that a significant question of law or policy is presented or where the Appeals Council is of the opinion that such oral argument would be beneficial in rendering a proper decision in the case. Where the request for appearance is granted, the claimant will be notified of the time and place for the appearance at least 10 days prior to the date of the scheduled appearance.

§ 416.1467 Case remanded to presiding officer.

The Appeals Council may remand to the presiding officer for rehearing, receipt of evidence, and decision any case which it decides to review as provided in § 416.1463 or § 416.1465. Where additional evidence is needed, unless the exception in § 416.1466(c) is applicable, the Appeals Council shall remand case to the presiding officer. Where a case is remanded to a presiding officer he shall initiate such additional proceedings and take such other action under §§ 416.1433 through 416.1446 as is directed by the Appeals Council in its order of remand. The presiding officer may take any additional action not inconsistent with the order of remand. Upon completion of all action called for by the order of remand and any other action initiated by the presiding officer, the presiding officer shall promptly issue a decision in writing. A copy of the decision shall be mailed to each party at his last known address.

§ 416.1468 Court remanded cases.

When a case is remanded to a presiding officer after remand to the Appeals Council from a court, the presiding officer shall proceed in accordance with § 416.1467 except that a recommended decision shall be made (see § 416.1457 (b)) and the Appeals Council shall proceed after certification of such recommended decision as provided in §416.1460.

§ 416.1469 Decision on review or court remand.

The appeals Council will issue a decision affirming, modifying or reversing the hearing decision or issue an order to vacate such decision and remand the case to a presiding officer as provided in § 416.1466 and § 416.1467 for rehearing and decision. Where the case has been remanded by a court for further consideration by the Secretary, the Appeals Council may proceed to make the decision or it may remand the case to a presiding officer for further proceedings and a recommended decision.

§ 416.1470 Effect of Appeals Council's decision or refusal to review.

The Appeals Council may deny a party's request for review or it may grant review and either affirm, modify, or reverse the presiding officer's decision. The decision of the Appeals Council, or the decision of the presiding officer where the request for review of such decision is denied (see § 416.1464), shall be final and binding upon all parties to the hearing unless a civil action is filed in a district court of the United States under the provisions of sections 205(g) and 1631(c) of the Act or unless the decision is revised in accordance with appropriate regulations.

§ 416.1472 Dismissal by Appeals Council.

The Appeals Council may dismiss a request for review or proceedings pending before it under any of the following circumstances:

(a) *Upon request of party.* Proceedings pending before the Appeals Council may, with the approval of the Appeals Council, be discontinued and dismissed upon written application of the party or parties who filed the request for review to withdraw such request.

(b) *Death of party.* Proceedings before the Appeals Council, whether on request for review or review on the motion of the Appeals Council, may be dismissed upon the death of a party only if the record affirmatively shows that there is no eligible spouse or person contending to be an eligible spouse who wishes to continue the action.

(c) *Request for review not timely filed.* A request for review of a decision by a presiding officer shall be dismissed where the party has failed to file a request for review within the time specified in § 416.1462 and the time for filing such request has not been extended as provided in § 416.1473.

§ 416.1473 Extension of time to request hearing or review or begin civil action.

(a) *General.* Any party to an initial determination that a disability has ceased due to medical improvement or any party to a reconsidered determination, a hearing decision, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or for commencing a civil action in a district court, although the time for filing such request or commencing such action (see §§ 416.1426, 416.1462 and section 1631(c)(3) of the Act) has passed. If an extension of the time fixed by § 416.1426 for requesting a hearing before a presiding officer is sought, the petition may be filed with a presiding officer. In any other case, the petition shall be filed with the Appeals Council. The petition shall be in writing and state the reasons why the request or action was not filed within the required time. For good cause shown a presiding officer or the Appeals Council may extend the time for filing such request for hearing and the Appeals Council may extend the time for requesting review or commencing civil action.

(b) *Where civil action commenced against wrong defendant.* If a party to a decision of the Appeals Council, or to a decision of the presiding officer where the request for review of such decision is denied (see § 416.1464), timely commences a civil action in a district court as provided by section 1631(c)(3) of the Act, but names as defendant the United States or any agency, officer, or employee thereof instead of the Secretary either by name or by official title, and causes process to be served in such action as required by the Federal Rules of Civil Procedure, the Social Security Administration shall mail to such party notice that he has named the incorrect defendant in such action; and the time within which such party may commence the civil action pursuant to section 1631(c)(3) against the Secretary shall be deemed to be extended to and including the 60th day following the date of mailing of such notice.

§ 416.1474 Good cause for extension of time.

"Good cause" may be found for failure to file a timely request for hearing or review of a hearing decision or for commencing a civil action in a district court when an individual establishes to the satisfaction of the Social Security Administration that such failure to file was due to:

(a) Circumstances beyond the individual's control, such as extended illness, mental or physical incapacity, or communication difficulties; or

(b) Incorrect or incomplete information furnished the individual by the Social Security Administration; or

(c) The individual requested and received a further explanation of the prior determination or decision within the specified time period for filing appeal

and promptly filed his request for appeal thereafter; or

(d) The individual was actively seeking evidence in suport of his claim and he was unaware that such evidence could be submitted afterwards; or

(e) Unusual or unavoidable circumstances, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

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Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Cambendazole Suspension, Veterinary

Correction

In FR Doc. 74-23361 appearing on page 36113 in the issue for Tuesday, October 8, 1974 make the following corrections:

1. In the fourth line of the second paragraph change 360(b)(i)) to read "360b(i))."

2. In 135c.136 change paragraph (c) to read as follows:

* * * * *

(c) Conditions of use. (1) It is used in horses for the control of large strongyles (*Strongylus vulgaris, S edentatus, S. equinus*); small strongyles (*Trichonema, Poteriostcmum, Cylicobrachytus, Craterostomum, Oesophagodontus*); roundworms (*Parascaris*); pinworms (*Oxyuris*); and threadworms (*Strongyloides*).

(2) It is administered by stomach tube or as a drench at a dose of 0.9 gram of cambendazole per 100 pounds of body weight (20 milligrams per kilogram).

(3) For animals maintained on premises where reinfection is likely to occur, re-treatments may be necessary. For most effective results, re-treat in 6 to 8 weeks.

(4) Not for use in horses intended for food.

(5) Caution: Do not administer to pregnant mares or to stallions at stud.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

NARCOTIC TREATMENT PROGRAMS

Regulatory Controls Relating to Registration, Security, and Recordkeeping

A notice was published in the FEDERAL REGISTER of July 19, 1974 (39 FR 26424), proposing regulatory controls relating to registration, security and recordkeeping which reflect amendments to the Controlled Substances Act made by the Narcotic Addict Treatment Act of 1974.

Comments on the proposal. Written comments on the proposed amendments to the regulations were received from the American Society of Hospital Pharmacists; the State of Ohio Bureau of Drug Abuse; the Oregon Methadone Treatment Program; the State of New York's Drug Abuse Control Commission and Department of Health; the City of New York's Department of Health; the State of Wisconsin's Controlled Substances Board; Puget Sound Social Programs, Inc.; Corpus Christi Drug Abuse Council; Charles Spray, M.D.; M. J. Short, M.D.; the Department of Public Health of Portsmouth, Va.; University of Wisconsin Hospitals; Narcotic Drug Treatment Center, Inc. (Anchorage, Alaska); and the Department of Health, Prince George's County, Maryland.

American Society of Hospital Pharmacists (ASHP) and the Department of Health of the State of New York questioned the new definition in § 1301.02(d). ASHP suggested amending two other sections to avoid use of the term "compounder". Section 1301.02(d) has been modified in an effort to avoid confusion.

The Oregon Methadone Teatment Program requests that the definition in § 1301.02(i) be clarified and raises questions of ambiguity in § 1301.22(a)(6). Section 1301.02(i) is clear in its general definition of the term "narcotic treatment program". Section 1301.22(a)(6) has been modified in an effort to remove confusion caused by the term "entity".

ASHP expressed approval of § 1301.74 (g) because it would include unregistered individuals employed in the shipping and receiving department of hospitals who would not generally know whether a package contained controlled substances for use in treatment programs. The Ohio Bureau of Drug Abuse criticized § 1301.74(g) and suggested new language providing that the acceptance of delivery of narcotic substances be made only by a licensed practitioner or other licensed personnel at his direction. The New York City Health Department questioned use of the word "invoice" in this section. Section 1301.74 (g) has been redesignated as § 1301.74 (h), and the text has been modified to provide for more efficient security controls.

The Ohio Bureau of Drug Abuse also criticized § 1301.74(h)(5), and proposed that this language be eliminated. Joining in this criticism, the New York State Drug Abuse Control commission speculated that § 1301.74(h)(5) might sanction activity which is probably unlawful in many states. Section 1301.74 (h) has been redesignated as § 1301.74 (i), and subsection (5) has been deleted to respond to these concerns for the prevention of diversion of controlled substances and for the improvement of accountability and dispensing records.

ASHP is joined by the New York City Health Department in questioning the requirements of what is described as "the narcotic dispensing area" in § 1301.74(i). The language has been modified to clarify any ambiguities, and the section has been redesignated as § 1301.74(j).

The Oregon Methadone Treatment Program commended the language of § 1301.74(k), noting that requiring all treatment programs and associated medication units to have to adhere to restrictions designed to encompass the range of program size would be counter productive to stated goals of Federal agencies. This section has been redesignated as § 1301.74(1).

ASHP suggested that § 1304.28(b) be deleted and, as an alternative, suggested that the approach should be to require that the records be maintained in accordance with § 1304.21. Section 1304.28 (b) has been modified in the final regulation, requiring that the records will be maintained in compliance with § 1304.24. Additionally, a new subparagraph (4) has been added to § 1304.28(a).

The Corpus Christi Drug Abuse Council and Dr. Charles Spray opposed § 1306.04(c) on the grounds that this regulation would cause the demise of "out-patient" detoxification programs. The section is not designated to inhibit the "take-home" of medication dispensed at the site of the narcotic treatment program; the program may dispense to the patient (consumer) as much medication as is allowable under present FDA regulations. The section does prohibit the issuance by a physician of a prescription for narcotic drugs for detoxification or maintenance to be filled at a pharmacy. Moreover, hospitals that conduct in-patient detoxification treatment (not as an adjunct to treatment for illness other than addiction) are required to register separately as treatment programs. The Oregon Methadone Treatment Program asked whether § 1306.04(c) and § 1306.07(a) permit a program physician to issue a medication order for maintenance or detoxification purposes even though administration to the ultimate user might extend over a several week period, and therefore not be "immediate" within the language of § 1306.02(e). These sections permit the issuance of a medication order by a program physician only if the medication dispensed to the patient under the order is to be dispensed at the same narcotic treatment program location at which the medication order was originally issued. The patient is required to return to the issuing program site or its medication unit, to have the medication order filled, and may not have the order filled at another narcotic program location or at a conventional pharmacy.

The Oregon Methadone Treatment Program questioned whether, under § 1306.07(a), a physician who is detoxifying patients in a hospital as part of his medical practice and who is also associated with a narcotic treatment program will be required to have separate registrations for the same activity at two locations. In that case, the physician will be able to dispense controlled substances at the hospital using the hospital's DEA registration number, and if the physician is a practitioner under § 102(20) of the Act, the physician will

be able to dispense narcotic drugs at the site of the narcotic treatment program under the DEA registration number of that particular program site. See § 1301.22(a)(6) and § 1301.24.

The Department of Health of the State of New York suggested that § 1306.07(a) be expanded to designate the specific narcotic substances listed in Schedules II through V deemed appropriate for use in detoxification or maintenance treatment. Specific designation would be inappropriate in this instance, because the Act itself does not limit the narcotic drugs by its language.

ASHP suggested that § 1306.07(c) be amended to clarify the ability of an "institutional practitioner", as distinguished from a physician, to treat patients in accordance with this section. The final regulation has been modified to accommodate aspects of this suggestion.

Therefore, under the authority vested in the Attorney General by 21 USC 821 and 823(g), and delegated to him by 28 CFR 0.100, the Administrator of the Drug Enforcement Administration hereby promulgates regulations amending Parts 1301, 1304, 1305, and 1306 of Title 21 of the Code of Federal Regulations as follows:

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

1. Section 1301.02 is amended by redesignating paragraph (d) as paragraph (f); paragraph (e) as paragraph (g); paragraph (f) as paragraph (j); paragraph (g) as paragraph (k); paragraph (h) as paragraph (l); paragraph (i) as paragraph (m) and by adding four new paragraphs as follows:

§ 1301.02 Definitions.

* * * * *

(d) The term "compounder" means any person engaging in maintenance or detoxification treatment who also mixes, prepares, packages or changes the dosage form of a narcotic drug listed in Schedules II, III, IV or V for use in maintenance or detoxification treatment by another narcotic treatment program.

(e) The term "detoxification treatment" means the dispensing for a period not in excess of twenty-one days, of a narcotic drug or narcotic drugs in decreasing doses to an individual in order to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug and as a method of bringing the individual to a narcotic drug-free state within such period of time.

* * * * *

(h) The term "maintenance treatment" means the dispensing for a period in excess of twenty-one days, of a narcotic drug or narcotic drugs in the treatment of an individual for dependence upon heroin or other morphine-like drug.

(i) The term "narcotic treatment program" means a program engaged in maintenance and/or detoxification treatment with narcotic drugs.

* * * * *

2. Section 1301.11 is amended by adding a new paragraph (f) as follows:

§ 1301.11 Fee amounts.

* * * * *

(f) For each registration or reregistration to engage in a narcotic treatment program, including a compounder, the registrant shall pay a fee of $5.00.

3. Section 1301.22(a)(6) is amended and a new paragraph (a)(11) is added to read as follows:

§ 1301.22 Separate registration for independent activities.

(a) * * *

(6) Conducting a narcotic treatment program using any narcotic drug listed in Schedules II, III, IV or V, however, pursuant to § 1301.24, employees, agents, or affiliated practitioners, in programs, need not register separately. Each program site located away from the principal location and at which place narcotic drugs are stored or dispensed must be separately registered and obtain narcotic drugs by use of order forms pursuant to § 1305.03.

* * * * *

(11) A compounder as defined by § 1301.02(d).

4. Section 1301.29 is added to read as follows:

§ 1301.29 Provisional registration of narcotic treatment programs; compounders.

(a) All persons currently approved by the Food and Drug Administration under § 310.505 (formerly § 130.44) of this title to conduct a methadone treatment program and who are registered by the Drug Enforcement Administration under this section will be granted a Provisional Narcotic Treatment Program Registration.

(b) The provisions of § 1301.45–1301.57 relating to revocation and suspension of registration, shall apply to a provisional registration.

(c) Unless sooner revoked or suspended under paragraph (b) of this section, a provisional registration shall remain in effect until (1) the date on which such person has registered under this section or has had his registration denied, or (2) such date as may be prescribed by written notification to the person from the Drug Enforcement Administration for the person to become registered to conduct a narcotic treatment program, whichever occurs first.

5. Section 1301.32 is amended by adding new paragraphs (a)(9) and (b)(9) as follows:

§ 1301.32 Application forms, contents, signature.

(a) * * *

(9) To conduct a narcotic treatment program, including a compounder, shall apply on DEA Form 363.

(b) * * *

(9) To conduct a narcotic treatment program, including a compounder, shall apply on DEA Form 364 (Renewal Form).

6. Section 1301.72 is amended by revising the title to read as follows:

§ 1301.72 Physical security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs; storage areas.

7. Section 1301.73 is amended by revising the title and first paragraph to read as follows:

§ 1301.73 Physical security controls for non-practitioners; compounders for narcotic treatment programs; manufacturing and compounding areas.

All manufacturing activities (including processing, packaging and labeling) involving controlled substances listed in any schedule and all activities of compounders shall be conducted in accordance with the following:

8. Section 1301.74 is amended by revising the title and by adding paragraphs (h), (i), (j), (k), and (l) to read as follows:

§ 1301.74 Other security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs.

* * * * *

(h) The acceptance of delivery of narcotic substances by a narcotic treatment program shall be made only by a licensed practitioner employed at the facility or other authorized individuals designated in writing. At the time of delivery, the licensed practitioner or other authorized individual designated in writing (excluding persons currently or previously dependent on narcotic drugs), shall sign for the narcotics and place his specific title (if any) on any invoice. Copies of these signed invoices shall be kept by the distributor.

(i) Narcotics dispensed or administered at a narcotic treatment program will be dispensed or administered directly to the patient by either (1) the licensed practitioner, (2) a registered nurse under the direction of the licensed practitioner, (3) a licensed practical nurse under the direction of the licensed practitioner, or (4) a pharmacist under the direction of the licensed practitioner.

(j) Persons enrolled in a narcotic treatment program will be required to wait in an area physically separated from the narcotic storage and dispensing area. This requirement will be enforced by the program physician and employees.

(k) All narcotic treatment programs must comply with standards established by the Secretary of Health, Education, and Welfare (after consultation with the Administration) respecting the quantities of narcotic drugs which may be provided to persons enrolled in a narcotic treatment program for unsupervised use.

(1) DEA may exercise discretion regarding the degree of security required in narcotic treatment programs based on such factors as the location of a program, the number of patients enrolled in a program and the number of physicians, staff members and security guards. Similarly, such factors will be taken into consideration when evaluating existing security or requiring new security at a narcotic treatment program.

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

9. Section 1304.04 is amended by revising paragraph (b) to read as follows:

§ 1304.04 Maintenance of records and inventories.

* * * * *

(b) Each registered manufacturer, distributor, importer, narcotic treatment program and compounder for narcotic treatment program shall maintain inventories and records of controlled substances as follows:

* * * * *

10. Section 1304.28 is added to read as follows:

§ 1304.28 Records for maintenance treatment programs and detoxification treatment programs.

(a) Each person registered or authorized (by § 1301.22 of this chapter) to maintain and/or detoxify controlled substance users in a narcotic treatment program shall maintain records with the following information for each narcotic controlled substance:

(1) Name of substance;
(2) Strength of substance;
(3) Dosage form;
(4) Date dispensed;
(5) Adequate identification of patient (consumer);
(6) Amount consumed;
(7) Amount and dosage form taken home by patient; and
(8) Dispenser's initials.

(b) The records required by paragraph (a) of this section will be maintained in a dispensing log at the narcotic treatment program site and will be maintained in compliance with § 1304.24 without reference to § 1304.03.

(c) All sites which compound a bulk narcotic solution from bulk narcotic powder to liquid for on-site use must keep a separate batch record of the compounding.

(d) Records of identity, diagnosis, prognosis, or treatment of any patients which are maintained in connection with the performance of a narcotic treatment program shall be confidential, except that such records may be disclosed for purposes and under the circumstances authorized by Part 310 and Part 1401 of this title.

11. Section 1304.29 is added to read as follows:

§ 1304.29 Records for treament programs which compound narcotics for treatment programs and other locations.

Each person registered or authorized by § 1301.22 of this chapter to compound narcotic drugs for off-site use in a narcotic treatment program shall maintain records which include the following information for each narcotic drug:

(a) For each narcotic controlled substance in bulk form to be used in, or capable of use in, or being used in, the compounding of the same or other non-controlled substances in finished form;

(1) The name of the substance;
(2) The quantity compounded in bulk form by the registrant, including the date, quantity and batch or other identifying number of each batch compounded;
(3) The quantity received from other persons, including the date and quantity of each receipt and the name, address and registration number of the other person from whom the substance was received;
(4) The quantity imported directly by the registrant (under a registration as an importer) for use in compounding by him, including the date, quantity and import permit or declaration number of each importation.
(5) The quantity used to compound the same substance in finished form, including:
(i) The date and batch or other identifying number of each compounding;
(ii) The quantity used in the compound;
(iii) The finished form (e.g., 10-milligram tablets or 10-milligram concentration per fluid ounce or milliliter;
(iv) The number of units of finished form compounded;
(v) The quantity used in quality control;
(vi) The quantity lost during compounding and the causes therefore, if known;
(vii) The total quantity of the substance contained in the finished form;
(viii) The theoretical and actual yields; and
(ix) Such other information as is necessary to account for all controlled substances used in the compounding process;
(6) The quantity used to manufacture other controlled and non-controlled substances; including the name of each substance manufactured and the information required in subparagraph (5) of this paragraph;
(7) The quantity distributed in bulk form to other programs, including the date and quantity of each distribution and the name, address and registration number of each program to whom a distribution was made;
(8) The quantity exported directly by the registrant (under a registration as an exporter), including the date, quantity, and export permit or declaration number of each exportation; and
(9) The quantity disposed of by destruction, including the reason, date and manner of destruction. All other destruction of narcotic controlled substances will comply with § 1307.22.

(b) For each narcotic controlled substance in finished form:

(1) The name of the substance;
(2) Each finished form (e.g., 10-milligram tablet or 10 milligram concentration per fluid ounce or milliliter) and the number of units or volume or finished form in each commercial container (e.g., 100-tablet bottle or 3-milliliter vial);
(3) The number of containers of each such commercial finished form compounded from bulk form by the registrant, including the information required pursuant to subparagraph (5) of paragraph (a) of this section;
(4) The number of units of finished forms and/or commercial containers received from other persons, including the date of and number of units and/or commercial containers in each receipt and the name, address and registration number of the person from whom the units were received;
(5) The number of units of finished forms and/or commercial containers imported directly by the person (under a registration or authorization to import), including the date of, the number of units and/or commercial containers in, and the import permit or declaration number for, each importation;
(6) The number of units and/or commercial containers compounded by the registrant from units in finished form received from others or imported, including:
(i) The date and batch or other identifying number of each compounding;
(ii) The operation performed (e.g., repackaging or relabeling);
(iii) The number of units of finished form used in the compound, the number compounded and the number lost during compounding, with the causes for such losses, if known, and
(iv) Such other information as is necessary to account for all controlled substances used in the compounding process;
(7) The number of containers distributed to other programs, including the date, the number of containers in each distribution, and the name, address and registration number of the program to whom the containers were distributed;
(8) The number of commercial containers exported directly by the registrant (under a registration as an exporter), including the date, number of containers and export permit or declaration number for each exportation; and
(9) The number of units of finished forms and/or commercial containers destroyed in any manner by the registrant, including the reason, the date and manner of destruction. All other destruction of narcotic controlled substances will comply with § 1307.22.

PART 1305—ORDER FORMS

12. Section 1305.08 is amended by adding a new paragraph (e) to read as follows:

§ 1305.08 Persons entitled to fill order forms.

* * * * *

(e) A person registered as a compounder of narcotic substances for use at off-site locations in conjunction with a narcotic treatment program at the compounding location, who is authorized to handle Schedule II narcotics, is authorized to fill order forms for distribu-

tion of narcotic drugs to off-site narcotic treatment programs only.

PART 1306—PRESCRIPTIONS

13. Section 1306.04 is amended by revising paragraph (c) to read as follows:

§ 1306.04 Purpose of issue of prescription.

* * * * *

(c) A prescription may not be issued for the dispensing of narcotic drugs listed in any schedule for "detoxification treatment" or "maintenance treatment" as defined in Section 102 of the Act (21 U.S.C. 802).

14. Section 1306.07 is amended to read as follows:

§ 1306.07 Administering or dispensing of narcotic drugs.

(a) The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for "detoxification treatment" or "maintenance treatment" as defined in section 102 of the Act (21 U.S.C. 802) shall be deemed to be within the meaning of the term "in the course of his professional practice or research" in section 308(e) and section 102(20) of the Act (21 U.S.C. 828 (e)): *Provided*, That the practitioner is separately registered with the Attorney General as required by section 303(g) of the Act (21 U.S.C. 823(g)) and then thereafter complies with the regulatory standards imposed relative to treatment qualification, security, records and unsupervised use of drugs pursuant to such Act.

(b) Nothing in this section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

(c) This section is not intended to impose any limitations on a physician or authorized hospital staff to administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction, or to administer or dispense narcotic drugs to persons with intractable pain in which no relief or cure is possible or none has been found after reasonable efforts.

Effective date: November 15, 1974.

Dated: October 21, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-24977 Filed 10-24-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

CLARIFICATION OF COUNSELING REQUIREMENT

On page 30058 of the FEDERAL REGISTER of August 20, 1974, there was published a notice of proposed regulatory development to amend §§ 21.4102 and 21.4106 to clarify the circumstances in which counseling shall be required if a veteran or eligible person requests a change of program pursuant to section 1791, title 38, United States Code. In addition minor editorial changes have been made to § 21.4106(b) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Pursuant to such notice, written comments were received from three interested parties. Two were favorable and one of these requested a change of law. The other comment was directed to changing the law. The proposed regulations are hereby adopted without change and are set forth below.

Effective date. Sections 21.4102 and 21.4106(a) are effective October 21, 1974.

Approved: October 21, 1974.

R. L. ROUDEBUSH,
Administrator.

1. Section 21.4102 is revised to read as follows:

§ 21.4102 Requirement; 38 U.S.C. Chapter 35.

(a) *Child.* Counseling is required for an eligible child before approval of an initial course except when the child has been accepted for, or is pursuing, courses which lead to a standard college degree at an approved institution. Counseling is required for all eligible children for reentrance after discontinuance because of unsatisfactory conduct or progress. Counseling will be required before a change of program is approved as provided in § 21.4106(a)(2). The counselor will assist in preparing an educational plan if requested by the eligible person, his or her parent or guardian (38 U.S.C. 1720).

(b) *Wife, husband, window or widower.* Counseling is not required for a wife, husband, widow or widower for approval of an initial course or for a change from such course unless the earlier course was discontinued because of unsatisfactory conduct or progress. Counseling may be required before a second or subsequent change of program as provided in § 21.4106(a)(3).

2. Section 21.4106 is revised to read as follows:

§ 21.4106 Counseling; change or reentrance.

(a) *When required.* Counseling, or additional counseling, will be required under the following circumstances unless it is found by the counselor that the change requested is from a program that was not considered suitable in the initial counseling to a program which is supported by the counseling data, and need for additional counseling is not shown.

(1) *38 U.S.C. Chapter 34.* For any change of program if the program was interrupted or discontinued due to the veteran's own misconduct, neglect, or lack of application; or for resumption of a course of education which had been discontinued because of unsatisfactory conduct or progress under § 21.4277; or for a second or subsequent change unless a counseling psychologist finds on the basis of evidence submitted by the veteran and/or the evidence of record that the change requested is to a program suitable to the veteran's aptitudes, interests, and abilities.

(2) *38 U.S.C. Chapter 35; child.* For any change of program or for resumption of a course of education which had been discontinued because of unsatisfactory conduct or progress under § 21.4277.

(3) *38 U.S.C. Chapter 35; wife, husband, widow or widower.* For any change of program if the program was interrupted or discontinued due to the eligible person's own misconduct, neglect, or lack of application; or for resumption of a course of education which has been discontinued under § 21.4277 because of unsatisfactory conduct or progress; or for a second or subsequent change unless a counseling psychologist finds on the basis of evidence submitted by the eligible person and/or the evidence of record that the change requested is to a program suitable to the person's aptitudes, interests, and abilities.

(b) *Approval.* The counselor will recommend approval of a change of program or reentrance into the same program, if he or she finds that the program which the veteran or eligible person proposes to pursue is suitable to his or her aptitudes, interests, and abilities; and where the veteran's or eligible person's program has been interrupted, or he or she has failed to progress in his or her program due to his or her own misconduct, neglect or lack of application, the cause for the unsatisfactory conduct or progress has been removed and there exists a reasonable likelihood that there will not be a recurrence of such an interruption or failure to progress. Subject to this approval criteria, approval for changes of program subsequent to the second change may be recommended. Negative determinations involving unsatisfactory conduct or progress will be made by the Vocational Rehabilitation Board.

[FR Doc.74-24980 Filed 10-24-74;8:45 am]

Title 40—Protection of the Environment

[FRL 285-2]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Region V Office: New Address

The Region V Office of EPA has been relocated. The new address is: EPA, Region V, Federal Building, 230 South Dearborn, Chicago, Illinois 60604. This change revises Region V's office address appearing in §§ 52.16, 60.4 and 61.04 of Title 40, Code of Federal Regulations.

Dated: October 21, 1974.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

Parts 52, 60 and 61, Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

§§ 52.16, 60.4, 61.04 [Amended]

1. The address of the Region V office is revised to read:

Region V (Illinois, Indiana, Minnesota, Ohio, Wisconsin) Federal Building, 230 South Dearborn, Chicago, Illinois 60606.

[FR Doc.74-24919 Filed 10-24-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-12—LABOR

Chapter 3, Title 41, Code of Federal Regulations, is amended to add a new Subpart 3-12.6, Walsh-Healey Public Contracts Act. This new subpart provides contracting officers with a procedure for processing protests pertaining to the provisions of the Walsh-Healey Act.

It is the general policy of the Department to allow time for interested parties to participate in the rule making process. However, the public rule making process is deemed unnecessary in this instance, as the amendment herein concerns administrative matters.

1. The table of contents of Chapter 3, is amended to add a new Part 3-12 which reads as follows:

Subpart 3-12.6—Walsh-Healey Public Contracts Act

Sec.
3-12.604 Responsibilities of contracting officers.
3-12.604-50 Determinations of eligibility of bidders and offerors.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

2. Subpart 3-12.6 is added to Chapter 3 and reads as follows:

§ 3-12.604 Responsibilities of contracting officers.

§ 3-12.604-50 Determinations of eligibility of bidders and offerors.

(a) *Initial determination of eligibility.* The responsibility for applying the eligibility requirements set forth in § 1-12.601 of this title rests with the contracting officer. The Department of Labor does not conduct pre-award investigations, nor render final determinations of eligibility until the contracting officer has gathered all the necessary evidence and initially determined whether the eligibility rquirements have been met. When a contracting officer has determined that an apparently successful bidder or offeror is ineligible, he shall notify the bidder or offeror promptly in writing and inform it:

(1) That it does not meet the eligibility requirements and provide the reason(s) for ineligibility;

(2) That it may protest the determination and submit evidence of eligibility to the contracting officer; and

(3) That if after review of the evidence submitted, the contracting officer still deems the bidder or offeror ineligible, he will forward the protest, together with pertinent material to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(b) *Protests by other bidders or offerors*—(1) *Before award.* (i) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award the contracting officer shall:

(A) Notify the protestant in writing that it may submit written evidence concerning the alleged ineligibility of the apparently successful bidder or offeror.

(B) Provide the apparently successful bidder or offeror with the written allegations of the protestant and inform it that it may submit evidence supporting its eligibility.

(C) Notify both the protestant and the apparently successful bidder or offeror that after reviewing all evidence submitted, the contracting officer shall make a decision and if that decision is adverse to the protestant, the protest together with all pertinent material will be forwarded to the Administrator, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 for a final determination.

(D) Other bidders or offerors whose bids or offers might become eligible for award shall be notified when award is being withheld pending the disposition of a protest. Such bidders or offerors shall be requested to extend the acceptance period of their bids or offers.

(ii) Where a protest against award has been lodged no award shall be made unless the contracting officer determines that:

(A) The items to be procured are urgently required; or

(B) Delivery or performance will be unduly delayed by failure to make award promptly; or

(C) A prompt award will otherwise be advantageous to the Government. If award under (A), (B), or (C) of this subdivision is contemplated, the contracting officer shall obtain the approval of the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, before proceeding with the award; the file shall be documented to explain the need for making an award prior to the receipt of a determination from the Department of Labor; and written notice of the decision to proceed shall be given to the Administrator, Wage and Hour Division, U.S. Department of Labor, the protestant, and to others concerned when appropriate.

(2) *After award.* A protest received after award shall be forwarded to the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, if the contract has not been completed. The protestant shall be notified of the submission to the Department of Labor. If the contract has been completed, the protestant shall be notified that no action shall be taken on the protest.

Effective Date: The provisions of this amendment shall be effective October 25, 1974.

Dated: October 21, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-24996 Filed 10-24-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

Corrections

In FR Doc. 74-24328, appearing at page 37380, in the issue for Monday, October 21, 1974, the following corrections should be made:

1. In § 176.1, page 37385, "Supplemental Educational Opportunity" should be inserted between lines 2 and 3.

2. In § 176.4(b), page 37387, line 7 should read "to other institutions in that State or, if"

3. In § 176.16(c), page 37390, line 3, the word "Education" should read "Educational".

4. In § 176.20(e)(3), page 37391, line 4, the word "expenditure" should read "expenditures".

5. In § 176.21(a), page 37391, line 9 should be corrected by inserting the numeral "10" before the word "percent".

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19551, etc.]

PART 73—RADIO BROADCAST SERVICES

Georgia, Alabama, and Mississippi; Correction

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations; (Atlanta, *Blackshear, Cochran, Dublin, Eastman,* Hawinsville, *Hazlehurst,* Macon, Monroe, and *Ocilla,* Georgia; Birmingham, Gadsden, Halyeville, Jasper, Northport, Sheffield, and Tuscaloosa, Alabama; and Columbus, Macon, New Albany, Oxford, and Starkville, Mississippi), Docket No. 19551; RM–*1821,* RM–1864, RM–1923, RM–2004, RM–2029, RM–2037, RM–2038, *RM–2067,* RM–2077.

1. Paragraph 9 of the Second Report and Order, adopted September 19, 1974 (FCC 74–1006) at [39 FR 35171] should have additionally stated as follows:

It is further ordered, That the assignment of Channel 228A to Blackshear, Georgia, IS DELETED.

Released: October 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–24973 Filed 10–24–74;8:45 am]

[FCC 74–1126]

PART 76—CABLE TELEVISION SERVICES

Order Concerning Carriage of Television Broadcast Signals

In the matter of amendment of Part 76, Subpart D, of the Commission's rules concerning carriage of television broadcast signals in the cable television service.

1. Section 76.51 of the Commission's rules for cable television lists the first 100 major television markets in the United States. In § 76.5(g), we have defined these markets to be:

The specified zone of a commercial television station licensed to a community listed in § 76.51, or a combination of such specified zones where more than one community is listed.

One of the combined or hyphenated markets is Springfield-Decatur-Champaign-Jacksonville, Illinois (No. 64).

2. No commercial television station is now serving or authorized to serve Jacksonville, Illinois. On June 24, 1974, Station WJJY–TV (ABC, Channel 14) was deleted, and the allocation has remained available. Consequently, the area surrounding the City of Jacksonville no longer fits our definition of a television market. We will therefore amend § 76.51 of the rules to delete Jacksonville from the 64th major television market.

3. This amendment is designed to relieve unnecessary burdens and expedite Commission proceedings with respect to matters that our experience indicates are not the subject of dispute. Accordingly, we conclude that prior notice of rulemaking and public proceedings thereon are unnecessary, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553. Similarly, a delay in implementing this amendment would be contrary to the public interest.

4. Authority for the rule amendment adopted herein is contained in sections 2, 4 (i) and (j), 303 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective October 30, 1974, Part 76 of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1084, 1085, 47 U.S.C. 152, 154, 303, 307, 308, 309.)

Adopted: October 16, 1974.

Released: October 21, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.51(b)(64) is amended as follows:

§ 76.51 Major television markets.

* * * * *

(b) * * *

(64) Springfield-Decatur-Champaign, Illinois.

* * * * *

[FR Doc.74–24971 Filed 10–24–74;8:45 am]

Title 49—Transportation

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

[Docket No. 72–30; Notice 5]

PART 555—TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS

Procedures for Processing Petitions

This notice amends 49 CFR Part 555 to specify that denials as well as grants are published in the FEDERAL REGISTER, and to clarify that the effective date of a temporary exemption is its date of publication in the FEDERAL REGISTER unless a later effective date is specified. The amendments also specify that an expiring exemption does not terminate during consideration of a petition for its renewal.

These amendments pertain to agency practice and are interpretative in nature. Accordingly, pursuant to 5 U.S.C. 553(b), it has been found that no notice of proposed rulemaking is called for.

Section 555.7(a) is amended to specify that when the Administrator determines that a petition does not contain adequate justification and is denied, the petitioner is notified in writing and a notice of the denial is published in the FEDERAL REGISTER. Publication of denials has been an agency practice and the regulation is amended to reflect it.

A new paragraph (f) is added to 49 CFR 555.7 to specify that the effective date of a temporary exemption is the date of publication of the notice of grant in the FEDERAL REGISTER unless a later effective date is specified. Interested persons have asked whether exemptions can be made effective as of the date of the filing of a petition for relief, or can include the total production of a model year that begins before the date an exemption is granted. This amendment is intended to clarify the agency's policy that exemptions should not have a retroactive effect which could serve to excuse manufacture of nonconforming vehicles in violation of section 108(a)(1) of the National Traffic and Motor Vehicle Safety Act.

In § 555.8 the references to paragraph (c) in paragraphs (a) and (b) are changed to paragraph (d), to indicate that the cause of an early termination of an exemption by the Administrator is through administrative action (paragraph (d)), rather than through petition by interested persons (paragraph (c)). A new paragraph (c) is added to § 555.8, implementing the Administrative Procedure Act provision at 5 U.S.C. 558(c), stating in effect that when a timely and sufficient application for renewal of a temporary exemption has been received before the exemption's termination date, the exemption does not expire until the Administrator grants or denies the petition for renewal. A timely application is one that is received not later than 60 days before the expiration of an exemption. A sufficient application is one that contains the information required by § 555.5.

In consideration of the foregoing, 49 CFR Part 555 is amended as follows:

1. In § 555.7, paragraph (d) is revised and a new paragraph (f) is added to read:

§ 555.7 Processing of petitions.

* * * * *

(d) If the Administrator determines that the petition does not contain adequate justification, he denies it and notifies the petitioner in writing. He also publishes in the FEDERAL REGISTER a notice of the denial and the reasons for it.

* * * * *

(f) Unless a later effective date is specified in the notice of the grant, a temporary exemption is effective upon publication of the notice in the FEDERAL REGISTER and exempts vehicles manufactured on and after the effective date.

3. In § 555.8 the reference to "paragraph (c)" in paragraph (a) and (b) is changed to "paragraph (d)."

4. In § 555.8 a new paragraph (e) is added to read:

§ 555.8 Termination of temporary exemptions.

* * * * *

(e) If a petition for renewal of a temporary exemption that meets the requirements of § 555.5 has been filed not later than 60 days before the termination date of an exemption, the exemption does not terminate until the Administrator grants or denies the petition for renewal.

Effective date: November 24, 1974.

(Sec. 8, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410), sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407), delegation of authority at 49 CFR 1.51).

Issued on October 21, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-24960 Filed 10-24-74;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Free and Restricted Percentages for the 1974–75 Fiscal Year

Notice is given of a proposal to establish, for the 1974–75 fiscal year, beginning August 1, 1974, free and restricted percentages of 52 and 48 percent, respectively, applicable to filberts grown in Oregon and Washington. The proposed percentages would be established in accordance with § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Pursuant to § 982.40 of the marketing agreement and order program, the Filbert Control Board recommended to the Secretary of Agriculture a marketing policy for the 1974–75 fiscal year. The Board's recommended marketing policy included its recommendation that free and restricted percentages for that year be 45 percent and 55 percent, respectively. The percentages recommended by the Board were based on its estimates of supply and trade demand, adjusted for handler carryover, for the current fiscal year, and included a 10 percent adjustment to allow for errors in estimation.

In order to make more merchantable inshell filberts available for domestic markets during 1974–75 than originally estimated by the Board, it is proposed that the free and restricted percentages be 52 percent and 48 percent, respectively. Elimination of the 10 percent adjustment for errors in estimation from the Board's recommendation would result in the same percentages as are being proposed.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 15, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates for the 1974–75 fiscal year:

Inshell supply:		
(1)	Total production	8,850 tons
(2)	Less substandard, etc	1,057 tons
(3)	Total merchantable production	7,793 tons
(4)	Carryover August 1, 1974, subject to regulation	306 tons
(5)	Total merchantable supply (Item 3 plus Item 4)	8,099 tons
Inshell requirements:		
(6)	Trade demand	5,200 tons
(7)	Carryover July 31, 1975	600 tons
(8)	Total	5,800 tons
(9)	Less carryover August 1, 1974, not subject to regulation	1,629 tons
(10)	Inshell requirements	4,171 tons
Percentages:		
(11)	Free percentage (Item 10÷Item 5)	52
(12)	Restricted percentage (100 percent minus 52 percent)	48

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The proposal is as follows:

§ 982.224 Free and restricted percentages for merchantable filberts during the 1974–75 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1974:

Free percentage	52
Restricted percentage	48

Dated: October 21, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-25015 Filed 10-24-74;8:45 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Expenses of the California Date Administrative Committee, and Rate of Assessment, for the 1974–75 Crop Year

Notice is hereby given of a proposal regarding expenses of the California Date Administrative Committee, and rate of assessment, for the 1974–75 crop year. The proposal is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The California Date Administrative Committee has recommended, for the 1974–75 crop year, expenses totalling $25,186 and an assessment rate of 7 cents per hundredweight on assessable dates. The assessable poundage is estimated by the Committee at 35 million pounds. When the proposed assessment rate is applied to the estimated assessable poundage, that rate provides assessment income of $24,500. In addition to the anticipated assessment income, the Committee also has a $16,930 operating reserve which is available for use in meeting authorized expenses. Hence, sufficient funds will be available to cover the proposed expenses.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 11, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The proposal is as follows:

§ 987.319 Expenses of the California Date Administrative Committee and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses in the amount of $25,186 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1974–75 crop year beginning October 1, 1974, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of Assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 7 cents per hundredweight on all assessable dates. Assessable dates are dates which the han-

dler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: October 22, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-25014 Filed 10-24-74;8:45 am]

[7 CFR Part 1139]

[Docket No. AO-374-A3]

MILK IN THE LAKE MEAD MARKETING AREA

Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on October 15, 1974 (39 FR 36861) giving notice of a public hearing to be held at the Las Vegas Convention Center, Room 15, 3150 South Paradise Road, Las Vegas, Nevada, beginning at 10 a.m., local time October 30, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Lake Mead marketing area.

The hearing was called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Notice is hereby given, pursuant to the rules of practice applicable to these proceedings (7 CFR, Part 900), that the said hearing is postponed until a date to be announced at a later time.

Statement of consideration. Two cooperatives representing the majority of the Lake Mead order producers have requested the postponement to provide time to file proposals in addition to the proposal submitted by the Lake Mead Cooperative Association and included in the original notice of hearing.

Accordingly, the hearing is postponed until a date to be announced so that all interested parties will have an opportunity to file additional proposals.

Signed at Washington, D.C., on October 22, 1974.

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

[FR Doc.74-25016 Filed 10-24-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 303, 320, and 381]

IDENTIFICATION OF CUSTOM OPERATORS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service proposes to amend Parts 303 and 320 of the meat inspection regulations (9 CFR Parts 303 and 320) and Part 381 of the poultry products inspection regulations (9 CFR Part 381) to require persons, firms, and corporations engaged in the custom slaughter of livestock and/or poultry or the preparation or processing of products thereof, which operations are exempt from the inspection provisions of said Acts, to submit a report to the Regional Director, Meat and Poultry Inspection Program, listing their name, address, and other information relating to their operations.

Statement of Considerations. The Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, exempt from the inspection requirements, the custom slaughtering of livestock and poultry and the preparation or processing of products thereof, delivered by the owner thereof, by any person, firm, or corporation for such custom preparation, and transportation in commerce of such custom prepared or processed articles, exclusively for use in the household of such owner, by him and members of his household and his nonpaying guests and employees. Section 303.1(a)(2) of the meat inspection regulations and § 381.10(a)(4) of the poultry products inspection regulations outline the conditions under which such custom operations are exempt from the inspection requirements. Such custom operations require surveillance on a regular basis by Program employees in order to assure compliance with the requirements of the regulations which specify the conditions under which such operations must be conducted. In order to assure the identification and location of persons, firms, or corporations engaged in the custom slaughtering of livestock or poultry and/or the preparation of products thereof, the Department proposes to amend said regulations as set forth below.

1. Parts 303 and 320 of the meat inspection regulations would be amended by deleting the conjunction "and" at the end of § 303.1(a)(2)(iii); adding the conjunction "and" at the end of § 303.1(a)(2)(iv). Further, said regulations would be amended by adding a new subdivision (v) to § 303.1(a)(2), and by adding a new § 320.8 as follows:

§ 303.1 Exemptions.

(a) * * *

(2) * * *

(v) A report is completed in accordance with the provisions of § 320.8 of this subchapter and is submitted to the Regional Director, identified in § 301.2(iii) of this subchapter, for the geographical area.

* * * * *

§ 320.8 Reports by persons claiming exemption.

The operator of each establishment where products for human food are prepared for distribution in commerce, or otherwise subject to the Act, under claim of any exemption provided for in § 303.1(a)(2) of this subchapter, shall submit a completed Form MP-226, "Report of Custom Operation," in accordance with instructions on the form, to the Regional Director for the geographic area in which the establishment is located not later than 90 days after the establishment is opened to the public: Except that, operators of such establishments doing business on the effective date of this amendment shall report not later than six (6) months after such effective date. The Regional Directors are defined, geographic area identified, and mailing addresses given in § 301.2 of this subchapter. Form MP-226 is available upon request from the Regional Director's office.

* * * * *

2. The Table of Contents to Part 320 would be amended to reflect the addition of a new § 320.8.

3. Subparts C and Q of the poultry products inspection regulations would be amended by rearranging the format of § 381.10(a)(4) and adding a new subdivision (iii) thereto, and by adding a new § 381.183 as follows:

§ 381.10 Exemptions for specified operations.

(a) * * *

(4) The custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and the employees: *Provided,* That the following requirements are met by such custom operator:

(i) The custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

(ii) That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean and fit for human food, and the shipping containers of such poultry products bear the owner's name and address and the statement "Exempted—Pub. L. 90-492"; and

(iii) A report is completed in accordance with the provisions of § 381.183 of this part and submitted to the Regional Director, identified in § 381.1(b)(45) of this part, for the geographical area in which the establishment is located.

* * * * *

§ 381.183 Reports by persons claiming exemption.

The operator of each establishment where products for human food are processed for distribution in commerce, or otherwise subject to the Act, under claim of any exemption provided for in § 381.10(a)(4) of this part, shall submit a com-

pleted Form MP–226, "Report of Custom Operations," in accordance with instructions on the form, to the Regional Director for the geographic area in which the establishment is located not later than 90 days after the establishment is opened to the public: Except that, operators of such establishments doing business on the effective date of this amendment shall report not later than six (6) months after such effective date. The Regional Directors are defined, geographic area identified, and mailing addresses given in § 381.1(b)(45) of this part. Form MP–226 is available upon request from the Regional Director's office.

* * * * *

4. The Table of Contents to Part 381, Subpart Q, would be amended to reflect the addition of a new § 381.183.

5. Subpart A, § 381.1(b) would be amended by redesignating subparagraphs (45) through (58), inclusive, as subparagraphs (46) through (59), respectively; and adding a new subparagraph (45); and a new subdivision (iii) to the redesignated subparagraph (52) as follows:

§ 381.1 Definitions.

(b) * * *

(45) *Regional Director.* The official[1] in charge of the program within each of the following regions:

Northeastern Region—The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia.

Southeastern Region—The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States.

North Central Region—The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin.

Southwestern Region—The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Western Region—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and Guam.

(52) * * *

(iii) *Area Supervisor.* This term refers to the official of the Inspection Service who is assigned the responsibility for supervising the conduct of inspection over a specific group of Circuit Supervisors.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with Field Operations, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by May 2, 1975.

Persons desiring opportunity for oral presentation of views should address such requests to the organization identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the organization identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear the reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: October 22, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–25012 Filed 10–24–74;8:45 am]

[1] The addresses of the Regional Directors are as follows: Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102; Southeastern Region—Room 216, 1718 Peachtree Street, NW., Atlanta, GA 30309; North Central Region—Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309; Southwestern Region—Room 5–F41, 1100 Commerce Street, Dallas, TX 75202; Western Region—620 Central Ave., Room 102, Bldg. 2C, Alameda, CA 94501.

Farmers Home Administration

[7 CFR Part 1804]

[FmHA Instruction 424.1]

PLANNING AND PERFORMING DEVELOPMENT WORK

Proposed Amendment

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1804.4 (g) of Title 7, Code of Federal Regulations (36 FR 18062). This amendment adds a new subparagraph (5) concerning actions to be taken during the warranty period and redesignates the present subparagraph (5) to subparagraph (6).

The Farmers Home Administration also has under consideration a program identified as Appendix B of this Subpart, entitled, "Notifying Borrowers of Expiration of 1-Year Warranty Period," which will notify borrowers of the expiration of the 1-year warranty period. If construction deficiencies exist, borrowers will request the County Supervisor to conduct an inspection.

Interested person are invited to submit written comments, suggestions, or objections regarding the proposed revised guidelines to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, within 30 days (November 25, 1974) after publication of this Amendment. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed, new § 1804.4(g)(5) reads as follows:

§ 1804.4 Performing development.

* * * * *

(g) Inspection of development work.

* * * * *

(5) Guarantee-warranty period. In all cases where Form FmHA 424–19 has been executed, the following actions will be taken:

(i) The County Supervisor will assist borrowers as provided in Subpart C of this part, "Handling Construction Complaints."

(ii) Borrowers will be notified of the warranty expiration date prior to the 11th month of the warranty period. Appendix B describes the action that will be taken.[1]

* * * * *

As proposed, Appendix B reads as follows:

Appendix B—"Notifying Borrowers of Expiration of 1-Year Warranty Period."

1. Purpose. This Appendix outlines the procedures for notifying borrowers of the expiration of the 1-year warranty period for defects in materials or workmanship when Form FmHA 424–19, "Builder's Warranty," has been signed by a warrantor.

2. Policy. Each borrower will be notified of the expiration date of Form FmHA 424–19 and the name and address of the warantor with instructions for notifying the warrantor of any defects that must be corrected. Ordinarily, notification will be given by letter; however, if complaints have been received or known construction defects exist, an on-site inspection will be made by the County Supervisor or construction inspector to determine the nature and seriousness of the defects.

3. Implementation, alternatives and action to be taken. The County Supervisor will take the following action prior to the expiration of the 1-year Builder's Warranty:

a. A letter notifying the borrower of the expiration date of the Builder's Warranty will be mailed to the borrower early in the 10th month of the warranty period.

b. If the County Supervisor does not hear from the borrower within 30 days, he can reasonably assume that no complaint exists or that any complaint has been satisfied, unless he has information to the contrary.

c. If the borrower notifies the County Supervisor that any complaint has not been

[1] Appendix A—(Reserved).

satisfied, an onsite construction inspection shall be made as early as possible but not later than the 11th month of the 1-year Builder's Warranty period. The results of the inspection visit will be recorded on Form FmHA 424-12, "Inspection Report." If the borrower complaints are justified, the case should be handled in accordance with Subpart C of this Part, "Handling Construction Complaints."

(7 U.S.C. 1989 (42 U.S.C. 1480) delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: October 18, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25013 Filed 10-24-74;8:45am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 46]

PROTECTION OF HUMAN SUBJECTS

Correction of Preamble to Proposed Policy

In the August 23, 1974 issue of the FEDERAL REGISTER (39 FR 30648), the Department of Health, Education, and Welfare published a notice of proposed rulemaking governing research, development, and related activities, supported by the Department, involving the fetus, abortus, pregnant women, in vitro fertilization, prisoners, and the institutionalized mentally disabled.

After publication the following errors were noted in the preamble to the proposed rulemaking:

(1) The initial three paragraphs of Section C on page 30650 fail to indicate that, because of the Department's concern about the ethical issues surrounding in vitro fertilization (whether or not implantation is contemplated), the proposed rulemaking would require that all activities involving in vitro fertilization be reviewed by the Ethical Advisory Board prior to funding. In order to make clear this concern these paragraphs have been revised to read as follows:

* * * * *

C. A number of respondents recommended that the policy governing in vitro fertilization be strengthened, on the one hand, or liberalized, on the other. The Department has considered these recommendations, and concluded that while it is necessary to impose certain restraints, it is contrary to the interests of society to set permanent restrictions on research which are based on the successes and limitations of current technology. Therefore, the Department would expect the Ethical Advisory Board, which must review all applications involving in vitro fertilization (whether or not implantation is contemplated) to weigh, with respect to specific proposals, the state of the art, legal issues, community standards, and the availability of guidelines to govern each research situation. In sum, if there is a possibility that the conceptus might be sustained in vitro beyond the earliest stages of development, the Ethical Advisory Board is to consider this possibility, and determine what guidelines should govern decisions affecting that fetus, if the research is to be permitted. If, on the other hand, implantation is attempted and achieved, then regulations governing the fetus in utero shall apply.

* * * * *

(2) Several sentences were inadvertently omitted from the first and second paragraphs of the discussion of "Viability of the Fetus" in the first column on page 30651. These sentences are now inserted and as revised, the paragraphs read as follows:

* * * * *

2. "Viability of the Fetus." Some respondents suggested specific criteria such as birth weight, crown-rump length, or gestational age, similar to those used in England, such criteria to be reviewed and reissued periodically by the Department. It was emphasized that the use of such objective criteria might simplify problems involved in determining what types of research might be permissible. Some respondents urged that presence of fetal heartbeat be definitive (whether or not there is respiration) while others urged that identifiable cortical activity be specified as an alternative sign of viability. Others objected strenuously to any distinction as to the nature of fetal life, holding that the physician's obligation should be the same to any fetus regardless of weight, size, or age of gestation.

The Department, having reviewed these comments, concludes that the distinction between a viable and a nonviable fetus is both valid and meaningful. At the same time, the Department does not believe that the use of weight, size, gestational age and/or cortical activity is a valid substitute for the judgment of a physician, particularly in view of the wide variation in the facilities and arts available to him both in this country and abroad. The Department further concludes that the issue of viability is a function of technological advance [see § 46.303(e) of the regulations], and therefore must be decided with reference to the medical realities of the present time, while reserving the right to redefine the parameters as conditions warrant."

* * * * *

(3) Section H on page 30651 incorrectly implies that, under the proposed rulemaking, fetuses for which abortion is contemplated may be placed at greater risk than fetuses in general. In fact, however, as is stated already in section F on page 30651, the proposed rulemaking bans the undertaking of research, development, or related activities involving the fetus prior to the commencement of the abortion procedure, at which point the question of risk to the fetus is no longer an issue. Such activities which are permitted under the regulations would be reviewed by the Ethical Advisory Board prior to funding. Section H should therefore be deleted and section I on the same page relettered section H.

Dated: October 21, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-24994 Filed 10-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-98]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Douglas, Ga., transition area.

Interested persons may submit such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 25, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Douglas transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Douglas Municipal Airport (latitude 31°29'10" N., longitude 82°51'15" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Douglas Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Alma, Ga. VORTAC, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on October 16, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-24943 Filed 10-24-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-280; Docket No. 27106]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Schedule P-10—Work Force Data; Notice of Proposed Rule Making

OCTOBER 17, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would substantially revise the reporting required by the present schedule P-10, including a redesignation of the schedule from "Payroll" to "Work Force Data," and extend the reporting requirement to supplemental air carriers.

The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a), 401 (n)(6), and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 and 766 (49 U.S.C. 1324, 1371 and 1377)).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 22, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Presently Schedule P-10 "Payroll" requires quarterly reporting, by route air carriers only, of the number of employees, total annual pay, and average annual pay for certain CAB accounts. The number of employees reflects those personnel working or receiving pay for any part of the pay period(s) ending nearest the 15th day of the last month of the quarter. This schedule is intended to provide payroll data that can be utilized by the Board, industry analysts, and air carriers to determine employment and salary statistics and trends and for the comparison of air carriers.

Although information furnished under this reporting requirement has been useful, the Board has tentatively concluded that more meaningful work force data should be obtained, by revising schedule P-10, and extending its applicability to supplemental air carriers. Concern has also been expressed by labor organizations, industry representatives, air carriers, and other government agencies as to the insufficiency of meaningful work force data for the airline industry, under the existing reporting requirements; indeed, in reply to a May 3, 1974, "Observations of the Director" issued by the Director of the Board's Bureau of Accounts and Statistics, numerous suggestions were made as to the type of revisions that would make schedule P-10 more useful.

These comments, along with those expressed on other occasions, have highlighted many deficiencies in the present reporting. Labor classifications have been criticized as being poorly defined. The Board's Bureau of Enforcement has expressed the opinion that one of the major deficiencies in filing this schedule is the lack of uniformity in the reporting of payroll caused by various interpretations of the labor classifications. These classifications have also been criticized as not being representative of employment categories. Therefore, we feel that a complete revision of categories is desirable and definitions of each of the specified classifications is necessary in the reporting instructions. The appropriateness of the proposed classifications is still of major concern to us and we specifically desire comments on the Elected Corporate Officers, General Management Personnel, and Supervisory Personnel breakdown as well as the need to segregate passenger and cargo sales personnel.

It has been pointed out that the undifferentiated reporting of full- and part-time employees, the inclusion of overtime premium in total payroll, and the method of determining the number of employees in each category has caused distortions in the reported data.

The present policy of annualizing data based upon only one pay period also has drawn much criticism. Suggestions have been received ranging from the elimination of any annualization to the use of a full quarter for such purposes. We feel that the annualization of data by reporting carriers is not necessary as this information can easily be obtained through the use of the reported quarterly data based upon actual data.

Suggestions were received to require the separate reporting of paid nonworking hours, such as vacation and sick leave, and actual working hours in order to facilitate the evaluation of the other information reported, and to allow for accurate comparisons between carriers. We tentatively concur with these suggestions.

Suggestions were also received to require reporting of actual quarterly compensation in groupings to replace the reporting of annualized data as this will provide totally accurate information that can be used for many analytical purposes.

Additionally, the inability to obtain total industry data, caused by the lack of supplemental air carrier reports, was criticized.

The Board has considered these comments, along with its own needs, and therefore proposes to totally revise schedule P-10 by: (1) Changing all labor classifications and providing definitions for each of the new classifications; (2) segregating the reporting of part-time employees, overtime hours, and premium pay; (3) changing the method of determining the number of employees; (4) eliminating the reporting of annualized salary data; (5) requiring the reporting of hours data; (6) requiring the reporting of actual compensation in three categories; and (7) initiating reporting by supplemental air carriers.

We propose to have the modified schedule P-10 submitted quarterly with the reported quarter including all pay periods that both begin and end in the reported calendar quarter and those pay periods in which a majority of the days fall within the calendar quarter. Examples of two-week periods and their proper reporting have been included below.

Pay period	Days in quarter			Quarter in which reported
	First	Second	Third	
March 31 to April 13.	1	13	.....	Second.
April 14 to April 27.	.....	14	.....	Do.
June 23 to July 6	.....	8	6	Do.

It was also necessary to provide a means to reconcile the total amounts reported on this schedule with total salaries reported on other Form 41 schedules. Two adjustments were necessary, one to record the difference between accrued leave and actual leave for which pay was received and another to adjust for days that are different between the reported and calendar period. A section was designed for this reconciliation on each entity report; however, only the total of all entity reports will reconcile with the total for system operations reported on Form 41 schedules P-5.1 or P-5.2, P-6, P-7, and P-8.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend Section 22—General Reporting Instructions, by changing the title of schedule P-10 in the list in paragraph (a), titled "List of Schedules in CAB Form 41 Report," the revised list in pertinent part to read:

List of Schedules in CAB Form 41 Report

Schedule No.	Schedule title	Filing frequency
*	*	*
P-9.2	Distribution of Ground Servicing Expenses by Geographic Location—Group II and Group III Air Carriers.	Do.
P-10	Work Force Data	Do.
P-11(a)	Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services.	Do.
*	*	*

2. Amend Section 24—Profit and Loss Elements, by deleting the title and instructions to Schedule P–10—Payroll and inserting a new title and instructions in its place to read as follows:

SCHEDULE P–10—WORK FORCE DATA

(a) This schedule shall be filed by all route air carriers.

(b) A separate schedule shall be filed for personnel employed within the 48 contiguous States and the District of Columbia regardless of the operating entity to which assigned. Additionally, separate schedules shall be filed for each operating entity, including the Domestic entity, for personnel employed outside the 48 contiguous States and the District of Columbia. Flight and other personnel subject to travel shall be reported in accordance with the location at which normally based.

(c) Column 1, "Labor Classifications" shall reflect the labor classifications designated by the Board as defined below for purposes of filing this schedule:

(1) *Elected Corporate Officers*—elected corporate officers excluding the Board of Directors.

(2) *General Management Personnel*—nonelected corporate officers and all other management personnel who are responsible for supervising other management and supervisory personnel.

(3) *Supervisory Personnel*—first-line management personnel, such as maintenance foremen, spending at least 75 percent of their time on supervisory duties.

(4) *Flight Deck Crew*—all flight deck crew members including pilots and copilots.

(5) *Cabin Attendants*—cabin attendants such as stewardesses, stewards, and hostesses.

(6) *Maintenance Personnel*—all maintenance personnel including both skilled and unskilled.

(7) *Aircraft Servicing Personnel*—all personnel responsible for routine servicing of aircraft such as cleaning, fueling, and visual inspection.

(8) *Passenger Servicing Personnel*—passenger terminal personnel responsible for handling passenger traffic who perform duties such as ticketing, check-in and loading, and boarding security.

(9) *Cargo and Baggage Handling Personnel*—personnel responsible for the loading and unloading of cargo and baggage and the processing of freight.

(10) *Passenger Sales and Reservations Personnel*—personnel responsible for passenger sales and reservations who perform duties such as ticket sales, reservation confirmation, and sales and reservation documentation exclusive of personnel performing such duties at the passenger terminal.

(11) *Cargo Sales Personnel*—personnel responsible for the sale of cargo space.

(12) *Flight Dispatchers*—flight dispatchers and flight dispatch support personnel.

(13) *Meteorologists* — meteorologists and meteorological support personnel.

(14) *Communications Operators*—all communications personnel such as radio operators and switchboard operators.

(15) *Clerical Office Personnel*—office clerks (accounting, legal, purchasing) and secretaries.

(16) *All Other Administrative Personnel*—administrative staff personnel not included in any other category.

(17) *Part-Time Personnel*—personnel working less than the normal work week or hired as a full-time employee for a period of less than one month.

(d) Column 2, "Number of Employees" shall reflect the average number of employees based on those personnel working or receiving pay for any part of the pay period(s) ending nearest the 15th day of each month during the reported quarter for each labor classification.

(e) Column 3, "Hours—Worked" shall reflect actual hours worked (including overtime hours) by employees included in column 2 during the reported quarter. This category shall exclude vacation and sick time, holidays, and all other time when employees are involved in activities not directly related to their output. Flight deck crew hours in this category shall include only those hours related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight.

(f) Column 4, "Hours—Vacation, Sick, etc." shall reflect hours for which compensation is paid but which are not actually worked, for employees included in column 2, during the reported quarter. Specifically, this category shall include vacation and sick time, holidays, and all other time when employees are involved in activities not directly related to their output. Flight deck crew hours in this category shall also include deadhead time, hours recorded to meet minimum hour guarantees, and all other hours not directly related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight.

(g) Column 5, "Hours—Overtime" shall include overtime hours worked, for employees included in column 2, during the reported quarter.

(h) Column 6, "Compensation—Basic Salary" shall include the actual basic salary paid each person included in column 2 during the reported quarter. Basic salary shall include payment for hours worked as recorded in column 3 (including payment for overtime hours at the straight-time rate but excluding the overtime premium); sick, holiday, and vacation pay; and payment for all other time when employees are involved in activities not directly related to their output. Flight deck crew basic salary, however, shall not include payment for deadhead time and hours recorded to meet minimum-hour guarantees, and all other similar pay (unique to the flight deck crew labor classification) not directly related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight. This category shall also not include bonuses (unless earned and paid regularly each pay period) and cash payments for vacations not taken.

(i) Column 7, "Compensation—Overtime Premium" shall include actual premiums paid for overtime hours recorded in column 5.

(j) Column 8, "Compensation—Other" shall include bonuses (unless earned and paid regularly each pay period), cash payments for vacations not taken, deferred compensation, and all other compensation (not reported in column 6 or 7) paid during the reported quarter. The flight deck crew labor classification shall also include in this category payment for deadhead time and hours recorded to meet minimum-hour guarantees, and all other similar pay (unique to the flight deck crew labor classification) not directly related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight.

(k) Items 9 through 12 shall be used to reconcile the amounts reported on schedule P–10 with total salary amounts reported on other Form 41 schedules. Item 9 shall be the total of columns 6, 7, and 8; item 10 the difference between leave accrued per the reporting carrier's books and the payment for leave taken included in column 6; item 11 shall include net amount of salary for days included or excluded in the period reported on this schedule per paragraph (1) of these instructions; and item 12 shall be the sum of items 9, 10, and 11 and shall reconcile, in total, with amounts reported on other Form 41 schedules.

(l) For purposes of this schedule, the reported quarter shall include those pay periods that both begin and end in the reported calendar quarter and those pay periods in which a majority of the days fall within the calendar quarter. No accrual shall be made in columns 2 through 8 for days that fall within the calendar quarter but are not in pay periods to be included in the quarterly report nor shall an adjustment be made for days that fall within another calendar quarter that are in pay periods to be included in the quarterly report. Item 11 shall reflect such accruals and adjustments, in total, for each entity reported.

3. Amend Section 32—General Reporting Instructions, as follows:

(a) Add schedule P–10 to the list in paragraph (a), titled "List of Schedules in CAB Form 41 Report," the revised list in pertinent part to read:

List of schedules in CAB Form 41 Report

Schedule No.	Schedule title	Filing frequency
*	*	*
P–7	Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions—Group II and Group III Air Carriers.	Do.
P–10	Work Force Data	Do.
P–11(a)	Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services.	Do.
*	*	*

(b) Add schedule P–10 to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report," the revised list in pertinent part to read:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date [1]:	Schedule No.
January 30	B–11, T–3.1.
February 10 [2]	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–10, P–11(a), P–11(b), T–6.
* *	* * * * * *
May 10	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–10, P–11(a), P–11(b), T–6.
* *	* * * * * *
August 10	A, A–1, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–10, P–11(a), P–11(b), T–6.
* *	* * * * * *
November 10	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–10, P–11(a), P–11(b), T–6.
November 30	B–11, T–3.1.
* *	* * * * * *

[1] Due dates falling * * *
[2] B and P * * *

4. Amend Section 34—Profit and Loss Elements to include, following the description of schedule P–7, the following description of schedule P–10:

SCHEDULE P–10—WORK FORCE DATA

(a) This schedule shall be filed by all supplemental air carriers.

(b) A separate schedule shall be filed for personnel employed within the 48 contiguous States and the District of Columbia regardless of the operating entity to which assigned. Additionally, separate schedules shall be filed for each operating entity, including the Domestic entity, for personnel employed outside the 48 contiguous States and the District of Columbia. Flight and other personnel subject to travel shall be reported in accordance with the location at which normally based.

(c) Column 1, "Labor Classifications" shall reflect the labor classifications designated by the Board as defined below for purposes of filing this schedule:

(1) *Elected Corporate Officers*—elected corporate officers excluding the Board of Directors.

(2) *General Management Personnel*—nonelected corporate officers and all other management personnel who are responsible for supervising other management and supervisory personnel.

(3) *Supervisory Personnel*—first line management personnel, such as maintenance foremen, spending at least 75 percent of their time on supervisory duties.

(4) *Flight Deck Crew*—all flight deck crew members including pilots and copilots.

(5) *Cabin Attendants*—cabin attendants such as stewardesses, stewards, and hostesses.

(6) *Maintenance Personnel*—all maintenance personnel including both skilled and unskilled.

(7) *Aircraft Servicing Personnel*—all personnel responsible for routine servicing of aircraft such as cleaning, fueling, and visual inspection.

(8) *Passenger Servicing Personnel*—passenger terminal personnel responsible for handling passenger traffic who perform duties such as ticketing, check-in and loading, and boarding security.

(9) *Cargo and Baggage Handling Personnel*—personnel responsible for the loading and unloading of cargo and baggage and the processing of freight.

(10) *Passenger Sales and Reservations Personnel*—personnel responsible for passenger sales and reservations who perform duties such as ticket sales, reservation confirmation, and sales and reservation documentation exclusive of personnel performing such duties at the passenger terminal.

(11) *Cargo Sales Personnel*—personnel responsible for the sale of cargo space.

(12) *Flight Dispatchers*—flight dispatchers and flight dispatch support personnel.

(13) *Meteorologists* — meteorologists and meteorological support personnel.

(14) *Communications Operators*—all communications personnel such as radio operators and switchboard operators.

(15) *Clerical Office Personnel*—office clerks (accounting, legal, purchasing) and secretaries.

(16) *All Other Administrative Personnel*—administrative staff personnel not included in any other category.

(17) *Part-Time Personnel*—personnel working less than the normal work week or hired as a full-time employee for a period of less than one month.

(d) Column 2, "Number of Employees" shall reflect the average number of employees based on those personnel working or receiving pay for any part of the pay period(s) ending nearest the 15th day of each month during the reported quarter for each labor classification.

(e) Column 3, "Hours—Worked" shall reflect actual hours worked (including overtime hours) by employees included in column 2 during the reported quarter. This category shall exclude vacation and sick time, holidays, and all other time when employees are involved in activities not directly related to their output. Flight deck crew hours in this category shall include only those hours related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight.

(f) Column 4, "Hours—Vacation, Sick, etc." shall reflect hours for which compensation is paid but which are not actually worked, for employees included in column 2, during the reported quarter. Specifically, this category shall include vacation and sick time, holidays, and all other time when employees are involved in activities not directly related to their output. Flight deck crew hours in this category shall also include deadhead time, hours recorded to meet minimum-hour guarantees, and all other hours not directly related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight.

(g) Column 5, "Hours—Overtime" shall include overtime hours worked, for employees included in column 2, during the reported quarter.

(h) Column 6, "Compensation—Basic Salary" shall include the actual basic salary paid each person included in column 2 during the reported quarter. Basic salary shall include payment for hours worked as recorded in column 3 (including payment for overtime hours at the straight-time rate but excluding the overtime premium); sick, holiday, and vacation pay; and payment for all other time when employees are involved in activities not directly related to their output. Flight deck crew basic salary, however, shall not include payment for deadhead time and hours recorded to meet minimum-hour guarantees, and all other similar pay (unique to the flight deck crew labor classification) not directly related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight. This category shall also not include bonuses (unless earned and paid regularly each pay period) and cash payments for vacations not taken.

(i) Column 7, "Compensation—Overtime Premium" shall include actual premiums paid for overtime hours recorded in column 5.

(j) Column 8, "Compensation—Other" shall include bonuses (unless earned and paid regularly each pay period), cash payments for vacations not taken, deferred compensation, and all other compensation (not reported in column 6 or 7) paid during the reported quarter. The flight deck crew labor classification shall also include in this category payment for deadhead time and hours recorded to meet minimum-hour guarantees, and all other similar pay (unique to the flight deck crew labor classification) not directly related to the actual flight of an aircraft or in connection with, either directly before or after, a specific flight.

(k) Items 9 through 12 shall be used to reconcile the amounts reported on schedule P–10 with total salary amounts reported on other Form 41 schedules. Item 9 shall be the total of columns 6, 7, and 8; item 10 the difference between leave accrued per the reporting carrier's books and the payment for leave taken included in column 6; item 11 shall include net amount of salary for days included or excluded in the period reported on this schedule per paragraph (1) of these instructions; and item 12 shall be the sum of items 9, 10, and 11 and shall reconcile, in total, with amounts reported on other Form 41 schedules.

(l) For purposes of this schedule, the reported quarter shall include those pay periods that both begin and end in the reported calendar quarter and those pay periods in which a majority of the days fall within the calendar quarter. No ac-

crual shall be made in columns 2 through 8 for days that fall within the calendar quarter but are not in pay periods to be included in the quarterly report nor shall an adjustment be made for days that fall within another calendar quarter that are in pay periods to be included in the quarterly report. Item 11 shall reflect such accruals and adjustments, in total, for each entity reported.

5. Amend CAB Form 41 by deleting the present Schedule P-10—Payroll, and adding new Schedule P-10—Work Force Data, as shown in Exhibit A attached hereto and made a part hereof.

Exhibit A

WORK FORCE DATA

Carrier_____

Geographic Entity_____

Period_____

Labor Classification (1)	Number of Employees (2)	Hours			Compensation		
		Worked (3)	Vacation, Sick, etc. (4)	Overtime (5)	Basic Salary (6)	Overtime Premium (7)	Other (8)
Elected Corporate Officers							
General Management Personnel							
Supervisory Personnel							
Flight Deck Crew							
Cabin Attendants							
Maintenance Personnel							
Aircraft Servicing Personnel							
Passenger Servicing Personnel							
Cargo and Baggage Handling Personnel							
Passenger Sales and Reservations Personnel							
Cargo Sales Personnel							
Flight Dispatchers							
Meteorologists							
Communications Operators							
Clerical Office Personnel							
All Other Administrative Personnel							
Part-Time Personnel							
TOTAL							

9. Total Columns 6, 7 and 8	
10. Leave Accrual Adjustment	
11. Calendar Period Adjustment	
12. Total Salary Per Form 41 1/	

1/ The total amount for all entities shall equal the total salary amounts for system operations reported on Schedules P-5.1 or P-5.2, P-6, P-7, and P-8.

Schedule P-10 CAB Form 41

[FR Doc.74-24706 Filed 10-24-74;8:45 am]

[14 CFR Part 241]

[EDR-266B; Docket No. 26578]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Disclosure Standards for Lease Transactions; Supplemental Notice of Proposed Rulemaking

OCTOBER 22, 1974.

The Board, by circulation of notice of proposed rule making EDR-266, dated April 5, 1974, gave notice that it had under consideration the adoption of amendments to Part 241 of the Economic Regulations (14 CFR Part 241) so as to require disclosure standards for lease transactions. Interested parties were invited to participate by submitting twelve copies of written data, views or arguments by May 13, 1974.[1]

[1] Later extended to June 13, 1974 by supplemental notice of proposed rule making, EDR-266A, dated April 24, 1974.

Public comments have been received from a number of interested persons including air carriers and accounting firms. Many of these comments expressed opposition to the basic concept of disclosure of lease transactions on the face of the balance sheet, as opposed to disclosure by footnote or supplemental schedules. The Board has, as yet, made no determination on this basic issue.

In addition, the comments raise various issues as to the details of the proposed rule. Upon consideration of these latter comments, the Board believes that it is desirable to obtain additional comments concerning alternatives to two specific provisions of the proposal.

In EDR-266, the Board proposed to exclude from capitalization terminal facilities, data processing equipment, office facilities and real property. Additionally, it would have excluded leases having aggregate rental payments of $500,000 or less. This proposal was made for the following reasons: (1) Terminal facilities are necessary to meet the operational needs of air carriers and, generally speaking, there is no purchase alternative; (2) the nature and terms of leases of data processing equipment, office facilities and real property customarily include a large number of leases which are subject to a variety of ever-changing terms, conditions, limitations and options which would impose a substantial administrative burden; and (3) leases having aggregate rental payments of $500,000 or less were considered immaterial.

In the event that it is ultimately determined in principle to adopt the basic principles of EDR-266, the Board now believes that these exclusions should be eliminated. Stated differently, leases of all types of property and equipment which meet the criteria of a financing lease, considering only the initial noncancelable term, would be capitalized because the drain on corporate resources created by these leases is no different from any other type of lease.

The second alternative as to which comment is desired concerns the method of amortizing the lease right and the liability, and specifically involves the amortization of the lease right and the liability using the compound interest method. Under this method, both the lease right and the liability would be amortized at the same rate, in amounts which gradually increase over the term of the lease. Accordingly, the amounts charged to interest expense in the early years of the lease would be high and gradually decrease over the term of the lease and amounts charged to rental expense would be low in the early years of the lease and gradually increase over the term of the lease as shown in the following illustrations:

SCHEDULE OF PAYMENTS

Year	Cash	Leased property	Contract liability	Lease expense	Interest expense [1]
1	($200,000)	($158,419)	$158,419	$158,419	$41,581
2	(200,000)	(167,923)	167,923	167,923	32,077
3	(200,000)	(177,999)	177,999	177,999	22,001
4	(200,000)	(188,679)	188,679	188,679	11,321
5	(200,000)	(200,000)	200,000	200,000	
	($1,000,000)	($893,020)	$893,020	$893,020	$106,980

[1] The interest to be expensed during any period can be determined by taking the present value at the beginning of the period less one payment ($200,000) and multiplying by the interest rate. The amount of the asset and liability to be recorded can be determined at any point in the lease by multiplying the periodic rental payment by the present value of an annuity due.

It is anticipated that most leases will be amortized on a monthly basis; however, for illustration purposes, annual lease periods are used.

Year 1:

Leased property and equipment	893,020
Lease contract liability	893,020
To record the noncancelable liability, and the corresponding lease rights.	
Lease contract liability	158,419
Interest expense	41,581
Cash	200,000
To record the initial payment.	
Leased property expense	158,419
Leased property and equipment	158,419
To amortize the asset.	

Year 2:

Lease contract liability	167,923
Interest expense	32,077
Cash	200,000
To record the second payment.	
Leased property expense	167,923
Leased property and equipment	167,923
To amortize the asset.	

This method appears more accurately to portray the interest element of the lease payments than the straight-line method. Moreover, it does not create a difference between net income reported to stockholders and net income reported to the Board.

The Board wishes again to emphasize that it has not yet determined the basic question as to whether it should adopt the principle of balance sheet disclosure. If it determines not to adopt that principle, then the matters raised by this Supplemental Notice may become moot. Persons responding to this Supplemental Notice should confine themselves to the two issues raised herein. The Board will not entertain additional comments with respect to the other issues raised in EDR-266.

Interested persons may participate in the proposed rulemaking by submitting twelve copies of written data, views or arguments pertaining thereto, addressed to Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 22, 1974, will be considered by the Board before taking final action on the proposed rule. There will be no extensions of time for filing comments. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

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

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-24999 Filed 10-24-74;8:45 am]

[2] Annuity tables are available in any advanced accounting text.

[14 CFR Part 399]

[PSDR-42, Docket No. 27113]

MILITARY EXEMPTIONS

Category Z Transportation

OCTOBER 22, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to its Statements of General Policy (14 CFR Part 399) with respect to Category Z individually ticketed military transportation performed for the Department of Defense (DOD). The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the Proposed Rule. The amendment is proposed under authority of Sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before November 8, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communication will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

By ER-879, adopted contemporaneously herewith, the Board has amended Part 288 of its Economic Regulations (14 CFR Part 288), increasing by 5.63 percent the existing interim minimum final rates for Categories B and A air transportation services performed by air carriers for the Department of Defense (DOD), based on a review of the carriers' reported results for Military Airlift Command (MAC) operations for fiscal year 1974.

Since the minimum charges considered fair and reasonable for Category Z transportation services, consisting of individually ticketed military traffic carried on scheduled flights at tariff rates, are established on the basis of the one-way Category B minimum charter rates,[1] we are of the tentative view that an increase in the Category B interim rate requires a corresponding increase in the Category Z minimum rate. Accordingly, we herein propose an increase in the Category Z rate to equate it with the amended Category B one-way interim rate.

The within amendment does not specify the fuel surcharge rate to be applicable to the proposed Category Z rate. The surcharge to be adopted will be the same as the surcharge rate applied to the increased Category B rates as a result of our comparison of commercial fuel price changes as of October 1, 1974, to the base period fuel cost for the year ended June 30, 1974.

We propose that the amendments provided for herein be effective prospectively on the 10th day following issuance of a final rule amendment.

It is proposed to amend Part 399 of its Statements of General Policy (14 CFR Part 399), as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii or Alaska, on the other hand, effective _____, will be 4.366 cents per passenger-mile, plus a fuel surcharge of _____ percent, applied to the shortest mileage between commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

[FR Doc.74-25000 Filed 10-24-74;8:45 am]

[1] See ER-786, December 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20070, RM-1970]

FM BROADCAST STATIONS

Table of Assignments, Nebraska

In the matter of amendment of § 73.202(b). Table of Assignments; FM Broadcast Stations (Ogallala, Nebraska)

1. On May 29, 1974, the Commission adopted a Memorandum Opinion and Order and notice of proposed rule-making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on June 10, 1974 (39 FR 20401). The date for filing comments has expired and the date for filing reply comments is presently October 16, 1974.

2. On October 11, 1974, Counsel for Industrial Business Corporation requested that the time for filing reply comments be extended to and including October 25, 1974. Counsel states that the press of other business before the Commission necessitates the additional time requested. Counsel for Ogallala Broadcasting Company, Inc., has consented to the request.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, that the time for filing comments is extended to and including October 25, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: October 16, 1974.

Released: October 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-24976 Filed 10-24-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 240, 249]

[Release Nos. 33-5534, 34-11048; S7-535]

REGISTRANTS AND INDEPENDENT ACCOUNTANTS

Increased Disclosure of Relationships

One of the underpinnings of the Commission's administration of the disclosure requirements of the federal securities laws is its reliance on the reports of independent public accountants on the financial statements of registrants. These reports provide the assurance of an outside expert's examination and opinion, thereby substantially increasing the reliability of financial statements.

The decision that the Commission and investors should rely on independent public accountants for the audit of financial statements was made by Congress when it enacted the Securities Acts forty years ago, and in the judgment of the Commission this system has worked effectively in the interests of investors. The independence of these professionals both in fact and appearance is an essential ingredient in the system, and the Commission has taken a number of steps to strengthen this independence. The amendments proposed herein are a further effort in this direction.

In recent years, the Commission has described in several releases situations in which it concluded that the necessary independence did not exist due to economic or personal relationships between accountant and client. In this way, it assisted the accounting profession's own standard setting bodies in the creation of credible and useful standards of independence for the profession as a whole. This process is a continuing one.

In addition, the Commission, starting in 1971, has required specific disclosure in a timely Form 8-K [17 CFR 249.308] filing of any change in principal accountants made by the registrant, including disclosure of any disagreement between the registrant and its principal accountant in the eighteen months prior to the change which could have required or did require mention in the accountant's report. This was designed to strengthen accountants' independence by discouraging the practice of changing accountants in order to obtain more favorable accounting treatment.

In 1972, in Accounting Series Release No. 123 [37 FR 6850], the Commission urged registrants to create an audit committee of the outside members of the Board of Directors in order to provide for more effective communication between independent accountant and outside directors. It was believed that such a committee would lessen the accountants' direct reliance on management and would put them directly in touch with outside members of the Board whose performance was less specifically being reported on in financial statements, thus increasing the accountants' independence.

Finally, the Commission and its staff have for many years offered support to accountants in numerous conferences and in informal administrative determinations of what reporting procedures should be followed in particular factual circumstances. The Commission's general refusal to accept opinions qualified in regard to audit scope or accounting principle as satisfying the Acts' requirements for certified financial statements has also strengthened the accountants' independence.

The Commission believes that the necessary independence of accountants does exist. It has noted with approval reports in which the accountants have evidenced their independence by bringing significant information to the attention of investors. For example, in one recent case an independent accountant reported that its client's accounting procedures, while acceptable under generally accepted accounting principles, were not those which the firme believed best reported financial results under the particular factual circumstances. In another case, an independent accountant while reporting on a five-year summary of earnings noted in its report that the accounting principles used to account for a transaction in an unaudited interim period subsequent to the five-year period were such that had the firm been required to report on this period an adverse opinion would have been required. After discussions with the staff in this case, the registrant ultimately revised the interim statements. In addition to these and other cases where reports were issued, the staff has observed the independence of accountants in conferences and informal meetings.

It is essential that both the fact and the appearance of independence be sustained so that the confidence of the investing public in the reliability of audited financial statements and the integrity of the public accounting profession will be maintained and enhanced. To this end, the Commission has concluded that it is desirable to increase the level of disclosure regarding relationships between independent accountants and their clients.

Accordingly, the Commission is proposing herewith a number of amendments to its forms and rules designed to enhance the accountant's independence by increasing disclosure of auditor-client relationships.

First, Item 12 of Form 8-K under which changes in accountants must currently be reported is proposed to be amended to expand the disclosures required and to clarify the intent of the item. The changes proposed to be made and the reasons therefor are as follows:

1. The resignation and dismissal of accountants, including accountants of a segment on whom the principal accountant expressed reliance in his report, would be reportable events as well as the engagement of a new accountant. In the past, when only the engagement of a new accountant triggered the reporting requirement, there was sometimes considerable delay in bringing significant disagreements to the attention of investors. Under the proposed rule, timely disclosure would be required. This may mean on some occasions that two reports on Form 8-K would be required for a single change of accountants, the first on the resignation or dismissal of the previous accountant and the second where a new accountant is selected. In such a case, information filed in connection with the first report may be incorporated by reference in the second.

2. The item would require disclosure as to whether accountants' reports for either of the past two years were qualified in any way. This disclosure would assist users of Form 8-K to determine whether there were any items in the previous two years which were of such an unusual and material nature that disclosure was required in the accountants' report. Although such data are on file elsewhere in most cases, including them in the 8-K report will bring together in one place information which is relevant in the evaluation of auditor-client relationships.

3. The period prior to the date of the change of accountants for which disagreements of sufficient importance to warrant mention in the accountants' report if not resolved must be reported is proposed to be extended from eighteen to twenty-four months. The current requirement is not sufficient to assure reporting of such disagreements in the previous two audits, and since two-year comparative statements are normally presented this seems the minimum pe-

riod which should be covered. Comments are specifically solicited on the question of whether a two-year period is sufficiently long.

4. The item is proposed to be amended to clarify the intent of the present item which was to require a description of all disagreements, including those where the disagreement was resolved to the satisfaction of the accountant. This clarification appears to be necessary as a result of the experience gained from analyzing 8–Ks filed in which no description was given of disagreements or in which a simple statement was made that there were no unresolved disagreements and staff follow-up was required to obtain the necessary information. The term "disagreements" should be interpreted broadly in responding to this item. For example, if an accountant were to resign or to seriously consider qualifying his report on an engagement because he concluded that internal controls necessary to develop reliable statements did not exist, this would constitute a reportable event in the event of a change of accountants. Similarly, if an accountant were to resign or consider resigning because he had discovered facts which led him no longer to be able to rely on management representations or which made him unwilling to be associated with statements prepared by management, such situations would constitute reportable events in connection with change in accountants.

5. The item is proposed to be amended to require that the registrant's statement as to whether any disagreements existed be included in the Form 8–K filing rather than in a separate letter attached to the filing and to require that copies of the accountant's letter be filed as an exhibit with all 8–K copies filed. These changes are intended to simplify the filing procedure and to clarify the Commission's intent that the registrant's description of disagreements, if any, and the accountant's concurrence or nonconcurrence therewith be included in the Form 8–K (or attached as an exhibit). Under the existing rule, a few registrants have submitted letters separate from the Form 8–K filing with the result that the full disclosure of any disagreements was not readily available to the public.

Second, Regulation S–X [17 CFR Part 210] is proposed to be amended to require disclosure in a note to the financial statements of any material disagreement on any matter of accounting principles or practices or financial statement disclosure reported in Item 12 of Form 8–K within twenty-four months of the date of the most recent financial statements in a filing. This disclosure is believed necessary to put readers of the financial statements on notice that such a disagreement existed which could have significantly affected the statements.

In addition, this proposal would require footnote disclosure of any transactions or events occurring in the two years following a change of accountants which are similar to any transactions or events which gave rise to a reported disagreement and are differently accounted for. If such transactions which raise the same issues of accounting principle application or disclosure are material and are accounted for in a manner different from that recommended by the former accountant, disclosure would have to be made of the effect on the financial statements if the accounting method or disclosure recommended by the former accountant had been followed. This disclosure would make investors aware of situations where alternative accounting approaches may be followed and are favored by at least one professional accountant, and the effect of such alternative approaches. In addition, it is believed that such disclosure requirements may have the effect of discouraging shifts in accountants simply to obtain approval of an alternative accounting approach.

Finally, a number of amendments are proposed to Item 8 of Schedule 14A [17 CFR 240.14a–101] of the proxy rules to require additional disclosures in the proxy statement of the relationships between registrants and independent public accountants. These proposed changes and the reasons therefor are as follows:

1. Disclosure of the principal accountant selected or to be recommended to shareholders for election, approval or ratification for the current year. This requirement is designed to make stockholders aware of the identity of the independent accountant of record for the current year, even in cases when the shareholders are not asked to take formal action to approve his selection. The Commission believes that such knowledge would enhance the stockholders' recognition of the role of the independent accountant and would emphasize the direct responsibility of the independent accountant to shareholders.

2. Disclosure is proposed to be required of the name of the principal accountant for the previous year if different from that selected or recommended for the current year or if no accountant has been selected for the current year. This disclosure is designed to inform the stockholder when a change in accountants has occurred and who the independent accountant of record is in cases where no action has been taken to select an accountant for the current year.

3. Disclosure of disagreements between accountant and registrant reported on a Form 8–K filed to report a change in accountant during the past year is proposed to be required. This disclosure is designed to call disagreements to stockholders' attention so that they may be more fully informed of the relationships between accountant and registrant. Since any disagreement must by its nature have two sides, it seems desirable that both sides have an opportunity to review its description in the interests of obtaining a balanced and complete presentation. Accordingly, the registrant is required to submit the description included in the preliminary proxy material to the accountant, and if the accountant believes that the description is incorrect or incomplete he may include a statement of 200 words or less in the proxy statement presenting his view of the disagreement.

4. Disclosure is proposed to be required of whether or not representatives of the principal accountants for the current year and the most recently completed fiscal year are expected to be present at the stockholders' meeting with the opportunity to make a statement and available to respond to questions. The Commission believes that it is desirable for communication between stockholders and their independent accountants to be encouraged. While the principal communication is the accountant's report on financial statements, there may be some matters which the accountants wish to bring to the attention of stockholders and there may be questions which stockholders wish to address to the accountants. This disclosure will emphasize the existence of this opportunity for communication when it is available and may encourage the submission of written questions addressed to the accountants before the meeting.

5. Disclosure is proposed to be required of the existence and composition of the audit committee of the Board of Directors. The Commission has already expressed its judgment that audit committees made up of outside directors have significant benefits for a company and its shareholders (Accounting Series Release No. 123). This disclosure will make stockholders aware of the existence and composition of the committee. If no audit or similar committee exists, the disclosure of that fact is expected to highlight its absence.

6. The current requirement in Item 8 for disclosure of any financial interests of any accountant who is being selected or approved by stockholders of the issuer or certain other relationships which existed during the past three years would be rescined inasmuch as the accountant, who must be independent of the issuer, is precluded from having such relationships by the accounting profession's standards for independence of accountants.

Commission action: The Commission hereby proposes to revise Item 12 and the list of exhibits in § 249.308 and Item 8 in § 240.14a–101, and to add a new paragraph (u) to § 210.3–16 of Chapter II of Title 17 of the Code of Federal Regulations and as amended they would read as follows:

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Part 210 of this chapter (Regulation S–X). A new rule designated as (u) would be added to § 210.3–16 as given below.

§ 210.3–16 General notes to financial statements. (See Release No. AS–4.)

* * * * *

(u) Disagreements on accounting and financial disclosure matters.—If, within

the twenty-four months prior to the date of the most recent financial statements, a Form 8–K has been filed reporting a change of accountants and included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if such disagreement, if differently resolved, would have caused the financial statements to differ materially from those filed, state the existence and nature of the disagreement. In addition, if in the twenty-four months subsequent to a change in accountant (or such lesser time as may have elapsed) there have been any transactions or events similar to those which involved a reported disagreement and if such transactions are material and were accounted for or disclosed in a manner different from that recommended by the former accountant, state the effect on the financial statements if the method recommended by the former accountant had been followed.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Regulation 14A: Solicitation of Proxies Item 8 of Schedule 14A would be revised as given below.

§ 240.14a–101 (Schedule 14A). Information Required in Proxy Statement.

Item 8. *Selection of auditors; Relationship with independent public accountants.* Furnish the following information describing the registrant's relationship with its independent public accountants:

(a) The name of the principal accountant selected or being recommended to shareholders for election, approval or ratification for the current year. If no accountant has been selected or recommended, so state and briefly describe the reasons therefor.

(b) The name of the principal accountant for the fiscal year most recently completed if different from the accountant selected or recommended for the current year or if no accountant has yet been selected or recommended for the current year.

(c) If a change or changes in accountants have taken place since the date of the proxy statement for the most recent annual meeting of shareholders, and if in connection with such change(s) a disagreement between the accountant and issuer has been reported on Form 8–K or in the accountant's letter filed as an exhibit thereto, the disagreement shall be described. Prior to submitting the preliminary proxy material to the Commission, the registrant shall furnish the description of the disagreement to any accountant with whom a disagreement has been reported. If that accountant believes that the description of the disagreement is incorrect or incomplete, he may include a statement of 200 words or less in the proxy statement presenting his view of the disagreement. This statement shall be submitted to the registrant within five business days of the date the accountant receives the registrant's description.

(d) The proxy statement shall indicate whether or not representatives of the principal accountants for the current year and for the most recently completed fiscal year are expected to be present at the stockholders' meeting with the opportunity to make a statement if they desire to do so and whether or not such representatives are expected to be available to respond to questions raised orally at the meeting or submitted in writing before the meeting. If questions may be submitted in writing, the method of doing so shall be set forth.

(e) If the issuer has an audit or similar committee of the Board of Directors, state the names of the members of the committee. If the Board of Directors has no audit or similar committee, so state.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Section 249.308 (Form 8–K) Item 12 and Exhibits would be revised as given below:

§ 249.308 Form 8–K, for current reports.

I. Item 12. Changes in Registrant's Certifying Accountant. If an independent accountant [has been] who was previously engaged as the principal accountant to audit the registrant's financial statements [who was not the principal accountant for the registrant's most recently filed certified financial statements] resigns or is dismissed as the registrant's principal accountant, or another independent accountant is engaged as principal accountant, or if an independent accountant on whom the principal accountant expressed reliance in his report resigns or is dismissed or another independent accountant is engaged to audit that segment:

(a) State the date [when such independent accountant was engaged] of such resignation, dismissal or engagement. [The registrant shall also furnish the Commission with a separate letter stating]

(b) State whether in the [eighteen] twenty-four months preceding such resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused him to make reference in connection with his report to the subject matter of the disagreement(s); also, describe each such disagreement. The disagreements required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction.

(c) State whether the principal accountant's report on the financial statements for any of the past two years was qualified in any way (including an adverse opinion, a disclaimer of opinion, or qualification as to uncertainty, audit scope, or accounting principle) and the nature of each qualification.

(d) The registrant shall request the former accountant to furnish the registrant with a letter addressed to the Commission stating whether he agrees with the statements [contained in the letter of the registrant] made by the registrant in response to this item and, if not, stating the respects in which he does not agree [and the registrant shall furnish such letter to the Commission together with its own]. The registrant shall file a copy of the former accountant's letter as an exhibit with all copies of the Form 8–K required to be filed pursuant to General Instruction F.

* * * * *

II. Exhibits. Instruction 7. Letters from [the registrant and] the independent accountants furnished pursuant to Item 12(d).

* * * * *

(Secs. 6, 7, 8, 10 and 19(a) of the Securities Act of 1933; and sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.)

All interested persons are invited to submit written comments on the proposals on or before November 30, 1974. The communications should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should be referenced to File No. S7–535. All comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 11, 1974.

[FR Doc.74–24934 Filed 10–24–74;8:45 am]

[17 CFR Part 239]

[Release No. 33–5530; File No. S7–534]

REGISTRATION ON FORM S–8 OF SECURITIES OFFERED OR SOLD PURSUANT TO CERTAIN EMPLOYEE BENEFIT PLANS

Proposed Amendments

The Commission today invited public comment on proposed amendments to Form S–8 (17 CFR 239.16b) under the Securities Act of 1933 ("Act"). The form is available for registration of securities to be offered or sold pursuant to certain employee benefit plans. The principal purpose of the proposed amendments is to reduce the cost and burden of registration to issuers consistent with the protection of investors by increasing the availability of the form for more types of employee plans, particularly certain option plans which may not receive special tax treatment under the Internal Revenue Code.

Generally speaking, Form S–8 is an abbreviated registration form which permits the registration requirements to be satisfied by providing employees with a description of the plan and a copy of the company's annual report to stockholders together with certain other information. The Commission believes that the proposed amendments, which represent a further step in the integration of the disclosure provisions of the Securities Act and the Securities Exchange Act of 1934 ("Exchange Act"), will increase certainty as to the availability of the form and reduce the burden of registration where the full registration on a Form S–1 (17 CFR 239.11) is not necessary for the protection of investors.

The proposed amendments are not intended to resolve certain interpretive questions relating to the availability of Form S–8 to cover resales of securities issued pursuant to employee benefit plans or interpretive questions relating to the use of the form for registration of securities to be offered in connection with pension, profit sharing, thrift or similar plans. The staff presently is reviewing the disclosure and resale provisions and the conditions as to the use of Form S–8, and further amendments to the form may be published for comment at a subsequent date.

Presently, the Rule as to Use of Form S–8 provides that the form is available for securities offered or sold pursuant to only three categories of employee benefit plans: (1) securities offered pursuant to "stock purchase, savings or similar plans" which meet certain conditions; (2) "interests in the above plans, if such interests constitute securities and are required to be registered under the Act"; and (3) stock to be offered pursuant to certain employee stock option plans which meet certain standards referred to in sections 422, 423 or 424(b) under the Internal Revenue Code of 1954.

Types of Plans

The Commission has proposed to expand the availability of the form to the following types of employee benefit plans:

1. Employee security option plans meeting certain conditions without limiting references to the Internal Revenue Code;
2. Bonus, appreciation or similar plans meeting certain conditions;
3. Plans involving securities other than "stock"; and
4. Plans involving offers or sales to employees of a parent of the issuer.

Employee Option Plans

The Commission has determined that the protection of investors does not require that the availability of Form S–8 for option plans be keyed to the provisions of the Internal Revenue Code or that such plans involve only "stock." The proposed amendments would make the form available for any employee security option plan, provided the issuer is a reporting company under sections 13 or 15(d) of the Exchange Act and that the plan complies with the conditions set forth below.

Bonus, Appreciation and Similar Plans

The proposed amendments would further expand Form S–8 to make it expressly available for the registration of securities issued or sold in connection with an employee bonus, appreciation or similar plan. Presently, the Rule as to Use of Form S–8 does not refer to bonus plans, but Securities Act Release No. 5243 (April 12, 1972) states that the form may be utilized for this purpose.[1] The proposed amendment would codify this position and make Form S–8 available for registration of securities to be offered under bonus plans, provided the issuer is a reporting company under sections 13 or 15(d) of the Exchange Act and the plan complies with conditions set forth below.

Appreciation rights generally provide that a specified time after the grant of the right to an employee he is given the opportunity to receive the benefit of any appreciation that may be reflected by the current market price of the specified security to which the right relates. The benefit may be given in the form of cash or securities, frequently at the election of the holder of the right. The use of Form S–8 for securities offered or sold pursuant to such plans has been permitted administratively. The proposed amendments would codify this administrative practice and make Form S–8 available for the registration of securities to be offered under appreciation and similar plans, provided the issuer is a reporting company under sections 13 or 15(d) of the Exchange Act and the plan complies with conditions described below.

Conditions Applicable

The Commission also has proposed to require that employee option, bonus, appreciation or similar plans involving securities registered on Form S–8 satisfy the following conditions:

1. The plan must be in writing;
2. The plan must specify the employees or class of employees eligible to participate;
3. The plan must specify the maximum aggregate amount of securities that may be offered thereunder;
4. The plan must specify the price at which the securities may be offered or the method by which such price is to be determined;
5. Any option or similar right offered pursuant to the plan must not be transferable other than by will or laws of descent and distribution;
6. Any option or similar right offered pursuant to the plan must be exercisable during the employee's lifetime only by the employee;
7. The plan must be approved by stockholders of the issuer within 12 months before or 12 months after securities are offered pursuant to the plan; and
8. Similar stockholder approval must be obtained as to any material amendment to the provisions of the plan relating to eligibility, amount of securities subject to the plan or price.

While all these conditions presently do not apply to bonus, appreciation or similar plans or restricted stock option plans under section 424(b) of the Internal Revenue Code, the Commission believes that the conditions are desirable for the protection of investors. However, until the proposed amendments are adopted, persons registering securities under such employee benefit plans on Form S–8 may, at their option, continue to comply with existing instructions without complying with the proposed conditions.

Plans Involving Securities Other Than "Stock"

Form S–8 presently is available for registration of securities to be offered in connection with certain employee plans involving "stock" but not other types of securities. The proposed amendments would provide that Form S–8 also would be available for registration of securities to be offered in connection with plans involving securities other than stock.

Plans Involving Employees of a Parent

The proposed amendments to Form S–8 would expand the availability of the form to securities to be offered or sold to employees of a parent of the issuer which the express provisions of the Rule as to the Use of the form do not presently permit.

Implementation

Generally, the proposed amendments represent a relaxation of existing requirements. Nonetheless, there are several respects in which the proposals represent a tightening as to the use of the form. For example, "restricted stock options" under section 424(b) of the IRC, bonus, appreciation and similar plans are not now required to be approved by stockholders for Form S–8 to be available for registration of securities covered by such plans. However, the Commission has determined that the proposed amended form will be available on publication for registrants who meet the proposed new requirements and who elect to use it. Other issuers may comply with the existing rules as to the use of the form or existing administrative interpretations of that rule until the Commission takes final action with respect to the proposed amendments.

The proposed amendments to Form S–8 are as follows.

I. General Instruction A, Form S–8, would be amended to read as follows:

§ 239.16b Form S–8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

A. Rule as to Use of Form S–8.

Any issuer which at the time of filing a registration statement on this form is required to file reports pursuant to sections 13 or 15(d) of the Securities Exchange Act of 1934 may use this form for registration under the Securities Act of 1933 of the following securities:

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to a purchase, savings or similar plan which meets the following conditions: * * *

(b) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to an option, bonus, appreciation or similar plan which meets the following conditions:

(1) The plan must be set forth in a written document specifying the employees or class of employees eligible to participate, the maximum aggregate amount of securities that may be offered thereunder and the price at which the securities may be offered or the method by which the price is to be determined;

(2) The plan must be approved by stockholders of the issuer within 12 months before or after securities are offered pursuant to the plan; amendments to the plan shall be similarly approved if the amendment:

(i) Materially reduces the price at which the security may be offered;

(ii) Materially increases the number of securities which may be offered under the plan; or

(iii) Materially modifies the requirements as to eligibility for participation in the plan.

(3) The plan must provide, with respect to any option or similar right offered pursuant

[1] In part, the release states:

While no specific registration form is available for securities issued pursuant to stock bonus or similar plans, the Commission will not object to the use of Form S–8 for this purpose until a specific registration form is promulgated.

to the plan, that such option or right is not transferable other than by will or the laws of descent and distribution, and that it is exercisable during the employee's lifetime only by him.

(c) Interests in the above plans, if such interests constitute securities and are required to be registered under the Act.

* * * * *

II. The Note preceding Item 1, Form S–8, would be amended to read as follows:

NOTE. Items 1 to 11, inclusive, apply only to purchase, savings and similar plans.

* * * * *

III. The Note preceding Item 12, Form S–8, would be amended to read as follows:

NOTE. Items 12 to 18, inclusive, apply only to option, bonus, appreciation and similar plans.

* * * * *

IV. Form S–8, Item 12, "Issuer and Participating Employers," would be amended to read as follows:

Item 12. Issuer and Participating Employers.

(a) State the name and address of the issuer whose securities are to be offered pursuant to the plan. If options or rights are to be granted by any person other than the issuer, state the name and address of such person.

* * * * *

The foregoing amendment are proposed pursuant to sections 6, 7, 10 and 19(a) of the Act. All interested persons are invited to submit written comments to be received not later than December 13, 1974 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such submissions should refer to File No. S7–534, and will be publicly available. To the extent that the proposed amendments represent a relaxation of the existing Rule as to Use of Form S–8, any issuer, at its election, may immediately use the proposed amended form set forth herein for a registration statement or amendment filed under the Act.

(Secs. 6, 7, 10, 19, 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 105; 15 U.S.C. 77f, 77g, 77j, 77s)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 3, 1974.

[FR Doc.74–24937 Filed 10–24–74;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

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SECOND NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Second National Bank Region will be held at Dorado Beach Hotel, Dorado Beach, Puerto Rico on November 22–23, 1974, beginning at 8:30 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: October 21, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–24940 Filed 10–24–74;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FOURTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fourth National Bank Region will be held at Shakertown at Pleasant Hill, Harrodsburg, Kentucky on Friday, November 8, 1974, beginning at 9 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: October 21, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–24939 Filed 10–24–74;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SIXTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Sixth National Bank Region will be held on Thursday, November 7, 1974, at Sea Pines Plantation, Hilton Head Island, South Carolina, beginning at 9 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: October 21, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–24941 Filed 10–24–74;8:45 am]

Internal Revenue Service

[Order No. 102 (Rev. 5)]

DIRECTOR, PERSONNEL DIVISION ET AL.

Delegation of Authority in Labor-Management Relations Matters

OCTOBER 18, 1974.

1. The authority delegated to the Commissioner of Internal Revenue in Chapter 711, Treasury Personnel Manual, to administer the Labor-Management Relations Program is hereby delegated as follows:

(a) The Director, Personnel Division, is authorized:

(1) To act as the Service's representative in dealing with the national headquarters of unions;

(2) To negotiate and execute multi-unit agreements, and agreements covering National Office employees, including any amendments, corrections, alterations, substitutions and/or changes thereto;

(3) To act as final approving official on all local and multi-unit agreements, including any amendments, corrections, alterations, substitutions and/or changes thereto, subject to existing statements of Service policy;

(4) To establish and represent the Service's position on the appropriateness of units, unfair labor practice complaints, standards of conduct cases and other formal proceedings before the Department of Labor, the Federal Labor Relations Council, and the Federal Services Impasses Panel;

(5) To consult, as appropriate, with recognized unions holding national consultation rights with the Service and to consult with the national headquarters of properly recognized unions on Service-wide issues;

(6) To determine whether a dispute arising out of a collective bargaining agreement shall be submitted to binding arbitration; and

(7) To issue interpretations of multi-unit agreements.

(b) Regional Commissioners (regarding Regional Office employees); District Directors; Service Center Directors; the Director, IRS Data Center; and the Director, National Computer Center, are authorized:

(1) To negotiate basic agreements after prior consultation with the Director, Personnel Division, or his designee;

(2) To negotiate local supplemental agreements subject to the terms of any controlling master agreement; and

(3) To consult, as appropriate, regarding local issues.

2. The authority delegated in 1(a) may be redelegated by the Director, Personnel Division, as follows, but may not be further redelegated:

(a) To the Chief, Labor Relations Branch, any or all of the authorities contained in subparagraphs 1.(a)(1) through 1.(a)(7),

(b) To the Chief, National Office Branch, the authority to negotiate agreements covering National Office employees with the same authorities and responsibilities enumerated in subparagraphs 1.(b)(1) through 1.(b)(3).

3. The authority delegated in 1(b) may be redelegated by the officials listed therein to their Chief, Personnel Branch, but may not be further redelegated.

4. The approval of the Multi-District Agreement dated May 3, 1974, and the Multi-Regional Agreement dated May 21, 1974, and any amendments, corrections, alterations, substitutions and/or changes thereto is herein ratified and approved, as previously ratified and approved orally.

5. Delegation Order No. 102 (Rev. 4), issued February 27, 1974, is hereby superseded.

Effective date: October 18, 1974.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-24981 Filed 10-24-74;8:45 am]

Office of the Secretary

THE PRESIDENT'S LABOR-MANAGEMENT ADVISORY COMMITTEE

Notice of Closed Meeting

Notice is hereby given that the President's Labor-Management Advisory Committee will meet in the Cabinet Room of the White House, Washington, D.C., on November 11, 1974, at 10 a.m.

The purpose of the meeting is to discuss agency memoranda relating to economic forecasts for the next 18 months. The discussion will center on appropriate wage and price policies, industrial relations policies which are appropriate in the light of such economic forecasts, and related matters.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in section 552(b)(5) of Title 5 of the United States Code and that the public interest requires such meeting be closed to public participation.

Dated: October 24, 1974.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.74-25141 Filed 10-24-74;10:15 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on July 18, 1974, Cord Laboratories, Inc., 19191 Filer, Detroit, Michigan 48234, made application to the Drug Enforcement Administration to be registered as Importer of Amobarbital, a basic class controlled substance listed in Schedule II.

Any person registered to manufacture Amobarbital in bulk may, on or before November 25, 1974 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: October 21, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-24978 Filed 10-24-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BURLEY DISTRICT ADVISORY BOARD

Notice of Meetings

Notice is hereby given that the Burley District Advisory Board will hold meetings on December 12, 1974, and January 2, 1975, at 9:30 a.m. in the Conference Room of the Burley District Office Building, 200 South Oakley Highway, Burley, Idaho.

The agenda for the initial meeting will include considering applications and making recommendations for grazing privileges on the National Resource Lands for the 1975 grazing year; transfer of grazing privileges; Malad MFP progress report; the Marchant-Goose Creek Group controversy; drought problems; brucellosis problems; report of geothermal exploration in Raft River area; Salmon Falls Creek natural area and any other business to properly come before the Board.

The agenda for the second meeting will include hearing protests on adverse Advisory Board recommendations and a review of proposed work project plans for Fiscal Year 1976.

The meetings will be open to the public; seating will be available for about 8 observers. Written and oral statements are welcome. Written statements should be addressed to the Advisory Board Chairman, Mr. Milton T. Jones, c/o District Manager, Bureau of Land Management, P.O. Box 489, Burley, Idaho 83318.

JERRY OSTROM,
Acting District Manager.

[FR Doc.74-24949 Filed 10-24-74;8:45 am]

IDAHO FALLS DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Idaho Falls District Advisory Board will meet at 9 a.m. on Tuesday, November 26, 1974, at the BLM Idaho Falls District Office, 940 East Lincoln Road, Idaho Falls, Idaho 83401.

The agenda for the meeting will include advisory board recommendations on 1975 grazing applications, applications for transfer and exchange of use, and a progress report on district programs.

The meeting will be open to the public. Any interested person wishing to meet with the Board should inform the Advisory Board Chairman, Tom Stroschein, prior to the meeting. Written statements may also be filed for consideration with Mr. Stroschein. They may be sent to Tom Stroschein, c/o BLM, 940 Lincoln Road, Idaho Falls, Idaho 83401.

CLAIR M. WHITLOCK,
Acting State Director.

[FR Doc.74-24950 Filed 10-24-74;8:45 am]

National Park Service

CHARLES W. SILVA

Intention to Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Cape Cod National Seashore, proposes to issue a concession permit to

Charles W. Silva, authorizing him to provide concession facilities and services for the public at Cape Cod National Seashore for a period of five (5) years from January 1, 1975 through December 31, 1979.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Superintendent, Cape Cod National Seashore or at the North Atlantic Regional Office, National Park Service, 150 Causeway Street, Boston, Massachusetts.

The foregoing concessioner has performed its obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before November 25, 1974.

Interested parties should contact the Superintendent, Cape Code National Seashore, for information as to the requirements of the proposed permits.

LAWRENCE C. HADLEY,
Superintendent.

SEPTEMBER 19, 1974.

[FR Doc.74-24938 Filed 10-24-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Economic Research Service

NATIONAL COTTON MARKETING STUDY COMMITTEE MEETING

Public Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of the organizational meeting of the National Cotton Marketing Study Committee established by Secretary's Memo 1852. The Committee will meet at 10:00 a.m. on Tuesday, November 12, 1974, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the Committee includes an overview of the recent Departmental task force report and the Congressional hearings on cotton marketing, discussion of problem areas, establishing the organization and procedures to conduct studies of the cotton marketing system; and the review of administrative procedures necessary for the Committee's operation.

The names of the appointees comprising the Committee, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. Irving Starbird, Executive Secretary, Room 212, 500 12th St., SW., Washington, D.C. 20250 (202-447-8400).

AMOS D. JONES,
Chairman,
Economic Research Service.

[FR Doc.74-25054 Filed 10-24-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Office of Import Programs

ALBERT EINSTEIN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00014-33-46040. Applicant: Albert Einstein College of Medicine, Lincoln Hospital Center Laboratories, 149th Street and Morris Avenue, New York, N.Y. 10451. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of Article: The article is intended to be used in diagnosis, as an aid in patient therapy and management, and for research in the morphologic-functional correlation of cell organelles in human pathology. Research studies will be undertaken in the area of structure and function of endocardial and aortic endothelium. The article will also be used for educational purposes both for the Attending and House Staffs and for the students of the college in their rotation through the institution.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (July 1, 1974). Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by the Adam David Company. Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated September 26, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25017 Filed 10-24-74;8:45 am]

CEDARS SINAI MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00018-33-43780. Applicant: Cedars Sinai Medical Center, Mount Sinai Hospital Division, 8720 Beverly Blvd., Los Angeles, CA. 90048. Article: Stapler, Model ASC-4, and Stapler, Model ASC-8KB. Manufacturer: V/O "Medexport", USSR. Intended use of article: The article will be used for anastomosis of small blood vessels.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities for speed and circular saturing of blood vessels. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the capabilities described above pertinent to the article's use in animal studies on the role by the liver in cholesterol synthesis in relation to the effect of diversion of some of its blood supply. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the article for the intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25022 Filed 10-24-74;8:45 am]

COLUMBIA-PRESBYTERIAN MEDICAL CENTER, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 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: 75-00001-33-90000. Applicant: Columbia-Presbyterian Medical Center, 622 West 168th Street, New York, New York 10032. Article: EMI Scanner System with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computerized axial tomography of the brain for diagnosis and cure of diseases of the brain. The article will also be used for the training of neuroradiologists through study of patients with brain diseases and development of new materials and techniques for diagnosis by non-invasive methodology. Application received by Commissioner of Customs: July 1, 1974. Advice submitted by the Department of Health, Education, and Welfare on: September 26, 1974.

Docket number: 75-00017-33-90000. Applicant: University of California, Davis, Sacramento Medical Center, 2315 Stockton Boulevard, Sacramento, CA 94817. Article: EMI Scanner and Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for clinical research into brain tumors, brain damage, brain infection, and other intracranial disease. The article will also be used in various medical courses for the education of medical students, interns and residents; with particular instruction for Radiology residents and faculty. Application received by Commissioner of Customs: July 12, 1974. Advice submitted by the Department of Health, Education, and Welfare on: September 26, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the accuracy, sensitivity, and the non-invasive methodology of each article is pertinent to the purposes for which each of the foreign articles cited above is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25025 Filed 10-24-74;8:45 am]

HARVARD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00488-33-90000. Applicant: Harvard University, Department of Chemistry, 12 Oxford Street, Cambridge, Mass. 02138. Article: GX6 Rotating Anode X-ray Generator. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used for biological research on cell membranes and viruses, using X-ray diffraction as a method for probing their structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 7, 1974, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25024 Filed 10-24-74;8:45 am]

LONG ISLAND JEWISH-HILLSIDE MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00364-33-14200. Applicant: Long Island-Jewish-Hillside Medical Center, 270-05 76th Avenue, New Hyde Park, L.I., New York 11040. Article: Image Analyzing Computer, Quantimet. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article is intended to be used for the study of cardiac function in patients evaluated at the Medical Center. Patients who have undergone diagnostic hemodynamic and angiographic studies will be evaluated. The article will also be used to determine perfusion flow in coronary arteries, saphenous vein bypass graphs and brachiocephalic vessels.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides 720 line resolution and discriminates better than 30 levels in the grey scale from black to white. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 14, 1974 that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advised that domestic instruments do not match the pertinent specifications of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25020 Filed 10-24-74;8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00012-33-40700. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Small Animal Irradiator, Gammacell 40. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used primarily to investigate the effects of the immune system on tumor cells. A frequent routine will involve comparison of tumor growth in normal mice and in mice whose lymphoid system is inactivated by γ-irradiation. Isolated tumor cells will also be used as (1) antigens to produce antisera, and (2) target cells for immune reactions in vitro.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a dual source which provides a relatively high, uniform radiation field. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the capability described above is pertinent to the applicant's intended use. HEW further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25021 Filed 10-24-74;8:45 am]

UNIVERSITY OF CONNECTICUT

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00013-65-90000. Applicant: University of Connecticut, Purchasing Department, U-76, Storrs, Connecticut 06268. Article: Rotating Anode X-ray generator, #4135. Manufacturer: Rigaku Denki Co. Ltd., Japan. Intended use of article: The article is intended to be used for studies of collagen fibers, protein solutions and crystals, and the use of X-ray scattering in determining molecular structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size and a rotating target for maximum X-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25019 Filed 10-24-74;8:45 am]

UNIVERSITY OF ROCHESTER, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

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.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of section 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 74–00086–33–46040. Applicant: University of Rochester, 260 Crittenden Boulevard, Rochester, New York 14642. Article: Electron Microscope, Model EM 201 and accessories. Date of denial without prejudice to resubmission: June 17, 1974.

Docket Number: 74–00340–33–46500. Applicant: Veterans Administration Hospital, 4435 Beacon Avenue South, Seattle, Washington 98108. Article: Ultramicrotome, Model Om U3. Date of denial without prejudice to resubmission: June 19, 1974.

Docket Number: 74–00343–33–46040. Applicant: Cold Spring Harbor Laboratory, P.O. Box #100, Cold Spring Harbor, L.I., N.Y. 11724. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: June 17, 1974.

Docket Number: 74–00352–33–46040. Applicant: The University of Michigan Medical School, Department of Anatomy, Ann Arbor, Michigan 48104. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: June 26, 1974.

Docket Number: 74–00357–33–46040. Applicant: Mount Sinai School of Medicine, Otolaryngology Dept., Fifth Avenue and 100th St., New York, New York 10029. Article: Electron Microscope, Model EM 9S–2. Date of denial without prejudice to resubmission: June 26, 1974.

Docket Number: 74–00471–84–47240. Applicant: U.S. Department of Interior, U.S. Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213. Article: MRDE Radiation Monitors. Date of denial without prejudice to resubmission: June 17, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–25023 Filed 10–24–74;8:45 am]

WAYNE STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00387–33–46070. Applicant: Wayne State University, Kresge Eye Institute, 540 East Canfield, Detroit, Michigan 48201. Article: Scanning Electron Microscope, Model PSEM–500. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of various tissues of the eye from experimental animals as well as some human sources. Both normal and pathologic structure will be analyzed. The structural properties of cell membranes and the products of cell secretion, cell configurations, and intercellular relationships in the cornea, lens, as well as other tissues of the eye, including the extraocular muscles, iris and retina will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a motor driven fully-eucentric goniometer stage with stepping motor control (1 micron (μm) reproducible to 0.2 μm); digital readout on X, Y, and Z translation; and precision rotation and tilt. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 20, 1974 that the capabilities described above are pertinent to the applicant's need for exact locations within the field which are to be frequently evaluated in relationship to the surface structure of the eye lens epithelium in studies of pathology and wound healing; HEW also advised that the studies of intercellular relationships on cornea and other eye tissues will require translational data. Finally, HEW advised that domestic instruments do not provide equal precision of movement or digital readout.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director Special Import Programs Division.

[FR Doc.74–25018 Filed 10–24–74;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13 WORKLOAD DEFINITION AND BENCHMARKING

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG–13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, December 11, 1974 in the Executive Seminar Room, Module A, of the Control Data Corporation, 8100 34th Avenue South, Minneapolis, Minnesota, 55440.

The purpose of this meeting is to review the progress of four workgroups which are addressing the areas of Problem Definition, Benchmark Program Transferability, Preliminary Benchmarking Guidelines, and Workload Definition.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements.

Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301–921–3485).

Dated: October 21, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–24922 Filed 10–24–74;8:45 am]

SIMPLIFIED PRACTICE RECOMMENDATIONS

Intent To Withdraw

In accordance with § 10.12 of the Department's *Procedures for the Development of Voluntary Products Standards* (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Simplified Practice Recommendations R 216–46, "Hot-Rolled Carbon Steel Structural Shapes" and R 267–65, "Standard Stock Sizes of Machined Tool Steel Bars (Flats and Squares)." It has been tentatively determined that these standards are no longer used by the industry and that revision would serve no useful purpose. The subject matter of R 267–65 is adequately covered by American Society for Testing and Materials A 685–73, "Standard Specification for Machined Flat and Square Tool Steel Bars."

Any comments or objections concerning this intended withdrawal of these standards should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before November 25, 1974. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: October 17, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–24923 Filed 10–24–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that a meeting of the Subcommittee of the Advisory Committee on the Education of Bilingual Children will be held from 8:30 a.m. to 5:00 p.m. on Wednesday, November 13, 1974, and that a meeting of the Advisory Committee on the Education of Bilingual Children will be held from 8:30 a.m. to 5:00 p.m. on Thursday, November 14, and on Friday, November 15, 1974 from 8:30 a.m. to 5:00 p.m. The Subcommittee and Committee will meet in the Assistant Secretary for Education's Conference Room, Room 3000, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. on November 13, 14, and 15.

These meetings shall be opened to the public. The proposed agenda for the Subcommittee meeting is:

1. Discussion and revision of the proposed draft position paper on Bilingual Education.

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

The proposed agenda for the Committee meeting is:

1. Swearing in of Committee members.
2. Committee report on position paper and draft.
3. Committee input on rules and regulations.
4. New Business.
   a. Meeting with other committees or agencies dealing in Bilingual Education.
5. Other Business.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on October 22, 1974.

JOHN C. MOLINA,
Director, Division of Bilingual Education.

[FR Doc.74–25026 Filed 10–24–74;8:45 am]

Food and Drug Administration

COLOR ADDITIVES

Submission of Petitions for Provisionally Listed Additives

Correction

In FR Doc. 74–23362 appearing on page 36126, in the issue for Tuesday, October 8, 1974 make the following changes:

1. In the list of color additives, in item 19 change "(tin doxide)" to read "(tin dioxide)".

2. In the ninth line of the first column of page 36127 change "pre-marking" to "pre-marketing".

[FAP 4B3007]

GAF CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B3007) has been filed by GAF Corp., 140 West 51st St., New York, NY 10020, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.-2526) be amended to provide for safe use of polyoxyethylated castor oil as an emulsifier in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commision for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: October 18, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–24945 Filed 10–24–74;8:45 am]

ADVISORY COMMITTEES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of Laxative, Antidiarrheal, Antiemetic, and Emetic Drugs.	November 11, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., John T. McElroy (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, antiemetic, and emetic drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussion and preparation of final report.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: October 21, 1974.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.74-24766 Filed 10-24-74;8:45 am]

Health Resources Administration

NATIONAL ADVISORY BODIES

Meetings

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of November 1974:

Committee Name, Federal Hospital Council; Date/Time/Place, 11/12/74, 9:00 a.m., Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland; Type of Meeting and/or Contact Person, Open, Contact Russell Z. Seidel, Room 15-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland, Code 301-443-2940.

Purpose. The Council is charged with advising on policies and regulations under Title VI of the Public Health Service Act.

Agenda. The Council will receive reports on States as to the Performance of Hill-Burton Aided Health Care Facilities in Fulfilling Reasonable Volume of Care Requirements; Discussion of the Corum Decision and the Need for Modifying "Billing Provision" as contained in the Regulations; Actions taken in implementing the Developments in Health Resources Planning.

Committee Name, Joint meeting of Federal Hospital Council and National Advisory Health Services Council; Date/Time/Place, November 13, 1974, 9:00 a.m., Conference Room G-H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland; Type of Meeting and/or Contact Person, Open, Contact Russell Z. Seidel, Room 15-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland, Code 301-443-2940.

Purpose. The Councils are charged with advising on policies and regulations under Title III and Title VI of the Public Health Service Act.

Agenda. The Council will receive reports from the Director and staff members of the Bureau of Health Services Research on "Impact of Inflation Studies"; "Health Services Research Centers"; and "Health Services Research Training Program".

Committee Name. National Advisory Council on Nurse Training; Date/Time/Place, November 18-20, 1974, 10:30 a.m., Conference Room 4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014; Type of Meeting and/or Contact Person, Open 11/18, 10:30 a.m.-noon, Closed remainder of meeting, Contact Dr. Mary S. Hill, Federal Building, Room 6C-08, 9000 Rockville Pike, Bethesda, Maryland 20014, Code 301-496-6985.

Purpose. Performs final review of applications for construction projects, special projects for improvement of nurse training, and research grants. Recommends approval, disapproval, or deferral action to the Administrator, Health Resources Administration.

Agenda. Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; discuss future dates for 1975; and administrative and staff reports. During the remainder of the meeting, the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the provisions set forth in Section 552(b)(4), Title 5, U.S. Code and the determination by the Administrator, Health Services Administration, pursuant to Public Law 92-463, Section 10(d).

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact the persons listed above.

Dated: October 23, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.74-25066 Filed 10-24-74;8:45 am]

Health Services Administration

FAMILY HEALTH CENTERS

Use of Project Funds

Family health centers funded under section 314(e) of the Public Health Service Act, 42 U.S.C. 246(e), are required by regulation to provide certain specified minimum benefits to enrollees (see CFR Part 51, Subpart E). Pursuant to § 51.408 (b)(5) of 42 CFR, ambulatory care benefits of Group I enrollees who meet eligibility requirements in Appendix C of Subpart E may be supplemented to make those benefits comparable to the benefits available to Group III enrollees. Pursuant to § 51.408(b)(6), the Administrator, Health Services Administration, may approve the use of project funds for benefits for Group III enrollees in addition to the required ambulatory care benefits.

Notice is hereby given that upon approval by the appropriate Regional Health Administrator of the written request submitted by a family health center, project funds may be used to support pharmacy (drugs and biologicals) services and routine dental services for children under the age of 13, for Group III enrollees and for Group I enrollees who meet the eligibility requirements of Appendix C of Subpart E: *Provided*, That (1) the family health center has signed a capitation contract with a State agency approved under Title XIX of the Social Security Act (Medicaid) or a private health plan, or (2) the family health center has enrolled, or may reasonably be expected to enroll, Group III enrollees within 3 months of its next grant award: *Provided further*, That the Regional Health Administrator determines, on the basis of information submitted by the family health center, that the center has

the ability to manage these additional services.

Dated: October 7, 1974.

HAROLD O. BUZZELL,
Acting Administrator,
Health Services Administration.

[FR Doc.74-24951 Filed 10-24-74;8:45 am]

National Institutes of Health

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a National Cancer Advisory Board subcommittee meeting, National Cancer Institute, November 1, 1974, 2 p.m. to adjournment, National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 2 p.m. to adjournment for identification and organization of available scientific information, as requested by the President, in support of a previous National Cancer Advisory Board recommendation calling for regulation of high tar and nicotine cigarettes. Attendance by the public will be limited to space available.

This meeting has been scheduled on November 1, 1974, in order to respond promptly to a Presidential request for information by December 1, 1974. Request for OMB waiver of part of the 15-day publication requirement has been granted.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio Gori, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6616) will provide substantive program information.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

OCTOBER 22, 1974.

[FR Doc.74-25034 Filed 10-24-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales

[Docket No. N-74-253]

HICKORY RUN FOREST

In the matters of Hickory Run Forest, Sections 1, 2, 3, 4, 5, 6, 7 and 8; Hickory Run Forest, Sections A, B, and C; and Marty Axman in the Poconos, et al. Land Sales Enforcement Division Docket Nos. 74-100, 74-101, and 74-102.

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), notice is hereby given that: 1. Sellamerica, Ltd., and Pocono International Corporation, Rick Ebenstein, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received Notices of Proceedings and Opportunity for Hearing issued July 31, 1974, which were sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statements of Record and Property Reports for Hickory Run Forest, Sections 1, 2, 3, 4, 5, 6, 7, and 8, Hickory Run Forest, Sections A, B, and C, and Marty Axman in the Poconos, all subdivisions located in Carbon County, Pennsylvania, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The respondent filed Answers received August 12, 1974, in response to the Notices of proceedings and opportunity for hearing.

3. In said answers the respondent requested a hearing on the allegations contained in the Notices of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notices of proceedings and opportunity for hearing will be held before Judge Joseph P. Dufresne, in room 10150, Department of HUD, 451 7th Street, SW., Washington, D.C. on November 20, 1974, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the hearing clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before November 8, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceeding shall be determined against respondent, the allegations in the notices shall be deemed to be true, and an order suspending the statements of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1) and 1720.160(c).

This Notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: October 11, 1974.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land
Sales Administrator.

[FR Doc.74-24948 Filed 10-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On November 22-23, 1974, the Youths Highway Safety Advisory Committee will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street, SW., Room 5332-5334, Washington, D.C. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9:00 a.m. to 4:00 p.m. on November 22, 1974 and from 9:00 a.m. to 12:00 noon on November 23, 1974. The agenda is as follows:

Presentation on Bicycle and Pedestrian Safety.

Presentation of Grey Advertising's Public Information and Education, Phase II.

Discussion on Youth Committee Role in Bicycle Safety.

Swearing-in by Administrator, NHTSA.

Orientation and Selection of Chairperson.

Report on Contract No. DOT-HS-099-3-747, "Identification of Countermeasures for the Youth Crash Problem Related to Alcohol".

Future Plans.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

Dated: October 21, 1974.

WILLIAM H. MARSH,
Executive Secretary.

[FR Doc.74-24920 Filed 10-24-74;8:45 am]

[Docket No. EX74-3; Notice 2]

ISO MOTOR CO., S.P.A.

Petition for Temporary Exemption

This notice grants the petition of Iso Motor Co., S.p.A. for a temporary exemption of its Grifo, Fidia, and Lele models from Motor Vehicle Safety Standards No. 101 (expiring October 1, 1975) and No. 215 (expiring October 1, 1977).

On August 19, 1974, notice of Iso's petition for temporary exemption on grounds of substantial economic hardship was published in the FEDERAL REGISTER (39 FR 29949). The company asked for relief for 1 year from the requirement of Standard No. 101, Control Location, Identification, and Illumination (49 CFR 571.101) that the identification of certain controls be illuminated. The reason for the request was that the controls for the hazard warning system and defrosting/defogging system are so located that electrical wiring cannot be installed, and relocation within the present instrument panel would place the controls within the head impact area in violation of Standard No. 201. The company also asked for relief for 3 years from the protective criteria (S5.3) of Standard No. 215 Exterior Protection (49 CFR 571.215), as its vehicles were designed in the 1960's

and substantial redesign is necessary for compliance. The company had a loss of about $800,000 in the fiscal year ending June 30, 1973. It produces less than 200 vehicles annually.

No comments were filed opposing the petition. The one comment received supported it. The NHTSA has determined that to deny the exemption would create substantial economic hardship. It has also concluded that the exemptions requested from the two standards will not have a significant effect upon motor vehicle safety, and that an exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, Iso Motor Company, S.p.A. is granted NHTSA Exemption No. 74–3 from paragraph S4.3 of 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, expiring October 1, 1975, and from paragraph S5.3 of 49 CFR 571.215, Motor Vehicle Safety Standard No. 215, expiring October 1, 1977. The exemptions are effective from the date of issuance.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on October 21, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–24961 Filed 10–24–74;8:45 am]

VOLKSWAGEN SEATS AND SEAT ANCHORAGES

Final Determination of "No Defect"

The National Highway Traffic Safety Administration (NHTSA) has reaffirmed its previous determination of February 28, 1974, that a defect relating to motor vehicle safety does not exist in the seats and seat anchorages of 1947–70 Volkswagens.

Pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402) and the policy directive of November 4, 1973 (38 FR 31460), a public proceeding was held on April 17, 1974, at which interested persons were afforded an opportunity to submit their views regarding the agency's earlier decision. NHTSA's investigative file was available for inspection. Presentations were made at the April 17 meeting by representatives of Volkswagen, the Center for Auto Safety, and a party allegedly injured in a Volkswagen accident.

After carefully reviewing the complete transcript of the public proceeding, the NHTSA has concluded that no new evidence or data was presented which significantly alters the facts on which the earlier determination was based. Accordingly, that finding that a defect relating to motor vehicle safety does not exist has been reaffirmed.

(Sec. 113, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1402); delegation of authority at 49 CFR 1.51)

Issued on October 21, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–24959 Filed 10–24–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. STN 50–518, etc.]

TENNESSEE VALLEY AUTHORITY

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, Part 51, Licensing and Regulatory Policy and Procedures for Environmental Protection, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Tennessee Valley Authority (the applicant), for construction permits for four boiling water nuclear reactors designated as the Hartsville Nuclear Plant A, Units 1 and 2, and Hartsville Nuclear Plant B, Units 1 and 2 (the facilities), each of which will be designed for operation at 3579 thermal megawatts with a net electrical output of approximately 1220 megawatts. The proposed facilities are to be located approximately 5 miles southeast of Hartsville in Trousdale and Smith Counties, Tennessee.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board) consisting of Dr. J. Venn Leeds, Jr., Dr. Forrest J. Remick, and John F. Wolf, Esq., Chairman.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended. 1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA). 5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the NEPA review conducted by the Commission's regulatory staff has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) Determine whether the requirements of section 102(2) (A), (C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine, after weighing the environmental, economic, technical, and other benefits against environmental and

other costs, and considering available alternatives, whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.761a, a hearing and decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain on-site work entirely at its own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by November 25, 1974, in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by November 25, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by November 14, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to the applicant's attorney, Mr. Robert H. Marquis, General Counsel, 629 New Sprankle Building, Knoxville, Tennessee 37919.

For further details, see the application for construction permits and amendments thereto, and the applicant's environmental report dated September 10, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074, for inspection by members of the public between the hours of 12:30 p.m. and 4:30 p.m. on Monday through Saturday.

As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission-Regulation, Washington, D.C. 20545.

Dated at Germantown, Maryland this 16th day of October, 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-24744 Filed 10-24-74;8:45 am]

[Docket Nos. STN 50-518, etc.]

TENNESSEE VALLEY AUTHORITY

Receipt of Application for Construction Permits and Facility Licenses; Availability of Environmental Report; Submission of Views on Antitrust Matters

The Tennessee Valley Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 13, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on July 1, 1974. Following a preliminary review for completeness, the application [environmental report and site suitability information required for an authorization to conduct certain on-site work in accordance with 10 CFR 50.10(e)] was found to be acceptable for docketing. Docket Nos. STN 50-518, STN 50-519, STN 50-520, and STN 50-521 have been assigned to the application and they should be referenced in any correspondence relating to the application. The Preliminary Safety Analysis Report (PSAR) was also tendered on July 1, 1974. However, it was determined that additional information was required prior to initiation of the review. It is anticipated that the PSAR will be resubmitted by November 11, 1974.

The proposed nuclear facilities designated by the applicant as the Hartsville Nuclear Plant A, Units 1 and 2; and B, Units 1 and 2, are to be located approximately 5 miles southeast of Hartsville in Trousdale and Smith

Counties, Tennessee. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1974. The request should be filed in connection with Docket Nos. STN 50-518-A, STN 50-519-A, STN 50-520-A, and STN 50-521-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, dated September 10, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Mid-Cumberland Council of Governments, 226 Capitol Boulevard Building, Nashville, Tennessee 37219; and Upper Cumberland Development District, Box 5076, Tennessee Technological University, Cookeville, Tennessee 38501.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October, 1974.

ATOMIC ENERGY COMMISSION,

DENNIS M. CRUTCHFIELD,
Acting Chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-24745 Filed 10-24-74;8:45 am]

[Docket Nos. STN 50-502 and STN 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report: Submission of Views on Antitrust Matters

Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed August 9, 1974, for authorization to construct and operate two nuclear generating units utilizing two pressurized water reactors (the facilities). The application was tendered on May 28, 1974. Following a preliminary review for completeness, the application was found to be acceptable for docketing on July 9, 1974. Docket Nos. STN 50-502 and STN 50-503 have been assigned to the application and should be referenced in any correspondence relating to the application. The proposed nuclear facilities, designated by the applicants as Koshkonong Nuclear Plant, Units 1 and 2, are to be located in Jefferson County, Wisconsin, and each is designed for initial operation at 2785 megawatts thermal with a net electric output of 900 megawatts. The application was filed and is being processed pursuant to the "Duplicate Plant" approach of the Commission's standardization policy for nuclear power plants.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 24, 1974. The request should be filed in connection with Docket Nos. STN 50-502-A and STN 50-503-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, and environmental report dated September 6, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the State Clearinghouse, Bureau of Planning and Budget, Department of Administration, 1 West Wilson, State Office Building, Madison, Wisconsin 53702.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of October, 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-24637 Filed 10-24-74;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-44 issued to Philadelphia Electric Company which revises the Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2 located in Peach Bottom, York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits operation with revised maximum average planar linear heat generation rate curves up to an average planar exposure of 9000 MWD/T.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I; which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 12, 1974, (2) Amendment No. 4 to License No. DPR-44, with Change No. 5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A notice of a related proposed change in Technical Specifications was recently published in the FEDERAL REGISTER.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 16th day of October 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-24912 Filed 10-24-74;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego, California. The amendment is effective as of its date of issuance.

This amendment involves a revision of the periodic retest schedule for Type D penetrations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated March 18, 1974, (2) Amendment No. 5 to License No. DPR-13 with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Public Library, 233 Granada Street, San Clemente, California 92672.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 15th day of October 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-24913 Filed 10-24-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Expanded Agenda

OCTOBER 21, 1974.

As part of the ACRS' discussion of fast reactors at its meeting on Friday, November 1, 1974 (notice of which was previously published at 39 FR 36999, October 16, 1974) there will be included a presentation by the Division of Reactor Research and Development on foreign Liquid Metal Fast Breeder Reactor (LMFBR) designs and any discussion thereof. This presentation and discussion will be open to the public and is scheduled to take place from approximately 5:30 p.m.-7 p.m. on Friday, November 1, 1974. All other aspects of the orginal FEDERAL REGISTER notice remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-24986 Filed 10-24-74;8:45 am]

[Docket No. 50-471]

BOSTON EDISON COMPANY

Further Special Prehearing Conference

In the matter of Pilgrim Nuclear Power Station, Unit 2.

Notice is hereby given that a further special prehearing conference will be held at the Suffolk County Courthouse, Pemberton Square, Courtroom 313, Boston, Massachusetts, commencing at 11 a.m., local time, on Monday, November 11, 1974.

The conference will concern itself with a further discussion of the contentions and key issues which are to be the subject of evidentiary hearing herein, together with a consideration of such agreements and stipulations as may have been arrived at by the parties, as referred to in the board's order herein of September 6, 1974 and in the prior Special prehearing conference held on October 3, 1974.

It is so ordered.

Dated at Bethesda, Maryland, this 21st day of October 1974.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.74-24992 Filed 10-24-74;8:45 am]

FOREIGN URANIUM FOR DOMESTIC USE

Modification of Restrictions on Enrichment

The U.S. Atomic Energy Commission hereby announces the revision of its Uranium Enrichment Services Criteria (the Criteria), as they apply to the restriction established pursuant to subsection 161v of the Atomic Energy Act of set forth the terms and conditions under which enrichment services will be offered for source or special nuclear material of foreign origin when the enriched product is intended for use in a utilization facility (as defined in the Act) within or under the jurisdiction of the United States.

A proposed modification of the Criteria was published in the FEDERAL REGISTER on November 27, 1973 (38 FR 32595) with request for public comments by February 25, 1974. After consideration of the comments received and other relevant factors, the Commission has decided to adopt the schedule which was published November 27, 1973 for a gradual increase in the proportion of uranium of foreign origin that may be supplied by an enrichment services customer.

It is not anticipated that any change will be required in the schedule now being established. However, the AEC will monitor the extent of importation of foreign uranium for domestic use and its effect on the viability of the domestic uranium producing industry and on the President's objective of achieving a national capability for energy self-sufficiency. For this purpose the Commission, in addition to continuing its present program of monitoring uranium exploration activity, resource development, production capability and the general uranium market situation, will also monitor purchase or other arrangements involving import of any material destined for enrichment in private enriching facilities. If the extent of domestic use of foreign uranium should impair or threaten to impair the common defense and security, the Commission will institute such measures as are deemed necessary.

The Commission also plans to pursue an expanded and aggressive program directed toward obtaining a comprehensive assessment of the extent of potential domestic uranium resources, and toward improving exploration, mining and milling technology in order to help assure the development of an adequate domestic nuclear fuel supply on a timely schedule.

The proposed modification of the Criteria has been revised to indicate more clearly that the annual limitations will apply to all of the feed furnished by a customer under all of his enrichment contracts, rather than to each contract separately.

Paragraph 4. of the Criteria as published in the FEDERAL REGISTER on May 9, 1973 (38 FR 12180) is revised to read as follows:

"4. Enrichment of Uranium of Foreign Origin.—There is no restriction on the provision of enrichment services to persons furnishing as feed material uranium of foreign origin where the enriched product is not intended to be used in a utilization facility (as defined in the Act) within or under the jurisdiction of the United States. Where the enriched material is intended to be used in a domestic utilization facility, however, the fraction of feed material furnished by any customer during a year under all of the customer's enrichment agreements with the

AEC that is feed material of foreign origin shall not exceed:

(a) 10 percent at any time during 1977;

(b) 15 percent at any time during 1978;

(c) 20 percent at any time during 1979;

(d) 30 percent at any time during 1980;

(e) 40 percent at any time during 1981;

(f) 60 percent at any time during 1982;

(g) 80 percent at any time during 1983.

Thereafter, there shall be no restriction on the furnishing of feed material of foreign origin for the provision of enrichment services."

This notice shall become effective on October 25, 1974.

Dated at Germantown, Maryland, October 21, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-24989 Filed 10-24-74;8:45 am]

[Construction Permit Nos. CPPR-77, CPPR-78]

VIRGINIA ELECTRIC AND POWER CO.

Notice of a Public Hearing on Disclosure Issue

In the Matter of Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2).

By an Order, dated May 28, 1974, the Atomic Energy Commission granted the petition of the North Anna Environmental Coalition (Coalition) for a public hearing as to whether the construction permits for the North Anna Power Station should be suspended or revoked for allegedly material false statements by Virginia Electric and Power Company in required submissions to the Atomic Energy Commission. The AEC Regulatory Staff and the applicant supported the Coalition's request for a hearing.

The Commission designated the Atomic Safety and Licensing Board which had previously presided over the show cause proceeding involving the North Anna geological fault issue to assume jurisdiction over this proceeding. It directed that the Board may take whatever action it deems necessary to establish the issues for consideration at the hearing. It further directed the Board to issue an appropriate notice of hearing in the FEDERAL REGISTER.

Pursuant to the provisions of § 2.721 of the rules of practice, as amended (10 CFR 2.721) Nathaniel H. Goodrich, Chairman, Atomic Safety and Licensing Board Panel on June 3, 1974, issued a Notice of Reconstitution of Board pointing out that Mr. R. B. Briggs, a member of the previous Board, is not available for service in this proceeding and appointing John F. Wolf, Esquire, whose address is 3409 Shepherd Street, Chevy Chase, Maryland 20015, a member of this Board.

A prehearing conference was held in this matter in the United States Tax Court Courtroom No. 1, 1111 Constitution Avenue, N.W., Washington, D.C. on July 23, 1974. A transcript of that hearing as well as the Prehearing Conference Order and other documentation filed on the disclosure issue are available for public inspection under the style "In the matter of Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2) Construction Permit Nos. CPPR-77; CPPR-78 (May 28, 1974)" at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Office of the Supervisors, Louisa County Court House, Louisa, Virginia 23093. All other documents filed in this proceeding may also be inspected at the above cited locations. An additional prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. Notices as to the dates and places of the prehearing conference and hearings will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

Any person whose interest may be affected by this proceeding, may file a petition for leave to intervene in accordance with the requirements of 10 CFR 2.714, provided that such petition is filed not later than November 16, 1974.

Petitions for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition for leave to intervene which is not timely filed will be denied unless in accordance with 10 CFR 2.714 the petitioner shows good cause for failure to file on time.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues herein involved, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Persons desiring to make such a limited appearance are requested to so advise this Board not later than November 16, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent they are relevant to the matter at hand. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

The North Anna Environmental Coalition, the Commonwealth of Virginia, the A.E.C. Regulatory Staff and the Applicant by their respective counsel signed and filed a Stipulation of Issues on August 2, 1974, which read as follows:

With respect to each representation or omission alleged in Specifications 1-24 of the North Anna Environmental Coalition:

1. Was the representation or omission a "statement" within the meaning of 42 U.S.C. Sec. 2236?

2. If a "statement", was the representation or omission "false" within the meaning of 42 U.S.C. Sec. 2236?

(a) Was it "false" on its face, that is, at the time it was made, was it a misstatement of fact?

(b) If true on its face, may the representation or omission nonetheless be "false" within the meaning of 42 U.S.C. Sec. 2236 when considered in light of all the circumstances?

(c) (i) If the representation or omission was "false" within the meaning of questions 2(a) or 2(b), was it a "false statement" under 42 U.S.C. Sec. 2236 if the person who made the statement believed it to be true?

(c) (ii) If the answer to question 2(c) (i) is "no", should the person who made the statement, in the exercise of reasonable care, have known that it was false?

(d) (i) If the answer to question 2(c) (i) is "no", was the person who made the statement charegable with knowledge of others that it was false?

(d) (ii) If the answer to question 2(c) (i) is "no", was the person who made the statement chargeable with knowledge that others should have obtained in the exercise of reasonable care?

3. If a "false statement", was the representation or omission "material" within the meaning of 42 U.S.C. Sec. 2236?

4. If the representation or omission was a "material false statement" within the meaning of 42 U.S.C. Sec. 2236, is the imposition of a penalty upon the Applicant appropriate in the circumstances and, if so, what penalty?

The Board approved said joint stipulation and admitted the issues stated therein as matters in controversy in this proceeding.

For further details regarding the issues to be resolved, see the representations or omissions alleged in the Coalition's Specifications 1-24, filed with the Commission on August 2, 1974.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, may be filed by the parties to this proceeding not later than November 16, 1974.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and twenty (20) conformed copies of each such paper with the Commission.

It is so ordered.

Issued at Bethesda, Maryland this 21st day of October, 1974.

ATOMIC SAFETY AND LICENSING BOARD,

LESTER KORNBLITH, Jr.,
Member.

JOHN F. WOLF,
Member.

[FR Doc.74-24946 Filed 10-24-74;8:45 am]

[Construction Permit Nos. CPPR–77, CPPR–78]

VIRGINIA ELECTRIC AND POWER CO.

Order to Show Cause

OCTOBER 21, 1974.

In the Matter of Virginia Electric and Power Company (North Anna Power Station, Units 1 and 2).

Oral argument on the exceptions filed to the June 27, 1974 initial decision of the Licensing Board in this show cause proceeding will be heard at 10 a.m. on Friday, November 8, 1974 in the hearing room of the Atomic Safety and Licensing Appeal Panel, fifth floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland.[1] Counsel should arrange to be present in the hearing room no later than 9:45 a.m.

The North Anna Environmental Coalition is allotted one hour for its argument; the applicant, the Commonwealth of Virginia, and the AEC regulatory staff are allotted a total of one hour for their arguments, to be divided among them as they deem appropriate. The Secretary to this Board should be advised by letter, no later than October 29, 1974, of the name(s) of counsel who will present argument on behalf of each of the respective parties, and on the allocation of time agreed upon.

While, in accordance with its established practice, the Board will review the entire initial decision and the full record underlying it, the oral argument will be confined to the issues which have been raised by the exceptions and the briefs filed in support or in opposition thereto. Counsel should be totally familiar with the portions of the record which bear upon those issues. In preparing for argument, it may be assumed that the Board will be generally conversant with the record, the Licensing Board's decision, and the appellate positions of the various parties.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74-24947 Filed 10-24-74;8:45 am]

[Docket Nos. STN-50-502 and STN-50-503]

WISCONSIN ELECTRIC POWER CO.

Notice of Hearing on Application for Construction Permits

In the matter of Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, Madison Gas and Electric Company, (Koshkonong Nuclear Plant, Units 1 and 2.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held before an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the joint applicants, Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (the applicants), for permits to construct two pressurized water nuclear reactors (the facilities), designated as Koshkonong Nuclear Plant, Units 1 and 2, each designed for an initial output of 2785 megawatts thermal, with an equivalent net electrical output of 900 megawatts. The proposed facilities are to be located on a site to be owned by the applicants in Jefferson County, Wisconsin.

The application for the Koshkonong facilities is part of an application to construct one or more nuclear power plants, each consisting of two or more pressurized water nuclear reactors, at one or more sites in the State of Wisconsin. Other sites have not been identified by the applicants, and the applications pertaining to these sites are not yet complete. However, when other sites are selected, they will be described in separate filings (applicants' Site Addendum and applicants' Environmental Report—Construction Permit Stage) within a time period sufficient to permit their consideration with this application. A separate notice of hearing will be published for each such site selected. The facilities will be owned by the applicants as tenants in common, with Wisconsin Electric Power Company assuming responsibility for design, construction and operation of the facilities.

The application was filed and is being processed pursuant to the "Duplicate Plant" approach of the Commission's standardization policy for nuclear power plants as stated in proposed Appendix N to 10 CFR Part 50. This approach involves simultaneous review by the Commission's Regulatory staff of the safety related parameters of duplicate plants to be constructed by a utility or a group of utilities. Duplicate plant construction permit applications are filed individually but reference, for the technical information pertaining to design specified in 10 CFR § 50.34, a single document describing the design of the reactors which are to be constructed and operated at the various sites and the postulated site parameters for the design. A separate applicants' Environmental Report and a separate Site Addendum are filed for each site and the environmental impact and radiological safety considerations for each site are separately assessed by the Commission's Regulatory staff; however, since the design is essentially the same for all reactors comprising any particular duplicate plant group, it can be expected that certain basic assumptions concerning the release of radioactive materials during both normal operation and postulated accident conditions will be the same for each of the reactors. The "Duplicate Plant" approach contemplates separate licensing proceedings for the individual applications. Each such proceeding may, if appropriate, be composed of two (or more) phases (for example, a phase relating to environmental matters). It is contemplated that the sequence of these phases will depend upon the circumstances, and that for any of the phases, a hearing session in two or more related duplicate plant proceedings may be consolidated to consider common issues relating to the applications involved.

The hearing in this proceeding, and in each of the other proceedings resulting from this application, will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of John B. Farmakides, Esq., Chairman, Mr. Glenn O. Bright, and Dr. E. Leonard Cheatum.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues Pursuant to the Atomic Energy Act of 1954, as Amended

1. Whether in accordance with the provisions of 10 CFR § 50.35(a): (a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date

[1] We reached the decision to hold argument independently of the intervenor's request (which was supported by the staff) and the applicant's opposition thereto. See 10 CFR 2.763 and 10 CFR Part 2, Appendix A, Section IX(e).

stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine, without conducting a de novo evaluation of the application (1) whether the application and the record of the proceeding contain sufficient information and the review of the application by the Commission's Regulatory staff has been adequate, to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51, (1) determine whether the requirements of Section 102(2)(A), (C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

The "Duplicate Plant" concept necessarily requires a degree of flexibility in the hearing process since proceedings on some of the applications involved may be contested, while others may be uncontested. Further, the environmental review may be completed before the radiological health and safety review in the case of some applications, while the reverse may be true for others. The need for flexibility in these circumstances is recognized and provided for in the proposed amendments to 10 CFR Parts 2 and 50 relating to the duplicate plant concept published at 39 FR 13668. Accordingly, the following supplemental rules shall apply in this proceeding:

1. *Separate Hearings on Separate Issues; Consolidation of Proceedings.* a. The Board may order separate hearings on particular phases of the proceeding, such as matters related to the acceptability of the design of the reactor, in the context of the site parameters postulated for the design, or environmental matters.

b. If a separate hearing is held on a particular phase of the proceeding, the Board may, pursuant to 10 CFR 2.716 consolidate this proceeding for hearing on that phase with one or more of the other proceedings to consider common issues relating to the applications involved in the consolidated proceedings, if it finds that such action will be conducive to the proper dispatch of its business and to the ends of justice. In fixing the place of any such consolidated hearing, due regard will be given to the convenience and necessity of the parties, petitioners for leave to intervene and the attorneys or representatives of such persons, and the public interest.

2. *Initial Decisions in Consolidated Hearings.* At the conclusion of any separate hearing held on a particular phase of this proceeding, the Board will render a partial initial decision which may be appealed pursuant to 10 CFR 2.762. No construction permit will be issued to the applicants until an initial decision has been issued on all phases of the hearing and all issues under the Act and NEPA appropriate to the application in this proceeding have been resolved.

3. *Finality of Decisions on Separate Issues.* No matter which has been reserved for consideration in one phase of the hearing shall be considered at another phase of the hearing except on the basis of significant new information that substantially affects the conclusion(s) reached at the other phase or other good cause.

Pursuant to 10 CFR 2.761a, and the specific provisions of this notice set forth above, a hearing and decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicants to conduct certain onsite work entirely at their own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors:

(1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the

applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by November 25, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by November 14, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Pending further order of the Board, parties are required to file pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts & Trowbridge, 910 17th Street NW, Washington, D.C. 20006, and to Robert H. Gorske, General Counsel, Wisconsin Electric Power Company, 780 North Water Street, Milwaukee, Wisconsin 53202, attorneys for the applicants.

For further details, see the application for construction permits, dated August 9, 1974, and amendments thereto and the applicants' site addendum and environmental report. The application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 am and 5:00 pm on weekdays and at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission—Regulation, Washington, D.C. 20545.

Dated at Germantown, Maryland, this 21st day of October 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-25039 Filed 10-24-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-111; Docket No. 27084]

BRANIFF AIRWAYS, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of October, 1974.

Application of Braniff Airways, Inc. for an emergency exemption from the requirements of sections 401 and 403 of the Federal Aviation Act of 1958, as amended.

By application filed on October 9, 1974, Braniff Airways, Inc. (Braniff), requests that the Board grant it an emergency exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit Braniff to provide transportation to one security agent of the U.S. Department of State from New York, New York, to Miami, Florida, on October 9, 1974.

In support of its application, Braniff states that the Department of State has requested Braniff to provide the aforementioned transportation in order to provide protection for a wife of a foreign diplomat, and that the transportation would be provided through the sale of a ticket to the agent involved at the regular coach fare in the market. Braniff further states that the agent would be carried on Flight 977 originating in New York and serving Miami, Panama and South America pursuant to Braniff's certificate of public convenience and necessity for route 153, but that Braniff's certificate does not authorize it to carry on such flights passengers originating in New York and terminating at Miami. Therefore, Braniff asserts that an exemption from sections 401 and 403 of the Federal Aviation Act is necessary in order for Braniff to honor the request of the Department of State.

In light of the unusual circumstances, the Board concluded that the public interest required that action be taken pursuant to Rule 410 of the Board's Rules of Practice without awaiting the filing of answers or reply, and authorized Braniff to provide transportation requested. The carrier was notified informally of the Board's action. By this order, we formally reaffirm the grant of the necessary exemption from sections 401 and 403 of the Act.

Considerations taken into account which warrant use of the exemption power of the Board are that this application is for the transportation of one agent of the United States Government on one flight only; that the operation is for the provision of security for a foreign dignitary; that this operation will not adversely affect any other air carrier; and that the expense of a certification proceeding would be disproportionate to the size of the operation.[1] Under all these circumstances, the Board finds that the enforcement of sections 401 and 403 of the Act, and the terms and conditions of Braniff's certificate for route 153, insofar as they would otherwise prohibit the operations authorized herein, would be an undue burden on Braniff by reason of the limited extent of, and unusual circumstance affecting, the carrier's operations and would not be in the public interest.

Accordingly, it is ordered that. 1. Braniff Airways, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity for Route 153 insofar as they would otherwise prevent it from carrying one agent of the United States Department of State from New York, New York, to Miami, Florida, on October 9, 1974;

2. Braniff Airways, Inc., be and it hereby is exempted from section 403 of the Act insofar as that section would require filing of a tariff for the carriage of one agent of the United States Department of State from New York, New York, to Miami, Florida, on October 9, 1974; and

3. This order may be amended or revoked at any time without hearing in the discretion of the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25001 Filed 10-24-74;8:45 am]

[Order 74-10-94; Docket No. 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Fixing Temporary Mail Rates

OCTOBER 18, 1974.

Issued under delegated authority.

By Order 74-9-100, dated September 27, 1974, the Board directed the parties to show cause why the Board should not add temporary fuel surcharges to the line-haul element of the several temporary domestic service mail rates, effective February 2 and April 27, 1974. The surcharges proposed reflect the equivalent of a 3 percent increase in the overall domestic mail transportation cost for the period February 2 through April 26,

[1] Moreover, it is found that the limited authority requested is inappropriate for certification procedures and that such procedures could not, in any event, be completed in time to permit the transportation of the one agent as requested by the U.S. Department of State.

1974, and thereafter a 5.37 percent increase in such costs.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party.[1] All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the proposed service mail rates.

In the absence of objections to the rates proposed, the findings and conclusions set forth in Order 74-9-100 are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations 14 CFR Part 302 and the authority delegated by the Board in 14 CFR 385.16(g);

It is ordered, That:

1. Subparagraphs (c), (d) and (e) of ordering paragraph 3 of Order 74-1-89, January 16, 1974, be and they hereby are amended so as to fix the following temporary linehaul charges per nonstop great-circle ton-mile to be paid by the Postmaster General:

(a) From February 2, 1974 through April 26, 1974, 18.12 cents for sack mail and standard container mail, 10.29 cents for daylight container mail, and 13.21 cents for parcel air lift (PAL) mail.

(b) On and after April 27, 1974, 18.75 cents for sack mail and standard container mail, 10.65 cents for daylight container mail, and 13.67 cents for parcel air lift (PAL) mail.

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[1] Notice of objection filed by The Flying Tiger Line Inc. was withdrawn.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-24997 Filed 10-24-74;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on August 29, 1974 (39 FR 31547).

Pursuant to the above notice the following commodities are added to Procurement List 1974.

Class 6532:	Price
Gown, operating, surgical (JO):	
6532-00-009-2035 (each)	$8.00
6532-00-009-2034 (each)	8.41

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-24982 Filed 10-24-74;8:45 am]

PROCUREMENT LIST 1974

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

CLASS 7520

Stand, Calendar Pad: 7520-00-162-6156, 7520-00-139-4273, 7520-00-139-4260.

Comments and views regarding these proposed additions may be filed with the Committee on or before November 25, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-24983 Filed 10-24-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the Council on Environmental Quality from October 15 through October 18, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 9, 1974) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

Draft

Soleduck Planning Unit, Olympic N.F., Washington, October 15. Proposed is the implementation of a land use plan for the 133,299 acre Soleduck Planning Unit of the Olympic National Forest. Under the proposal two undeveloped roadless areas, Elk Reade and Rugged Ridge, would be allocated to full multiple use management. The Mt. Baldy area would also be subject to full multiple use, but will remain roadless, with timber harvested by operations which do not require roads. The primary impacts will be those which result from the development of undeveloped areas. (ELR Order No. 41561.)

Final

Inch Mountain Planning Unit, Kootenai N.F., Lincoln County, Mont., October 18. The statement refers to the proposed implementation of a multiple use plan for the 59,000 acre Inch Mountain Planning Unit, Kootenai National Forest. Under the plan the seven sub-units of Inch Mountain will be managed for such values as timber production, wildlife habitat maintenance, recreational use, and scenic viewing. There will be some road construction. Adverse impact will include soil and vegetation disturbance, temporary air and noise pollution, and visual (aesthetic) disturbance. Comments made by: DOI, USDA, EPA, and COE. (ELR Order No. 41587.)

Bitterroot North Planning Unit, Bitterroot N.F., Ravalli and Missoula Counties, Mont., October 18: The statement refers to the proposed implementation of a revised multiple use plan for the Bitterroot North Planning Unit of the Bitterroot National Forest. Of 56,485 acres of National Forest lands in the Unit, 46,055 are currently roadless. Unroaded conditions will be maintained on 34,025 acres the remaining 22,460 acres will be managed under various intensities of road development. Management of the twelve sub-units of Bitterroot North will be directed towards backcountry, recreational, timber harvest, and wildlife habitat uses. Comments made by: USDA, DOI, and EPA. (ELR Order No. 41588.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Sebree Plant Addition, Kentucky, October 17. (ELR Order No. 41581.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

Callaway Plants, Units 1 and 2, Callaway County, Mo., October 16: Proposed is the

issuance of a construction permit to the Union Electric Co. for the two unit Plant. Each unit will employ a pressurized water reactor to produce 3,425 MWt and 1,120 MWe (net); future power levels of 3,579 MWt and 1,160 MWe are anticipated. Exhaust steam will be cooled in a close cycle mode, with water drawn from the Missouri River. A total of 1,740 acres would be committed to the project and associated transmission lines. About 67 cfs. of Missouri River water will be consumed, mainly by evaporation from the two natural draft towers. (ELR Order No. 41571.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202–693–7168.

Draft

Waikegan Harbor, Maintenance Dredging, Illinois, October 16. The project proposes to resume maintenance dredging and to dispose the unpolluted sediments from the entrance channel at Waukegan Harbor into a deep open water disposal site in Lake Michigan and to dispose the polluted sediments into a confined disposal site located at Kenosha Harbor, Wisconsin. The proposed project would dredge over a 10 year period, 350,000 cu. yds. of sediment. Adverse impacts are disruptions of benthic community, increased turbidity within the harbor and open lake disposal site, and navigation hazards (Chicago District). (ELR Order No. 41572.)

McNary Lock and Dam, Columbia River, several counties in Oregon. October 17: Proposed is the construction of a second powerhouse at the existing McNary Lock and Dam project on the Columbia River. The powerhouse will hold 10 generator units. Visitor facilities, subimpoundments for fish and wildlife, and level beautification are also planned. There will be some turbine caused mortality to downstream migrating fish (Walla Walla District). (ELR Order No. 41575.)

Final

Channel Stabilization, Alabama River, Ala., October 15. The statement refers to the proposed construction of a nine foot channel to Montgomery, Alabama, including dikes. The project is part of the multiple purpose Alabama-Coosa Rivers Project. Aquatic life will be adversely affected by dredging (35 pages). Comments made by: HUD, DOC, DOI, EPA, and USDA. (ELR Order No. 41570.)

Newark Local Protection Project, Ohio, October 15. The statement refers to flood control measures at Newark, Ohio. The project consists of the following three separate items: channel improvements to the North Fork Licking River; diverting flood flows from the upper drainage area of Log Pond Run to Raccoon Creek via Sharon Run by means of a diversion structure and channel; interim drainage improvements consisting of the addition of a pump station near South Second Street with a new intercepter sewer connecting the South Second Street with South Fourth Street outfalls with the new pump station. There will be disturbance of stream bottom, temporary turbidity and loss of stream biota, and disruption of streamside vegetation and animals. Comments made by: EPA, HUD, DOI, USCG, and USDA. (ELR Order No. 41562.)

Mill Creek Local Flood Protection Project, Ohio, October 17. The statement refers to the Mill Creek, Ohio Local Flood Protection Project. The multi-purpose flood control and recreation project consists of a 100-year channel improvement with levees in developed urban areas and regulation of the 100-year future flood plain in undeveloped areas. Adverse impacts include the modification of 18 miles of stream by channelization, and the temporary increase in noise levels and stream pollution during construction (Louisville District) (210 pages). (ELR Order No. 41573.)

Yellow River and Tributaries, Wyoming, October 15. The proposed action will complete a system of levees, floodwalls, a concrete chute, and associated interior drainage facilities for local flood control and Sheridan, Wyoming. Adverse impacts are that levees and floodwalls will replace natural streambanks, and 2.1 miles of stream bottom will be altered with negative effects to fish and wildlife (64 pages). Comments made by: EPA, DOI, DOT, USDA, HUD, and state agencies. (ELR Order No. 41556.)

Draft

Chesapeake and Delaware Canal, Supplement, Delaware, October 15. The study analyzes the hydrographic and ecological effects of the enlargement of the Chesapeake and Delaware Canal from control dimensions of 27′ x 250′ to 35′ x 450′. A final environmental impact statement for the proposal was filed with CEQ on May 2, 1974.

Operation and Maintenance Programs, Oklahoma, October 15. The statement refers to the proposed operation and maintenance activities at Great Salt Plains, Canton, and Fort Supply Lakes. The project consists of reservoir regulation (for flood control, water supply, etc.), management of land resources and facilities, management of leases, easements and other outgrants, and project management and maintenance of vegetation and minor construction activities (Tulsa District).

Final

Sherburne Co. Generating Plant, Minnesota, October 18.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Final

Central Service Area, Ocean County, New Jersey, October 15. The statement refers to the proposed granting of funds by EPA to the Ocean County Sewerage Authority for new sewage facilities. Included would be a secondary sewage treatment plant, interceptor sewers and force mains, and an ocean outfall. The project will allow cessation of wastewater discharge into inland streams; the highly treated effluent will be discharged into the Atlantic Ocean. Waste sludge will be disposed of in an approved sanitary landfill. Comments made by: USDA, COE, DOC, HEW, DOT, DOD, state and local agencies, and concerned citizens. (ELR Order No. 41567.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–5980.

Draft

Cedar-Riverside New Community, Minneapolis, October 15. Proposed is the approval of Stage II housing in the New Community of Cedar-Riverside. HUD has guaranteed loans up to $24 million for the development. The new community will occupy 100 acres within a 336 acre Urban Renewal Area of Minneapolis. Adverse impacts include increased air and noise pollution, and increased generation of solid waste. (ELR Order No. 41555.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF LAND MANAGEMENT

Draft

Proposed Leasing, 10 Million Acres, OCS, October 18. Proposed is the increase of acreage offered for OCS oil and gas exploration and development so that ten million acres are leased in 1975. The proposal, if implemented, would entail leasing in frontier areas which have little or no history of development. The possible environmental impacts of such an increase are examined and several scenarios are presented by which this proposal could be affected. (ELR Order No. 41590.)

Coal Resources, Eastern Powder River, Campbell and Converse Counties, Wyo., October 18. The statement, which contains both site specific and regional analyses, discusses overall coal development on 4,978,560 acres of the Eastern Powder River Coal Basin. Elements of development include four individual coal development plans (for Atlantic-Richfield, Carter Oil, Kerr-McGee, and Wyodak Resources); and a new railroad between Douglas and Gillette. Development-related projects will include transmission line, coal gasification plants, water supply works, roadways, communications, and new residence and business communities. Federal agency involvements of the Interstate Commerce Commission, the U.S. Geological Survey, BLM, and the Forest Service are considered collectively by the statement. Comments made by: DOI, USDA, DOC, HEW, DOT, AEC, EPA, FEA, concerned individuals and organizations. (ELR Order No. 41589.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Proposed Havasu Wilderness, San Bernardino County, Calif., October 15. Proposed is the designation of 2,510 acres of the 41,495 acre Havasu National Wildlife Refuge as part of the Natural Wilderness Preservation System. The action would afford added legislative protection to these lands; some future management options would be precluded. (ELR Order No. 41563.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Albertville Municipal Airport, Ala., October 15. The statement refers to the proposed development of the Albertville Municipal Airport in Albertville, Alabama. Included in the project are: land acquisition; construction of a runway extension, aircraft apron and taxilanes; strengthening the existing runway; installation of lighting; relocation of a new access road; relocation of NAVAID from Runway 5 to Runway 23; and, construction of new property fencing. There will be minor short-term adverse effects normally associated with construction (34 pages). (ELR Order No. 41568.)

Eldora Municipal Airport, Hardin County, Iowa, October 17. The statement refers to the proposed development of the Eldora Municipal Airport in Hardin County, Iowa. The project of a 20 year design period with Stage 1 involving acquisition of 130 acres of land, construction of a runway, installation of a taxiway and apron, and installation of lighting. There will be slight increases in noise and air pollution. (ELR Order No. 41583.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Minnesota Trunk Highways 36 and 13, October 15. The statement refers to the proposed improvement of 5.8 miles of 4-lane and 6-lane freeway in Minnesota Trunk Highway 36 (Cedar Avenue) from the junction of proposed I-35 in Egan to the junction of I-494 in Bloomington. Also necessitated by the improvement is the reconstruction of several crossroads including 1.3 miles of T.H. 13 in Egan. Adverse impacts are the use of additional land for right-of-way, displacement of families and businesses, and displacement of vegetation and wildlife habitat (130 pages). (ELR Order No. 41564.)

U.S. 61, Muscatine Bypass, Iowa Muscatine County, Iowa, October 18. Proposed is the restructuring of U.S. 61 in the vicinity of Muscatine, Iowa, either by constructing a 7.07 mile bypass, or by improving 5.85 miles of existing U.S. 61 through Muscatine. Approximately 188 miles of productive cropland and wildlife habitat would be committed to right-of-way for the bypass; 15 farm buildings and 5 families would be displaced. Construction of the alternative route would result in the displacement of two businesses (135 pages). (ELR Order No. 41585.)

U.S. 59, Douglas County, Kans., October 15. The statement refers to the proposed construction of U.S. 59 east of Lawrence, Kansas. The project length is 4.5 miles. The facility would extend from 23rd St. in the south to U.S. 24-40 in the north and would be a freeway facility with full control of access, interchanges, and grade separations. A major crossing of the Kansas River would be required. Adverse impacts include: acquisition of land for right-of-way; vegetation and wildlife habitat would be destroyed; temporary increases in turbidity of the Kansas River; increased noise levels; and displacement of an undetermined number of families and businesses. (ELR Order No. 41565.)

Forest Highway 13 (U.S. Rte. 2), Mont., October 15. The statement refers to the proposed construction of 3.6 miles of Forest Highway Rte. 13 (U.S. Rte. 2), from the Essex Bridge easterly to just east of the Burlington Northern R.R. underpass. Stream pollution will increase during construction. A 4(f) determination is necessary because the project is almost entirely within Glacier National Park (110 pages). (ELR Order No. 41558.)

U.S. 15, Lycoming County, Pa., October 15. The statement refers to the proposed relocation of U.S. 15 in Lycoming County. The statement discusses the environmental impact of possible highway corridors within the study area. U.S. 220 relocated near the confluence of the Susquehanna River and Lycoming Creek in Williamsport to the interchange with PA 14 at Trout Run. Adverse impacts include the acquisition of right-of-way, displacement of families, businesses, and farms, degradation of stream water quality, and increased noise levels. (ELR Order No. 41566.)

Final

I-580/SR 238, Alameda County, Calif., October 17. The statement refers to the proposed reconstruction of a 10-mile section of I-580 to an 8-lane freeway with a median wide enough to accommodate other modes of transportation. The construction project extends from San Lorenzo on the west to the Livermore-Amador Valley near Dublin on the east. Adverse impacts are increased air and noise pollution, diminished scenic resources, and displacement of 372 businesses and 30 businesses. Comments made by: (ELR Order No. 41573.)

U.S. 131 Mecosta and Montcalm Counties, Mich., October 15. The proposed project is the relocation and upgrading of 23 miles of U.S. 131. The project will displace 21 families and an unspecified number of businesses. Increase in air, noise and water pollution will occur. The project will traverse a number of small tributaries and wetland areas causing alterations in drainage patterns, groundwater levels, aquatic life, stream water flow volumes and water quality. Complex erosion and sedimentation will affect the Muskegon and Little Muskegon Rivers. An unspecified amount of agricultural and forest acreage will be acquired producing adverse effects on floral and faunal relationships (195 pages). Comments made by: DOT, DOI, COE, USDA, EPA, DOC, and USCG. (ELR Order No. 41560.)

Interstate 90, Garrison East and West, Powell County, Mont., October 17. The statement refers to the proposed construction of a segment of I-90 in Powell County between Butte and Missoula. The project begins 1.8 miles northwest of Garrison and extends 7.5 miles, southeast, generally along existing U.S. 10, where it joins completed I-90 north of Deer Lodge. Adverse impacts are the use of 217 acres of agricultural land, increased air and noise pollution levels, and the disruption of stream banks and stream at the Little Blackfoot River bridge site (38 pages). Comments made by: EPA, USDA, DOI, and state agencies. (ELR Order No. 41580.)

Shaw Freeway, Sumter County, S.C., October 17. The proposed project is the construction of Shaw Freeway, which is approximately 5 miles in length, on new location. Adverse effects will include increases of noise and air pollution after construction, and erosion and siltation (45 pages). Comments made by: HUD, COE, USDA, DOI, and EPA. (ELR Order No. 41579.)

Loop 340, McLennan County, Tex., October 17. Proposed is the construction of 1.7 miles of 4 lane divided highway in the cities of Bellmead and Lacy-Lakeview. Adverse impact will include temporary air and water pollution during construction, and the displacement of 21 residences (55 pages). Comments made by: DOT, COE, USDA, DOI, and State and local agencies. (ELR Order No. 41577.)

U.S. 59 and U.S. 96, Shelby County, Tex., October 17. Proposed is the construction of 7.6 miles of U.S. 59 and U.S. 96. The four lane facility will require 96.24 acres for right-of-way, and will displace 15 families and 6 businesses. Four stock-water ponds will be drained due to project construction noise and air pollution will increase (87 pages). Comments made by: COE, USDA, DOI, EPA, DOT, and state agencies. (ELR Order No. 41578.)

FEDERAL AVIATION AGENCY

Houston International Airport, Tex., October 17. The proposed project is the construction, marking and lighting of a 4000' x 150' extension to existing Runway 14-32, including taxiways, a safety area, and clear zones, and the relocation of service roads. Increases in noise pollution will occur (two pages). Comments made by: EPA, COE, DOI, USDA, DOT, DOC, and HEW.

The following statement was received by the Council on September 17, 1974, and should have appeared in the FEDERAL REGISTER of September 27. The thirty day review period for this final statement is to be calculated from September 17.

Final

Route 52 Expressway, I190, Massachusetts, September 7. Proposed is the construction of a sixteen mile section of Route 52 (I190) through the towns of West Boylston, Holden, Sterling, and Lancaster, with termini at Worcester and Leominster. Adverse impact will include the displacement of 42 residents, 6 businesses, and 10 farms. The highway will pass through the watershed of the Wachusetts Reservoir, introducing possible effects to the water supply of the Boston Metropolitan area (four volumes). Comments made by: DOI, TREA, HUD, USDA, EPA, and state and local agencies. (ELR Order No. 41427.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-24984 Filed 10-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 284-3; OPP-32000/131]

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-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before December 30, 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 (December 30, 1974). 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 December 30, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 34473–R. Automatic Radio, 2 Main St., Melrose MA 02176. FLOWTRON FLY ATTRACTANT F.A. 5000. Active Ingredients: Cis 9 tricosene 3.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1012–O. CMC, Inc., 501 25th Ave., Nashville TN 37202. SWAN CITRONELLA OIL. Active Ingredients: Citronella Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34895–E. Central Solvents & Chemicals Co., 2465 S. 1100 West, Woods Cross UT 84087. HERCULES HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7478–RL. Chem-Pak Co., PO Box 757, Miami FL 33157. DIAZINON 25% EMULSIFIABLE CONCENTRATE. Active Ingredients: O,O-diethyl O-(2-isopropyl - 6 - methyl-e-pyrimidinyl) phosphorothioate 25.0%; Aromatic Petroleum Derivative Solvent 55.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100–LAI. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. CIBA-GEIGY TECHNICAL TERBUTHYLAZINE A HERBICIDE FOR FORMULATING USE. Active Ingredients: Terbuthylazine: 2-tert-butylamino-4-chloro - 6 - ethylamino - s - triazine 96%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100–LAO. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. CIBA-GEIGY TECHNICAL DIPROPETRYN A HERBICIDE FOR FORMULATING USE. Active Ingredients: Dipropetryn: 2-ethylthio-4,6-bis (isopropylamino)-s-triazine 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1927–21. Terminix/Div. of Cook Industries, Inc., PO Box 16902, Memphis TN 38112. TERMINIX C8. Active Ingredients: Technical Chlordane 72.0% Petroleum Distillate 21.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIA. Cooper U.S.A., Inc., 50 Park Dr., Research Triangle Park NC 27709. PULVEX 6-USE DOG SOAP INSECTICIDE BASE. Active Ingredients: Rotenone 17.5%; Other Cube Resins 23.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIE. Cooper U.S.A., Inc. PULVEX KITTY & CAT FLEA SPRAY INSECTICIDE BASE. Active Ingredients: Pyrethrins 0.217%; Technical Piperonyl Butoxide 1.733%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIG. Cooper U.S.A., Inc., PULVEX LUSTER FOAM DRI-SHAMPOO INSECTICIDE BASE. Active Ingredients: Rotenone 0.116%; Other Cube Resins 0.242%; Sodium Lauryl Sulfate 1.448%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIL. Cooper U.S.A., Inc. PULVEX OUTDOOR SHUN REPELLENT BASE. Active Ingredients: Allyl isothiocyanate 1.7%; Mixed alkyl pyridines 8.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIN. Cooper U.S.A., Inc. PULVEX FLEA SOAP INSECTICIDE BASE. Active Ingredients: B-butoxy B'-thiocyano diethyl ether 17.8%; Petroleum hydrocarbons 15.8%; Pine Oil 66.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIR. Cooper U.S.A., Inc. K–BOMB INSECTICIDE BASE. Active Ingredients: Ronnel [O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate] (from technical grade) 3.39%; Xylene 0.67%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIT. Cooper U.S.A., Inc. FLY SPRAY FOR HORSES INSECTICIDE BASE. Active Ingredients: Butoxypolypropylene glycol 76.50%; Technical Methoxychlor 10.10%; Technical piperonly Butoxide 5.36%; Pyrethrins 0.67; Mineral Oil 7.37%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RIU. Cooper U.S.A., Inc. PULVEX KITTY & CAT FOAM SHAMPOO INSECTICIDE BASE. Active Ingredients: Rotenone 0.055%; Other Cube Resins 0.116%; Sodium Lauryl Sulfate 1.448%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59–RTO. Cooper U.S.A., Inc. PULVEX FLEA FREE-30 BRAND INSECTICIDE BASE. Active Ingredients: Chlorpyrifos [O,O-Diethyl O-(3,5,6,-trichloro-2-pyridyl) phosphorothioate] 0.33%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12512–R. Acco Products Co., Div. of Cowan Bros., Inc., 520 E. Mary St., Bristol VA 24201. ACCO PINE ODOR DISINFECTANT COEF. 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 912–33. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. 400–BE ESTER WEED KILLER, Active Ingredients: 2,4-Dichlorophenoxyacetic acid, butyl esters 58.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905–312. Helena Chemical Co., 5100 Poplar Ave., Memphis TN 38137. HELENA 7.5% SEVIN-75% SULPHUR DUST (INSECTICIDE-FUNGICIDE). Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 7.5%; Sulfur 75.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34911–R. Hi-Yield Chemical Co., PO Box 460, Bonham TX 75418. HI-YIELD LIQUID EDGER. Active Ingredients: Ammonium Sulfamate 12%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9594–G. Intercontinental Chemical Corp., PO Box 15318, Sacramento CA 95813. ICC CHEMICALS CLEAN-N-SAN 234. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.3%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11081–R. Lloyd Pest Control, 935 Sherman St., San Diego CA 92110. LLOYD'S CHLORDANE-72%. Active Ingredients: Technical Chlordane 72%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001–ENL. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. CYPREX 4 DUST. Active Ingredients: Dodine (Dodecylguanidine acetate) 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 33576–19. Olin Water Services, 120 Long Ridge Rd., Kansas City KS 66115. OLIN WATER SERVICES OLIN 3300. Active Ingredients: Cupric Acetate 8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 33576–22. Olin Water Services. OLIN WATER SERVICES OLIN 3202. Active Ingredients: N-Alkyl (98% C12, 2% C14) dimethyl 1-Naphthylmethyl ammonium chloride monohydrate 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 33576–28. Olin Water Services. OLIN WATER SERVICES OLIN 3205. Active Ingredients: Didecyl dimethyl ammonium chloride 12.5%; Isopropyl alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34283–R. L.F. Olson & Assoc., 11871-Simon Randy Rd., Santa Ana CA 92700. PROTECT YOU PET SAFETY DAYGLO FLEA TAG REFILLABLE 6 MONTHS FLEA PROTECTION. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 18.6%; Related compounds 1.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 151–RA. Pioneer Chemical Co., 2051 Violet St., Los Angeles CA 90021. PIONEER AQUEOUS SUPERCIDAL 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 478–OR. Realex Corp., 2500 Summit, PO Box 78, Kansas City MO 64141. REAL-KILL KITCHEN INSECT PROTECTION. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; related compounds 0.048%; aromatic petroleum distillate 0.464%; Petroleum Distillate 95.830%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4981–LN. Redwood Chemical Inc., PO Box 45916, Houston TX 77045. REDWOOD'S ROACH SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 1.50%; Piperonyl butoxide, technical 7.50%; Petroleum distillate 91.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4981–LR. Redwood Chemical Inc. REDWOOD'S SUPER 20. Active Ingredients: Pyrethrins 2.5%; Petroleum Distillate 97.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4981–LE. Redwood Chemical Inc. REDWOOD'S WASP AND BEE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 26.375%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4981–UO. Redwood Chemical Inc. REDWOOD'S SPACE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.100%; Related compounds 0.008%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.392%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–UT. Schall Chemical Inc., PO Box 862, Monte Vista CO 81144. BANTROL. Active Ingredients: Dimethylamine Salt of dicamba (3,6-dichloro-o-anisic acid 12.25%; Dimethylamine Salt of related acids 1.97%; Dimethylamine Salt of 2,4–Dichlorophenoxyacetic Acid 24.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–UA. Schall Chemical Inc. DIMETHOATE-MANEB-SULFUR. Active Ingredients: Dimethoate (O, O-dimethyl S-(N-methylcarbamoylmethyl phosphorodithioate) 1.50%; Maneb (manganese ethylenebisdithiocarbamate) 6.00%; Sulfur 27.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–UL. Schall Chemical Inc. DIMETHOATE-SULFUR WITH ZINC CARRIER. Active Ingredients: Dimethoate (O, O-dimethyl S-(N-methylcarbamoyl methyl phosphorothioate) 1.50%; Sulfur 27.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–UI. Schall Chemical Inc. SEVIN-SULFUR WITH ZINC CARRIER. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 5.00%; Sulfur 27.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–UO. Schall Chemical Inc. CYTHION-SULFUR WITH ZINC CARRIER. Active Ingredients: Malathion-O, O-dimethyl dithiophosphate of diethyl mercaptosuccinate 5.0%; Sulfur 27.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–LN. Schall Chemical, Inc. ZINEB-SULFUR. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 7.0%; Sulfur 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 21270–A. E. Targosz & Co., 200 Seegers St., Elk Grove Village IL 60007. CRYSTAL 25 CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 12.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 12.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 21270–L. E. Targosz & Co. CRYSTAL 10 CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 21270–U. E. Targosz & Co. CRYSTAL 50 CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 25%; n-Alkyl (68% C12; 32% C14) dimethyl ethylbenzyl ammonium chlorides 25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11687–TE. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL FUNGI-RHAP CU-53 FUNGICIDE. Active Ingredients: Copper Oxide (Equivalent to 53% as Metalic Copper) 71.0%. Method of Support: Application proceeds under 2(c) of interim policy.

chlorides 25%; n-Alkyl (68% C12, 32%

EPA File Symbol 13926–E. Verpas Products, Inc., PO Box 825, URB. Industrial Julio N. Matos, Carolina PR 00630. SANISOL TOILET BOWL CLEANER. Active Ingredients: Hydrogen Chloride 9.00%; Oxalic Acid 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13926–U. Verpas Products, Inc., PO Box 825, URB. Industrial Julio N. Matos, Carolina PR 00630. DRAGON AEROSOL. Active Ingredients: Petroleum Distillates 69.19%; yl-6-pyrimidinyl) Butoxide Technical 0.26%; Pyrethrins 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–LNE. Wasatch Chemical Div., PO Box 6219, 1979 S. Seventh West, Salt Lake City UT 84106. MORGRO P–D ROACH & ANT PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O- (3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 68.737%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–LNG. Wasatch Chemical Div., PO Box 6219, 1979 S. Seventh West, Salt Lake City UT 84106. MORGRO ROSE AND FLORAL SPRAY RESIDUAL. Active Ingredients: Pyrethrins 0.025%; Piperonyl Butoxide, Technical 0.256%; Rotenone 0.128%; Other Cube Extractives 0.237%; Folpet; N-(Trichloromethylthio, phthalimide 0.700%; Carbaryl; 1-napthyl N-methylcarbamate 1.000%; Petroleum Distillate 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34912–R. Western Eaton Solvents & Chemicals Co., 13395 Huron River Dr., Romulus MI 48174. HERCULES YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 499–RIG. Whitmire Research Laboratories, Inc., 3568 Tree Court, Industrial Blvd., St. Louis MO 63122. WHITMIRE DAIRY AEROSOL INSECTICIDE WITH DUAL ACTIVATORS. Active Ingredients: Pyrethrins I & II 0.500%; Technical Piperonyl Butoxide 1.000%; N-octyl bicycloheptene dicarboximide 1.000%; Refined Petroleum Oil 8.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 499–RIE. Whitmire Research Laboratories, Inc., 3568 Tress Court, Industrial Blvd., St. Louis MO 63122. WHITMIRE FLY FOGGER WITH DUAL ACTIVATORS. Active Ingredients: Pyrethrins I & II 0.500%; Technical Piperonyl Butoxide 1.000%; N-octyl bicycloheptene dicarboximide 1.000%; Refined Petroleum Oil 8.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–LR. Woodbury Chemcal Co. of Homestead, PO Box 4319, Princeton FL 33171. SEVIN 5 DUST INSECTICIDE. Active Ingredients: Carbaryl (1-Napthyl N-methylcarbamate) 5.0%. Method of support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782–LN. Woodbury Chemical Co. of Homestead, PO Box 4319, Princeton FL 33171. SEVIN 10 DUST INSECTICIDE. Active Ingredients: Carbaryl (1-Naphthyl N-methylcarbamate) 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated October 16, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–24736 Filed 10–24–74;8:45 am]

[FRL 284–8; OPP–180026]

DEPARTMENT OF AGRICULTURE

Oriental Fruit Fly; Crisis Exemption to Control

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), the Environmental Protection Agency (EPA) hereby gives notice that the U.S. Department of Agriculture has availed itself of a crisis exemption for use of the pesticides diazinon, naled, and malathion to control the Oriental fruit fly (*Dacus dorsalis H.*). This exemption is in accordance with, and is subject to, the provisions of §§ 166.8 and 166.9 of 40 CFR Part 166. These regulations concerning exemptions of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303).

At present, there are no pesticides registered specifically to control the Oriental fruit fly because it is not endemic to the continental United States. However, the Department of Agriculture confirmed the presence of this pest in San Diego and Los Angeles, California, and stated that this new introduction of the Oriental fruit fly is a threat to the fruit and vegetable industry in the continental United States. Therefore, the Department of Agriculture availed itself of a crisis exemption; treatment and eradication efforts began in San Diego and Los Angeles on September 23, 1974.

The pesticides involved are diazinon (.5 pounds per 100 gallons applied as a soil treatment), naled, and malathion (applied as baits in spot treatments of 3 to 5 milliliters each). Between 600 and 6,000 spots are treated per acre; approximately 90 square miles require treatment.

In accordance with the regulations, the Department of Agriculture is required to submit to the EPA certified information concerning the nature and scope of the emergency, including the pest involved, and circumstances surrounding the pesticide application. The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Room 347, East Tower, Washington, D.C. 20460.

Dated: October 21, 1974.

JAMES L. AGEE,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.74–24916 Filed 10–24–74;8:45 am]

[FRL 285–3; OPP–36009]

HARRIS PRODUCTS CO., INC.

Denial of Pesticide Registration

An application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), to register a pesticide which contains DDT and which is dispensed in bottle caps. The applicant, product and intended use are:

Harris Product Co., Inc., Miami Beach, FL 33139. HARRIS' ORIGINAL GENUINE "ANT BUTTON" KILL ANTS (File Symbol 2002–G, received February 19, 1974), for use on waterbugs, flies, roaches, certain insects, silverfish, and ants.

The notice of receipt of the application was published in the FEDERAL REGISTER on April 17, 1974 (39 FR 13805). It has been determined that highly toxic products with directions for use by the homeowner which are formulated or packaged

in such a manner that the directed use would be attractive to and represent a hazard to children are not acceptable for registration. In the past, certain poisonous materials have been marketed in bottle caps with directions for placing them in areas where ants would come in contact with them. We have taken the position that poisonous bait products should not be marketed or dispensed in bottle caps. It is our opinion that such a practice would increase the likelihood of ingestion by children because of the attractiveness of bottle caps as playthings.

Therefore, the application has been denied and the applicant has been notified.

Dated: October 18, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-24918 Filed 10-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20133, 20134; File Nos. BPH-8716, BPH-8766; FCC 74R-389]

THE BEN HILL BROADCASTING CORP. AND OLIVA BROADCASTING CO.

Order Enlarging Issues

In the matter of The Ben Hill Broadcasting Corp. Fitzgerald, Georgia and Oliva Broadcasting Co. Ocilla, Georgia for construction permits.

1. The Review Board having before it a petition to enlarge issues, filed September 13, 1974, by the Broadcast Bureau which seeks to add a section 307(b) issue to this proceeding;

2. It appearing, That petitioner urges that the Chief of the Broadcast Bureau, in designating this proceeding for hearing pursuant to delegated authority (39 FR 31552, published August 29, 1974), inadvertently failed to specify the standard section 307(b) issue in the designation Order; and

3. It further appearing, That inclusion of such an issue to precede the designated contingent comparative issue is appropriate and is not opposed by any party to this proceeding;

4. *It is ordered*, That the petition to enlarge issues, filed September 13, 1974, by the Broadcast Bureau, is granted, and that the issues are enlarged as follows:

To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

Adopted: October 11, 1974.

Released: October 17, 1974.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24975 Filed 10-24-74;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 125, Microwave Landing System Implementation. It is to be held on November 18-19, 1974 in Conference Room 3201, FAA Transpoint Bldg., 2100 2nd St., SW., Washington, D.C. beginning at 10:00 a.m.

AGENDA

1. Summary of October 1-2, 1974 meeting by secretary.
2. Introduction of new members and guests.
3. Presentations:
   a. A summary of completed FAA studies.
   b. Briefing on general aviation and ongoing studies.
   c. FAA current statistical data.
   d. Additional user views.
   e. Discussions of implementability strategy.
4. Assignment of special tasks and working groups.
5. Special announcements.
6. Other business.

The meeting is open to the public on a space available basis. Any members of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring more specific information may contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or phone area code 202/296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-24972 Filed 10-24-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

NATURAL GAS TRANSMISSION AND DISTRIBUTION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Natural Gas Transmission and Distribution Advisory Committee will meet Tuesday, November 19, 1974 at 9 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

This Committee was established to provide independent advice and review to the Federal Energy Administration with respect to transmission and distribution and with respect to the implementation of programs that affect gas transmission and distribution activities.

The agenda for the meeting is as follows:

1. Overview of the Gas Industry
2. Issue Papers on: [1]
   a. Deregulation.
   b. Conservation.
   c. Supplementary Gas Supplies.
   d. Conflicting Regulation and Authorities.
   e. Curtailment of Gas Supplies.
   f. Rates and Rate Structure.
3. The Role of FEA and its Relationship to the Gas Industry and other Government Agencies.
4. Impact of FEA's Policies on Synthetic Natural Gas (SNG) from Petroleum Hydrocarbons and the Future Outlook for SNG.
5. Conservation Measures to Reduce Gas Demand.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 21, 1974.

ROBERT E. MONTGOMERY, Jr.
General Counsel.

[FR Doc.74-24963 Filed 10-24-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington,

[1] The issue papers were prepared by the Federal Energy Office Gas Utility Advisory Committee, predecessor to the subject FEA Gas Transmission and Distribution Advisory Committee.

D.C. 20573, on or before November 4, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert Fremlin, Esq.
Lillick, McHowe, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104

Agreement No. T-3013, between the City of Oakland (City), Seatrain Terminals of California, Inc. (Terminals), Seatrain Lines, Inc. (Seatrain), and American President Lines, Inc. (APL) modifies Agreements Nos. T-2480, as amended, (an agreement between the City and Terminals providing for the lease of certain terminal facilities and the nonexclusive preferential assignment of berthing area to Terminals) and T-2605 (an agreement between the City and Terminals providing for the nonexclusive preferential assignment to Terminals of land adjoining the facility leased under Agreement No. T-2480, above). The purpose of the modification is to make certain portions of Terminal's Oakland facility available for APL's terminal operations on a temporary basis pending formalization of an agreement between APL and Terminals (and consented to by the City) for the joint operation of Terminals' Oakland facility. Under this agreement APL will pay 55% of all charges payable under the above agreements until the commencement of the third Lease Year as defined under Agreement No. T-2480. Upon the commencement of the third Lease Year, and during the term of Agreement No. T-3013, APL will pay 65% of rental and all other costs for the facility, with Terminals paying the balance. APL's payments for its use of Terminal's facility will be in lieu of any charges under the City's Port tariffs. During the term of this agreement, APL will perform terminal and stevedoring services (the latter at Terminals' option) at the facility for APL and Seatrain on the basis of actual cost plus overhead. Agreement No. T-3013 will be terminated upon the effective date of the APL/Terminals/City agreement for joint operation of the facility.

By Order of the Federal Maritime Commission.

Dated: October 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25003 Filed 10-24-74;8:45 am]

[Docket No. 74-47; Agreement No. 10116]

EASTBOUND AND WESTBOUND TRADES BETWEEN JAPANESE PORTS AND PORTS IN CALIFORNIA, OREGON, AND WASHINGTON

Pooling Agreement; Order of Investigation and Hearing

Agreement No. 10116, between Japan Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Ltd., Showa Shipping Company, Ltd. and Yamashita Shinnihon Steamship Company, Ltd. (carriers), is an arrangement for the pooling and division of revenue on cargo movements by these carriers under their approved space charter agreements (Agreements Nos. 9718, 9731 and 9835), including OCP cargo shipments authorized by applicable conference agreements, in the eastbound and westbound trades between Japan and the West Coast of the United States. In addition, the parties may decide to include other cargo as pool cargo, including container cargo moving on their semi-container or conventional vessels in which case, the Commission and the Ministry of Transport will promptly be notified. The Agreement excludes pooling of revenues on minibridge movements, transshipment cargo moving outside subject trades, mail, and bulk liquid cargo in deep tanks.

Calculations under the pool are to include revenues derived from basic ocean freight including currency and bunker surcharges under applicable conference tariffs, less agreed allowances. Pool revenues calculated at the close of each pool period are to be allocated among the carriers on the basis of their respective established pool shares as set out by the Agreement. Copies of the pool report following settlement of accounts shall be furnished the Commission and the Ministry of Transport upon conclusion of each pool period.

The term of the Agreement is for an initial period of three years from the date of approval by the Federal Maritime Commission and the Japanese Ministry of Transport, whichever occurs later; the Agreement will terminate on December 31st of the third year following such approval.

Notice of the filing of Agreement No. 10116 appeared in the FEDERAL REGISTER February 7, 1974. No protest or request for hearing was received. However, Sea-Land Service, Inc. (Sea-Land) submitted comments urging that any approval of Agreement 10116 be limited to a one-year term. According to Sea-Land, the proposed revenue pool is based upon space chartering Agreements Nos. 9718 and 9731, scheduled to expire on March 1, 1975, and Agreement 9835 scheduled to expire on August 25, 1976. Sea-Land argues that authority under the proposed pooling agreement should not extend beyond the approval period of these cooperative space chartering agreements among the six Japanese carriers. Moreover, Sea-Land urges that the revenue pool is a new concept in the trade and should be reviewed periodically to evaluate the results and impact of the Agreement.

According to the carriers, the Agreement is needed to permit orderly implementation of current rationalization efforts in the trade and is a natural and logical adjunct to the discharge of obligations already inherent under existing agreements. Moreover, the carriers argue, the trade is overtonnaged and the Agreement will alleviate pressures by individual lines to engage in malpractices if such pressures are present, or should occur, by removing any incentive therefore. To the extent the Agreement permits attainment of these objectives, the carriers argue, it will contribute to stability of conditions in the trade.

The proposed revenue pool is a new concept in these trades. Because pooling agreements are among the most anticompetitive arrangements subject to approval by the Federal Maritime Commission, the Commission is concerned with the need for such an agreement in these trades as well as its anticompetitive implications. It appears to the Commission that under Agreement Nos. 9718, 9731, and 9835, the six Japanese carriers have increased their overall liner cargo carriage at a greater rate than cargo carriage increases for the total trade during the same period. Moreover, by pooling revenues the Japanese carriers could be in a position to concentrate their combined resources on additional vessels, related equipment, increased advertising, additional agents and forwarders and expansion of inland operations to the competitive disadvantage of other lines serving the trade. Additionally, the extent to which overtonnaging presently exists in these trades is subject to question. Therefore, the Commission is of the opinion that these matters and the approval of this Agreement should be made the subject of a formal investigation.

Now, therefore *it is ordered*, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreement No. 10116 is unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports, or operates to the detriment of the commerce of the United States or is contrary to the public interest or otherwise in violation of the Shipping Act, and whether Agreement No. 10116 should be approved, modified, or disapproved pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, That in the event there is any modification of this Agreement, such modification shall be filed with the Commission and shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15, Shipping Act, 1916;

It is further ordered, That Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Ltd., Showa Shipping Company, Ltd., and Yamashita Shinnihon Shipping Company, Ltd., be named as Respondents herein;

It is further ordered, That this proceeding be expedited and that a public hearing be held in this proceeding to commence on or before March 4, 1975, and that this matter be assigned for such

hearing and Initial Decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That a copy of this Order be forthwith served upon Respondents herein, and upon the Commission's Bureau of Hearing Counsel, and be published in the FEDERAL REGISTER; and that the Respondents and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That any person other than Respondents and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR § 502.72) of the Commission's rules of practice and procedure.

Pursuant to these rules, absent good cause shown, parties must commence discovery procedures within 30 days (on or before November 25, 1974) after publication of this notice in the FEDERAL REGISTER, and any intervener desiring to utilize the discovery procedures prescribed by Subpart L thereof must commence doing so no later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than November 25, 1974, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period (46 CFR § 502.72(b)).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25004 Filed 10-24-74;8:45 am]

PACIFIC WESTBOUND CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. D. Day, Jr., Chairman
Pacific Westbound Conference
635 Sacramento Street
San Francisco, California 94111

Agreement No. 57-100 modifies the APPENDIX to the approved basic agreement of the Pacific Westbound Conference by:

(A) Amending the second paragraph of Article 1(b) thereof to provide that the Conference shall elect an Executive Committee consisting of eight (8) members, rather than five (5) members and one alternate; that, initially, the Committee shall be elected for staggered terms to provide for the replacement of two (2) members, instead of one (1), each six months; and that no member line is to serve longer than two (2), rather than two and one-half (2½), consecutive years; and

(B) Deleting the third paragraph of Article 1(b) in its entirety which presently provides that the Executive Committee will act as an advisory committee to the Chairman and, as required, will consider and make recommendations with respect to all matters pertaining to the administration of the Conference offices and shall promptly report its recommendations to the Conference as a whole.

By Order of the Federal Maritime Commission.

Dated: October 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25005 Filed 10-24-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75-44]

CLINTON OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 18, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75-44	Clinton Oil Co	55	11	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (Rocky Mountain Area).	$1,354	9-20-74		3-21-75	26.1324	43.8612	
	do	56	18	do	419	9-23-74		3-24-75	26.1324	43.8612	
	do	57	18	do	394	9-23-74		3-24-75	26.1324	43.8612	

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.

The proposed increases are from the Opinion No. 658 area rate to the Opinion No. 699 national rate. However, since the subject sales are not covered by Opinion No. 699, the proposed rates are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-24848 Filed 10-24-74;8:45 am]

[Docket No. RI75-42]

TEXAS PACIFIC OIL CO., INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 11, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75-42	Texas Pacific Oil Co., Inc.	111	2	Northern Natural Gas Co. (Tiger Ridge Area, Hill and Blaine Counties, Mont.) (Montana-Dakota Subarea) (Rocky Mountain Area).	$50	9-11-74	----------	11-12-74	24.0	[1] 24.5	
	do	112	2	Northern Natural Gas Co. (Sherard Area, Blaine and Chouteau Counties, Mont.) (Montana-Dakota Subarea) (Rocky Mountain area).	300	9-12-74	----------	11-13-74	24.0	[1] 24.5	RI74-160.

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to Btu adjustment.

The proposed rate increases filed by Texas Pacific Oil Company exceed the applicable area ceiling rate in Order No. 435 and are suspended for one day.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-24760 Filed 10-24-74;8:45 am]

[Docket No. E-8755]

CENTRAL KANSAS POWER CO.

Extension of Procedural Dates

OCTOBER 18, 1974.

On October 16, 1974 Staff Counsel filed a motion for extension of the procedural dates fixed by Order issued on July 2, 1974, in the above-designated matter. The motion states that the interested parties have been notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, November 5, 1974.
Service of Intervenor's Testimony, November 19, 1974.
Service of Company's Rebuttal Testimony, December 3, 1974.
Hearing, December 17, 1974 (10:00 a.m. (EST)).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-24965 Filed 10-24-74;8:45 am]

[Docket No. RP75-6-1]

CITIES SERVICE GAS CO.

Extension of Time

OCTOBER 18, 1974.

On October 17, 1974, Cities Service Gas Company filed a request for an extension of time in which to respond to the petition of Custom Resins, Inc., for extraordinary relief and application for rehearing, as fixed by order issued October 4, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing said response is extended to and including November 4, 1974.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-24964 Filed 10-24-74;8:45 am]

[Docket No. RP73-43]

MID LOUISIANA GAS CO.

Proposed Change in Rates

OCTOBER 18, 1974.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on September 16, 1974, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Ninth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1, and E-1; that the revised tariff sheet and supporting information are being filed to coincide with a major rate increase by United Gas Pipe Line Company, one of Mid Louisiana's gas suppliers and that the filing is being made forty-five (45) days prior to the effectice date of November 1, 1974, in accord-

ance with Section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24967 Filed 10-24-74;8:45 am]

[Docket No. E7942]

NANTAHALA POWER AND LIGHT CO.

Extension of Procedural Dates

OCTOBER 18, 1974.

On October 15, 1974, Nantahala Power and Light Company filed a motion to extend the procedural dates fixed by order issued September 26, 1974, in the above designated matter. The motion states that North Carolina Electric Membership Corporation, Haywood Electric Membership Corporation, the Town of Highlands, and Staff Counsel have been contacted and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Evidence, December 9, 1974.
Service of Staff and Intervenor's Evidence, January 3, 1975.
Service of Rebuttal Evidence, January 17, 1975.
Hearings, January 27, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24968 Filed 10-24-74;8:45 am]

[Docket No. CP75-115]

TENNESSEE GAS PIPELINE CO. AND UNITED GAS PIPE LINE CO.

Application

OCTOBER 18, 1974.

Take notice that on October 10, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and United Gas Pipe Line Company (United), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-115 a joint application for a certificate of public convenience and necessity authorizing them to continue to exchange natural gas until April 1, 1975, at existing points of interconnection of their two systems, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that as of September 1, 1973, United had received 12,670,159 Mcf of gas to which Tennessee was entitled from the gas produced in the Bastian Bay Field, where for a number of years each applicant has been receiving gas into its pipeline system.

The application states further that the only feasible method of correcting said imbalance is by delivery into the facilities of United at Bastian Bay of gas attributable to Tennessee's interest and by delivery by United of equivalent volumes into Tennessee's system at existing points of interconnection of applicants' pipeline systems.

Applicants state that on January 17, 1974, they began said exchange pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) and that since the imbalances cannot be corrected prior to April 1, 1975, they have filed the instant application. At the rate of 30,000 Mcf per day, according to the application, the imbalance due Tennessee had been reduced to 6 million Mcf by August 1, 1974. Applicants expect that by April 1, 1975, the imbalance of deliveries will have been corrected. Applicants assert that since an emergency has been established within the meaning of § 157.22 on the basis of the circumstances facing Tennessee's and United's systems in the Bastian Bay Field and on the basis of the fact that United is currently curtailing its customers, the exchange should be permitted to continue.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-24969 Filed 10-24-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST AND MERCHANTS CORP.

Order Approving Acquisitions of Banks

First and Merchants Corporation, Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, in three separate applications, under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of three proposed new banks: First and Merchants National Bank of Loudoun, Leesburg, Virginia ("Loudoun Bank"); First and Merchants National Bank of Fairfax, McLean, Virginia ("Fairfax Bank"); and First and Merchants National Bank of Prince William, Dale City, Virginia ("Prince William Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in the State, controls five banks with aggregate deposits of approximately $1.3 billion, representing 10.3 percent of the total commercial bank deposits in Virginia. (All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved through August 31, 1974.) Since the applications involve the acquisition of three proposed new banks, consummation of the proposals would not immediately increase applicant's share of commercial bank deposits in the State.

Applicant presently operates, through its lead bank, First and Merchants National Bank, Richmond ("First Bank"), three branches in Arlington County, five branches in Fairfax County, three branches in Loudoun County, and one branch in the city of Falls Church, Virginia. These branches and the proposed sites of the three de novo subject acquisitions are all located within the Washington, D.C. SMSA banking market. Applicant's existing branches in this area hold, collectively, total deposits of approximately $119 million, representing 1.6 percent of total market deposits. The proposals relating to the Loudoun Bank and Fairfax Bank anticipate that applicant's First Bank would spin off its three branches in Loudoun County to Loudoun Bank, and its five Fairfax

County and one Falls Church branch to Fairfax Bank. Applicant has no present subsidiary or branch office in Prince William County where it proposes to establish the Prince William Bank. Since the Loudoun Bank, Fairfax Bank and Prince William Bank are proposed de novo institutions, applicant's acquisition thereof would not have any immediate effect on Applicant's share of commercial bank deposits in the Washington, D.C. SMSA banking market, nor would consummation of the proposals have an adverse effect on existing or potential competition. Accordingly, competitive considerations are consistent with approval of the applications.

The financial and managerial resources and prospects of applicant are regarded as satisfactory. The proposed new banks have no financial or operating history; however, their prospects as subsidiaries of applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the applications. The relevant areas have grown rapidly over the past years and the ability of the proposed new banks to serve as alternative and convenient sources of banking services should benefit the residents of these expanding communities. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with, and lend weight toward, approval of the applications. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

In connection with this application, the Board notes that applicant has received Board approval under Section 4 (c)(8) of the Act to engage in a wide range of nonbanking activities, including mortgage banking, credit-related insurance, and leasing activities. In addition, applicant is entitled to a ten-year authority to retain control, with divestiture required by December 31, 1980, of First Development Corporation, Richmond, Virginia, a company engaged in providing equity capital and construction financing to builder-developers. In making its determination herein, the Board has relied upon a finding that the combination of the three additional subsidiary banks with Applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after that date, and (c) First and Merchants National Bank of Loudoun, First and Merchants National Bank of Fairfax, and First and Merchants National Bank of Prince William shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-24954 Filed 10-24-74;8:45 am]

SOUTHLAND BANCORP.

Order Approving Formation of Bank Holding Company

Southland Bancorporation, Mobile, Alabama, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to The Merchants National Bank of Mobile, Mobile, Alabama ("Mobile Bank"), and City National Bank of Birmingham, Birmingham, Alabama ("Birmingham Bank") (hereinafter referred to as "Banks"). The banks into which Mobile Bank and Birmingham Bank are to be merged have no significance except as a means to facilitate the acquisition of all of the voting shares of Banks. Accordingly, the proposed acquisition of shares of the successor organizations is treated herein as the proposed acquisition of shares of Mobile Bank and Birmingham Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was recently organized for the purpose of becoming a bank holding company[1] through acquisition of Mobile Bank ($296.8 million in deposits) and Birmingham Bank ($72.0 million in deposits).[2] Upon consummation of the proposed transaction, applicant would become the fifth largest bank holding company in Alabama and would control 4.78 per cent of deposits. Board approval of the instant proposal would produce no undesirable effect on Statewide concentration, but would provide the nucleus for an additional Statewide holding company resulting in procompetitive effects Statewide.

Mobile Bank is the largest banking organization in the Mobile banking market,[3] where it controls approximately 36 percent of the total deposits in commercial banks in that market. The next three largest banking organizations control, respectively, approximately 35, 14, and 6 percent of the market deposits.

Birmingham Bank is the fifth largest of 12 banking organizations competing in the Jefferson County banking market, where it controls 3.5 percent of the total commercial bank deposits in that market. The Jefferson County banking market is approximately 200 miles distant from the Mobile banking market and it does not appear that either Bank derives any relatively significant amount of loans or deposits from the other's banking market. Accordingly, it does not appear that consummation of the proposed transaction would eliminate any significant actual competition between Banks. Moreover, the distance separating the two markets and Alabama's restrictive branching laws limit the chance of substantial future competition between Banks developing.

The financial, managerial resources, and future prospects of applicant are dependent upon those of Banks, the resources and prospects of which are considered generally satisfactory, and therefore consistent with approval. Applicant proposes to provide new or expanded services, such as international services, natural resource management, and data processing and trust services. Additionally, equipment leasing and large commercial and industrial lending would be offered. Banks' effective lending limits would be increased. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governor Wallich.

[1] By Order of July 15, 1974 (60 FRB 669 (1974)), the Board denied on application by Applicant to acquire Banks and the successor by merger to First National Bank of Fairhope, Fairhope, Alabama ("Fairhope Bank"). In that Order, the Board found that there existed significant actual competition between Mobile Bank and Fairhope Bank that would be eliminated by consummation of the transaction contemplated by that application. The Board also found that the high level of deposit concentration among the Mobile market's top three banking organizations would increase significantly and that the likelihood of eventual deconcentration would be diminished.

[2] All banking data are as of December 31, 1973.

[3] The Mobile banking market is approximated by Mobile County, plus all of Baldwin County except the southern one-fourth. See Board's Order of September 10, 1974, approving the application of First Alabama Bancshares, Inc., Birmingham, Alabama, to acquire the successor by merger to Farmers and Marine Bank, Bayou La Batre, Alabama. 39 FR 33408 (1974). This market roughly approximates the Mobile RMA discussed in the Board's Order of July 15, 1974, and under either market definition, the Board's determination herein would not differ. The change in ranking of Mobile Bank from second largest banking organization in the Mobile market, as stated in the Order of July 15, 1974, to largest, reflects deposit growth of Mobile Bank rather than a change in the market definition.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-24955 Filed 10-24-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-68]

NASA LUNAR ADVISORY COMMITTEE

Notice of Meeting

The NASA Lunar Advisory Committee will meet at the Lunar Science Institute on November 11 and 12, 1974. The meeting will be held in the Hess Room of the Institute located at 3303 NASA Road 1, Houston, Texas, from 9 a.m. to 5:30 p.m. on November 11 and from 8:30 a.m. to 3:30 p.m. on November 12. The meeting is open to members of the public to within the 30-seat capacity of the room.

The NASA Lunar Advisory Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review the NASA lunar programs and objectives. The Committee has 15 members including the Chairman, Dr. Noel W. Hinners. At the meeting the Lunar Advisory Committee will review the status of previous recommendations and action items, and will be briefed on recent meetings regarding the feasibility of a heat flow experiment on the Lunar Polar Orbiter; the relative merits of conducting ground-based extraterrestrial geodetic surveying by lunar ranging, satellite ranging, and Very Long Baseline Interferometry; and the annual ALSEP operating review. Progress reports will be presented on the Lunar Polar Orbiter definition studies, and lunar sample storage and curating. The Committee will also discuss the plans and objectives for next summer's Lunar Summer Study and the plans for the Lunar Rock Display in the National Air and Space Museum.

For further information regarding the meeting, please contact Dr. Richard J. Allenby, area code 202-755-1948.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

OCTOBER 23, 1974.

[FR Doc.74-25067 Filed 10-24-74;8:45 am]

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 130 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

TAR [1] AND NICOTINE [2] CONTENT OF ONE-HUNDRED THIRTY (130) VARIETIES OF DOMESTIC CIGARETTES
FEDERAL TRADE COMMISSION, SEPTEMBER 1974

Brand	Type	TPM dry Tar [1] (mg/cig)	Nicotine [2] (mg/cig)
Alpine	King size, filter, menthol	13	0.9
Do	100 mm, filter, (hard pack)	14	0.9
Belair	King size, filter, menthol	16	1.1
Do	100 mm, filter, menthol	17	1.2
Benson & Hedges	Regular size, filter, (hard pack)	9	0.6
Do	King size, filter, (hard pack)	16	1.1
Benson & Hedges 100's	100 mm, filter	17	1.1
Do	100 mm, filter, menthol	17	1.1
Bull Durham	King size, filter	30	2.0
Camel	Regular size, nonfilter	25	1.6
Do	King size, filter	19	1.3
Carlton 70's [3]	Regular size, filter	2	0.2
Carlton	King size, filter	4	0.3
Do	King size, filter, menthol	4	0.3
Chesterfield	Regular size, nonfilter	24	1.5
Do	King size, nonfilter	29	1.8
Do	King size, filter	19	1.3
Do	King size, filter, menthol	18	1.2
Do	101 mm, filter	20	1.4
Domino	King size, nonfilter	27	1.3
Do	King size, filter	20	1.2
Doral	do	14	1.0
Do	King size, filter, menthol	14	1.0
DuMaurier	King size, filter, (hard pack)	16	1.1
Edgeworth Export	do	22	1.6
Do	100 mm, filter	21	1.4
English Ovals	Regular size, nonfilter, (hard pack)	22	1.5
Do	King size, nonfilter, (hard pack)	28	2.1
Eve	100 mm, filter	18	1.3
Do	100 mm, filter, menthol	17	1.2
Fatima	King size, nonfilter	28	1.7
Frappe	King size, filter, menthol	9	0.3
Galaxy	King size, filter	15	1.1
Half & Half	do	25	1.8
Herbert Tareyton	King size, nonfilter	30	1.9
Home Run	Regular size, nonfilter	20	1.5
Iceberg 10	King size, filter, menthol	9	0.6
Iceberg 100's	100 mm, filter, menthol	8	0.6
Kent	King size, filter, (hard pack)	15	0.9
Do	King size, filter	16	1.0
Do	100 mm, filter	18	1.2
Do	100 mm, filter, menthol	18	1.2
King Sano	King size, filter	7	0.3
Do	King size, filter, menthol	7	0.3
Kool	Regular size, nonfilter, menthol	21	1.3
Do	King size, filter, menthol	17	1.3
Kool Milds	do	14	0.9
Kool	100 mm, filter, menthol	17	1.3
L & M	King size, filter, (hard pack)	17	1.2
Do	King size, filter	18	1.2
Do	100 mm, filter	20	1.4
Do	100 mm, filter, menthol	19	1.3
Lark	King size, filter	17	1.2
Do	100 mm, filter	19	1.3
Life	do	12	0.8
Lucky Strike	Regular size, nonfilter	27	1.7
Lucky Filters	100 mm, filter	21	1.6
Lucky Ten	King size, filter	10	0.7
Lucky 100's	100 mm, filter	10	0.8
Luke	King size, filter	17	1.2
Mapleton	Regular size, nonfilter	30	1.3
Do	King size, filter	23	1.2
Marlboro	King size, filter, (hard pack)	17	1.1
Do	King size, filter	16	1.1
Do	King size, filter, menthol	13	0.9
Do	100 mm, filter, (hard pack)	16	1.1
Do	100 mm, filter	17	1.1
Marlboro Lights	King size, filter	12	0.9
Marvels	Regular size, nonfilter	18	0.6
Do	King size, nonfilter	30	1.1
Do	King size, filter	5	0.2
Do	King size, filter, menthol	4	0.2
Montclair	do	19	1.5
Multifilter	King size, filter, (plastic box)	12	0.9
Do	King size, filter, menthol, (plastic box)	12	0.8
Newport	King size, filter, menthol, (hard pack)	18	1.2
Do	King size, filter, menthol	18	1.2
Do	100 mm, filter, menthol	20	1.5
Oasis	King size, filter, menthol	18	1.3
Old Gold Straights	Regular size, nonfilter	21	1.2
Do	King size, nonfilter	24	1.5
Old Gold Filters	King size, filter	18	1.1
Old Gold 100's	100 mm, filter	21	1.4
Pall Mall	King size, nonfilter	27	1.7
Pall Mall Extra Mild	King size, filter, (hard pack)	10	0.7
Do	King size, filter	10	0.7
Pall Mall	100 mm, filter	19	1.4
Do	100 mm, filter, menthol	17	1.3

Brand	Type	TPM dry Tar [1] (mg/cig)	Nicotine [2] (mg/cig)
Parliament	King size, filter, (hard pack)	14	0.9
Do	King size, filter	14	0.8
Parliament 100's	100 mm, filter	17	1.1
Peter Stuyvesant	King size, filter	20	1.4
Do	100 mm, filter	22	1.5
Philip Morris	Regular size, nonfilter	22	1.3
Philip Morris Commander	King size, nonfilter	26	1.6
Picayune	Regular size, nonfilter	20	1.6
Piedmont	Regular size, nonfilter	24	1.5
Players	Regular size, nonfilter, (hard pack)	31	2.1
Raleigh	King size, nonfilter	24	1.5
Do	King size, filter	15	1.0
Do	100 mm, filter	17	1.1
Raleigh Extra Mild	King size, filter	14	0.9
St. Moritz	100 mm, filter	19	1.2
Do	100 mm, filter, menthol	20	1.3
Safari	100 mm, filter	20	1.4
Salem	King size, filter, menthol	18	1.2
Do	100 mm, filter, menthol	19	1.3
Sano	Regular size, nonfilter	16	0.5
Silva Thins	100 mm, filter	16	1.2
Do	100 mm, filter, menthol	16	1.1
Spring 100's	do	19	1.1
Tareyton	King size, filter	20	1.3
Do	100 mm, filter	19	1.4
Tempo	King size, filter	11	0.8
True	do	11	0.7
Do	King size, filter, menthol	12	0.7
Twist	100 mm, filter, lemon/menthol	17	1.3
Vantage	King size, filter	11	0.7
Do	King size, filter, menthol	11	0.8
Viceroy	King size, filter	16	1.1
Do	100 mm, filter	17	1.1
Viceroy Extra Mild	King size, filter	15	1.0
Virginia Slims	100 mm, filter	16	1.0
Do	100 mm, filter, menthol	15	1.0
Vogue (black)	King size, filter, (hard pack)	30	1.1
Vogue (colors)	do	22	0.8
Winston	do	20	1.3
Do	King size, filter	19	1.3
Do	100 mm, filter	19	1.3
Do	100 mm, filter, menthol	19	1.3

[1] TPM (tar)—milligrams total pasticulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C. only.

By direction of the Commission.

Dated: October 16, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-24747 Filed 10-24-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 18, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

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; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA report are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time which GAO has to review the proposed report, comments must be received on or before November 8, 1974, and should be addressed to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548, Attention: Director, Office of Special Programs, Monte Canfield, Jr.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Request for clearance of a single time collection of information on Oil and Gas Reserves; the Oil and Gas Reserves Survey (FEA-P201-S-O) will be sent to all operators of Oil and/or Gas producing wells, and filled out for each State in which the operator had operations as of October 31, 1974; there are 23,000 potential respondents; responses are mandatory under Pub. L. 93-275; respondent burden will vary greatly with a low of 2 hours for small respondents and 16,000 hours for large respondents, and an average burden of 40 hours.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-24882 Filed 10-24-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the National Archives Advisory Council will meet at the times and places indicated. Any interested persons may attend. For additional information, call or write the person shown below.

NATIONAL ARCHIVES ADVISORY COUNCIL

Meeting dates: December 5-7, 1974.
Times: December 5: 8:00 pm.-10:00 p.m.; December 6: 9:00 a.m.-5:00 p.m.; December 7: 9:00 a.m.-12 noon.
Place: National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408. Room 410.
Agenda: Automated controls system; building expansion; microfilm publication program; educational programs; mid-level supervisory problems.
For further information: Dr. Frank G. Burke, Special Assistant to the Archivist, National Archives and Records Service, Washington, D.C. 20408, 202-962-0602.

Issued in Washington, D.C. on October 21, 1974.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.74-24993 Filed 10-24-74;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 October 22, 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), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Questionnaire of Individuals, Agencies and Organizations Involved in Management Aspects of Multifamily Housing, Form —, Single time, CVA (395-3532), Sunderhauf (395-4911), Resident managers, housing officials.

NATIONAL SCIENCE FOUNDATION

Federal Incentives to Technological Innovation, Form —, Single time, Weiner (395-4890), Non-profit organizations and universities.

SMALL BUSINESS ADMINISTRATION

Small Businessmen's Opinion Survey (New York), Form —, Single time, Weiner (395-

4890), Trade and Civic Assoc., Banks, business Devel. agencies.

REVISIONS

None.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-25045 Filed 10-24-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

AQUITAINE CO. OF CANADA LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 17, 1974.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934. The The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Aquitaine Co. of Canada, Ltd	7-4670
Campbell Chibougmau Mines, Ltd	7-4671
Canadian Export Gas & Oil, Ltd	7-4672
Canadian Homestead Oils, Ltd	7-4673
Distillers Corporation-Seagrams Ltd	7-4674
Gaint Yellowknife Mines, Ltd	7-4675
Home Oil Co., Ltd	7-4676
Husky Oil, Ltd	7-4677
Northgate Exploration, Ltd	7-4679

Upon receipt of a request, on or before November 2, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24930 Filed 10-24-74;8:45 am]

[File No. 500-1]

AVIS, INC.

Notice Amending Notice of Suspension of Trading

OCTOBER 16, 1974.

The Commission having determined to amend its notice of October 10, 1974 summarily suspending trading in the securities of Avis, Inc., for the period October 11, 1974 through October 20, 1974;

Therefore, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the common stock, and all other securities of Avis, Inc., being traded on the New York, Boston and Pacific Stock Exchanges and all other securities of Avis, Inc., being traded otherwise than on a national securities exchange is suspended, for the period from October 11, 1974 through midnight (EDT) on October 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24924 Filed 10-24-74;8:45 am]

BANK OF VIRGINIA CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 17, 1974.

In the Matter of Application of the Boston Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
Bank of Virginia Co	7-4669

Upon receipt of a request, on or before November 2, 1974, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24931 Filed 10-24-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Notice of Suspension of Trading

OCTOBER 18,1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Thereof, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 19, 1974 through October 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24925 Filed 10-24-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

OCTOBER 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 19, 1974 through October 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24926 Filed 10-24-74;8:45 am]

INVESTORS MUTUAL, INC., ET AL.

Notice of Application for an Order Pursuant to Section 11(a) of the Act To Permit an Offer of Exchange and Pursuant to Section 6(c) for Exemption From the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder

Notice is hereby given that Investors Mutual, Inc., Investors Stock Fund, Inc.,

Investors Variable Payment Fund, Inc., Investors Selective Fund, Inc., IDS New Dimensions Fund, Inc., and IDS Progressive Fund, Inc. (collectively referred to as "Funds") each of which is registered as an open-end investment company under the Investment Company Act of 1940 ("Act") and Investors Diversified Services, Inc. ("IDS") (collectively referred to with the Funds as "Applicants") have filed an application for an order (1) pursuant to section 11 (a) of the Act to permit the Funds to offer their shares to shareholders of IDS Bond Fund, Inc. ("Bond Fund") on a basis other than their net asset value per share at the time of the transfer and (2) pursuant to section 6(c) of the Act granting exemption from section 22(d) of the Act and Rule 22d–1 thereunder, in connection with such transfers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

IDS, as principal underwriter for each of the Funds, maintains a continuous public offering of the shares of each of the Funds at their respective net asset value plus a sales charge. The maximum sales charge is 7% for Investors Selective Fund, Inc., and 8% for each of the other Funds on purchases of less than $15,000. The sales charge is reduced on larger purchases. Investments in shares of each of the Funds may be transferred into investments in shares of any of the other Funds on the basis of their net asset value per share at the time of the transfer without sales charge (except for certain restrictions pertaining to shares of Investors Selective Fund, Inc.). There is no transaction charge for redeeming shares.

Bond Fund is an open-end investment company registered under the Act. It has filed a registration statement under the Securities Act of 1933 with respect to a proposed public offering of shares of its stock. IDS is the investment adviser and principal underwriter for Bond Fund. Bond Fund proposes to offer its shares to the public at an offering price equal to net asset value plus a sales charge of 3½% of the offering price. The same sales charge is levied on reinvestment of income dividends. Upon redemption there is a transaction charge, payable to IDS, of $2.50 or 1% of the amount redeemed, whichever is less.

Each of the Funds proposes to offer its shares to shareholders of Bond Fund who redeem their shares of Bond Fund and immediately reinvest in any of the Funds on the basis of their net asset value per share at the time of the transfer, plus the sales charge described in the prospectus of each of the Funds, less an amount equal to the sales charge previously paid on the Bond Fund shares being transferred. As a result, a shareholder acquiring shares of one of the Funds through a transfer of his holdings of shares of Bond Fund would pay the same overall sales charge that he would have paid had he purchased the same number of shares of one of the Funds directly. Shareholders of the other Funds will not have the privilege of transfer into Bond Fund shares.

No sales charge will be imposed upon a transfer of shares of Bond Fund which were acquired as a result of capital gain distributions at net asset value. The additional sales charge would only be imposed upon the transfer of shares of Bond Fund originally acquired by a direct purchase or as a result of reinvestment of dividends from income. There will be the same transaction charge as in all other redemptions of Bond Fund shares.

In the event a shareholder desires to transfer only a portion of his investment in Bond Fund, those shares that were acquired at net asset value without sales charge will be transferred first.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the shareholder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current public offering price described in the prospectus. The sales charge described in the prospectus of each of the Funds is greater than the sales charge which would be applicable to the proposed transfer.

Applicants state that the purpose of the proposed transfer privilege is to permit a shareholder of Bond Fund who changes his investment objective to change his investment to a different investment company without paying the full sales charges otherwise applicable. Applicants assert that the transfer privilege to shareholders of Bond Fund cannot be made at the net asset values of the Fund to be acquired because the shareholder of Bond Fund would have paid substantially less sales charges on his investment than similarly situated investors in the Fund to be acquired. Applicants contend that if shares of the Funds could be acquired by a shareholder of Bond Fund at net asset value in a transfer, it is possible that the transfer would be in violation of Section 22(d) of the Act since an investor would be able to purchase shares of one of the Funds at a sales charge other than that described in its prospectus merely by purchasing shares of Bond Fund and subsequently transferring those shares at net asset value into shares of one of the Funds.

Section 6(c) provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 12, 1974, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his request, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall by filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–24933 Filed 10–24–74;8:45 am]

NUMAC OIL AND GAS LTD., ET AL.

Boston Stock Exchange; Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 17, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Numac Oil & Gas, Ltd	7–4680
Pato Consolidated Gold Dredging, Ltd	7–4681
Ranger Oil (Canada) Ltd	7–4682
Toltal Petroleum (North America), Ltd	7–4683

Wainoco Oil, Ltd	7-4684
Walker (Hiram)-Gooderham & Worts, Ltd	7-4685
Western Decalta Petroleum, Ltd	7-4686

Upon receipt of a request, on or before November 2, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24929 Filed 10-24-74;8:45 am]

OLIN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 17, 1974.

In the Matter of Application of the Detroit Stock Exchange for unlisted trading privileges in a certain security, Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

	File No.
Olin Corp	7-4668

Upon receipt of a request, on or before November 2, 1974, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, the application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24932 Filed 10-24-74;8:45 am]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

OCTOBER 18, 1974.

In the matter of trading in securities of Westgate California Corporation, File No. 500-1, Securities Exchange Act of 1934, Section 15(c)(5).

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent, the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 19, 1974 through October 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24927 Filed 10-24-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Notice of Suspension of Trading

OCTOBER 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 19, 1974 through October 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-24928 Filed 10-24-74;8:45 am]

TENNESSEE VALLEY AUTHORITY

ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Criteria for Selection

Notice is hereby given pursuant to section 602(d)(12) of Title VI as amended (40 U.S.C. 474(12)) and Title IX (40 U.S.C. 541-544) of the Federal Property and Administrative Services Act of 1949 that the Board of Directors of the Tennessee Valley Authority has established the following criteria for obtaining architectural and engineering services on the basis of demonstrated competence and professional qualification at fair and reasonable prices.

Criteria for selection. 1. Specialized experience of the firm in the type of service required; a proven history of successful past performance is desirable.

2. Capacity of the firm to perform the work within the required time. The architect-engineer will make available suitable personnel and facilities.

3. Past record of performance and contracts with government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules.

4. Financial responsibility of the firm.

5. Geographic location of design office.

6. For nuclear power plant work the firm shall have a Quality Assurance plan in conformance with 10 CFR Part 50, Appendix B.

Procedure for selection and negotiation of contracts. The Tennessee Valley Authority's Board of Directors has delegated authority to the Manager, Office of Engineering Design and Construction; the Manager, Office of Power; and the Manager, Office of Agricultural and Chemical Development to conduct discussions and select in accordance with the above criteria the three most highly qualified firms to perform architect-engineer services for each project for which such services are required by their respective offices.

After selection of the firms, the Director of Purchasing will negotiate, subject to approval by TVA's Board of Directors, a contract for such architect-engineer services.

Dated at Knoxville, Tennessee, this 17th day of October, 1974, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.74-24952 Filed 10-24-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

OREGON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Directors for Occupational Safety and Health (hereinafter called Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accord-

ance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 1188).

The Oregon plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act.

Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of at least as effective State standards. By letter dated June 24, 1974, from M. Keith Wilson, Chairman, Workmen's Compensation Board to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted proof documents concerning Subparts F, I, K, M, and N of Part 1910, Chapter 29, Code of Federal Regulations. These standards, which are contained in Oregon Safety Code for Places of Employment, were promulgated by the State after public hearings held on the following dates: November 7, 8, and 27, 1973; December 6, 1973; April 22, 25, and 30, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. Where applicable, the State has adopted the most recent standards developed by the American National Standards Institute (ANSI) in place of the ANSI references adopted as consensus standards under section 6(a) of the Act. For example, Chapter 9 "Storage and Handling Materials and Material Handling Equipment" of the Oregon Safety Code for Places of Employment, 59-8-44 references ANSI Code A11.1-1973, while the Federal standard, 29 CFR 1910.178(h) references ANSI Code A11.1-1965 (R 1970).

In addition the State standards are more specific in several areas particularly with respect to Subpart I, 29 CFR 1910.132 et seq. "Personal Protective Equipment" and Subpart K, 29 CFR 1910.151 "Medical and First Aid." The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 1813, Smith Tower Building, 506 Second Avenue, Seattle, WA 98104; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, OR 97310; and Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of 29 CFR Part 1953, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be unnecessary.

This decision is effective October 25, 1974.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 677))

Signed at Seattle, Washington, this 18th day of October, 1974.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.74-24958 Filed 10-24-74;8:45 am]

Office of the Secretary

TELL CITY, IND., PLANT OF THE GENERAL ELECTRIC CO., NEW YORK, N.Y.

Certification of Eligibility of Workers to Apply for Adjustment Assistance

Under date of September 23, 1974, the U.S. Tariff Commission made a report of its investigation (TEA-W-239) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted by the International Union of Electrical, Radio and Machine Workers (AFL-CIO) on behalf of the workers and former workers of the Tell City, Ind. plant of the General Electric Co., New York, N.Y. In this report, the Commission found that articles like or directly competitive with electronic receiving tubes and components thereof known as mounts produced by the Tell City, Ind. plant of the General Electric Co., New York, N.Y., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's findings, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation 34 FR 18342; 37 FR 2472; 39 FR 35611; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with electronic receiving tubes and components thereof known as mounts produced by General Electric Co.'s Tell City, Ind. plant increased substantially. In an effort to lower costs and compete more effectively in the receiving tube market, General Electric decided to consolidate all of its domestic tube production at the company's plant in Owensboro, Ky. Due primarily to the erosion of General Electric's share of the domestic tube market caused by the increasing quantities of electronic receiving tubes entering the United States, including those entering as components of television receivers, the company will terminate tube production at the Tell City plant by January 1975. Significant unemployment at the Tell City plant caused in major part by increased imports began in May 1974 and has continued to the present. After due consideration, I make the following certification:

All hourly and salaried workers employed in the Tube Products Department of the Tell City, Ind. plant of General Electric Co., New York, N.Y. who became or will become unemployed or underemployed after April 28, 1974, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 17th day of October, 1974.

EDWARD B. PERSONS,
Associate Deputy Under Secretary, International Affairs.

[FR Doc.74-24956 Filed 10-24-74;8:45 am]

Wage and Hour Division

LEARNERS AND STUDENT WORKERS

Certificates Authorizing Employment at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Bernice Industries, Bernice, LA; 8-11-74 to 8-10-75. (Boys' shirts)

Big River Mfg. Co., Kittanning, PA; 8-31-74 to 8-30-75. (Boys' shirts)

Bland Sportswear, Bland, VA; 9-16-74 to

9–15–75; 10 learners. (Men's and boys' shirts)
Capitol City Mfg. Co., Inc., West Columbia, SC; 7–1–74 to 6–30–75. (Women's dresses)
Caraway Apparel Co., Caraway, AR; 7–22–74 to 7–21–75; 10 learners. (Women's dresses)
Chatham Knitting Mills, Inc., Chatham, VA; 7–22–74 to 7–21–75; 8 learners. (Men's casual jackets)
Clayburne Mfg. Co., Inc., Clayton, GA; 8–5–74 to 8–4–75. (Men's shirts)
Coatesville Garment Co., Coatesville, PA; 9–11–74 to 9–10–74; 5 learners. (Women's pant suits and dresses)
Covington Industries, Inc., Opp, AL; 7–2–74 to 7–1–75. (Men's, women's and boys' hunting clothing and men's and women's jeans and jackets)
Crane Mfg. Co., Crane, MO; 8–1–74 to 7–31–75. (Men's, boys', girls' and women's jeans)
Elder Mfg. Co., Dexter, MO; 8–21–74 to 8–20–75. (Men's and boys' pants)
Excelsior Frocks, Inc., Archbald, PA; 8–23–74 to 8–22–75; 10 learners. (Women's dresses)
The Fordyce Apparel Co., Fordyce, AR; 7–10–74 to 7–9–75. (Men's and boys' pants)
Franklin Garment Co., Franklin, VA; 8–12–74 to 8–11–75; 10 learners. (Children's dresses)
Giles Mfg. Corp., Narrows, VA; 7–24–74 to 7–23–75. (Children's outerwear)
Hamburg Shirt Corp., Hamburg, AR; 8–14–74 to 8–13–75. (Boys' shirts)
The Hercules Trouser Co., Wellston, OH; 7–30–74 to 7–29–75. (Men's and boys' pants)
Jo-Jac Shirt Co., Pulaski, TN; 7–3–74 to 7–2–75; 10 learners. (Boys' shirts)
Juniata Garment Co., Inc., Mifflin, PA; 6–25–74 to 6–24–75. (Women's, misses' and juniors' dresses and pant suits)
Kingstree Industries, Inc., Kingstree, SC; 8–15–74 to 8–14–75; 10 learners. (Women's slacks and shorts)
Lackawanna Pants Mfg. Co., Scranton, PA; 9–17–74 to 9–16–75. (Men's pants)
Lee-Mar Shirt Co., Inc., Pulaski, TN; 7–15–74 to 7–14–75. (Boys' shirts)
Middleburg Sportswear, Inc., Middleburg, PA; 6–25–74 to 6–24–75. (Women's, misses', and juniors' dresses and pants suits)
Niemor Contractors, Newark, NJ; 8–5–74 to 8–4–75. (Men's and boys' casual outerwear coats)
Paramount Sportswear Corp., Fall River, MA; 8–30–74 to 8–29–75; 10 learners. (Women's casual coats and jackets)
Purling Mills, Inc., Tamaqua, PA; 6–24–74 to 6–23–75. (Men's shirts and women's blouses)
Raycord Co., Inc., Spartanburg, SC; 8–22–74 to 8–21–75. (Men's shirts)
Somerset Shirt & Pajama Co., Somerset, PA; 9–3–74 to 9–2–75. (Boys' pajamas)
Somerville Mfg. Co., Inc., Vivian, LA; 7–24–74 to 7–23–75. (Men's pants)
Viceroy Mfg. Co., Inc., Osceola Mills, PA; 6–24–74 to 6–23–75. (Men's and women's casual jeans, jackets and vests)
Wendell Garment Co., Inc., Wendell, NC; 9–5–74 to 9–4–75; 10 learners. (Men's shirts)
Wilmot Mills, Inc., Camden, AL; 9–9–74 to 9–8–75. (Women's pajamas and gowns)

The following plant expansion certificates were issued authorizing the numbers of learners indicated.

Berlin Mfg. Co., Inc., Berlin, MD; 7–1–74 to 1–31–75; 10 learners. (Women's and men's jeans and shirts)
Continental Apparel Mfg. Co., DeFuniak Springs, FL; 7–1–74 to 1–31–75; 15 learners. (Women's pants and blouses)
Fawn Grove Mfg. Co., Inc., Fawn Grove, PA; 7–1–74 to 1–31–75; 25 learners. (Men's pants, women's jeans and work jackets)
Fawn Grove Mfg. Co., Inc., Rising Sun, MD; 7–1–74 to 1–31–75; 20 learners. (Coveralls, outwear coats and jackets)
Moreland Enterprises, Inc., Whigham, GA; 7–10–74 to 1–9–75; 10 learners. (Boys' pants)

The following certificates were issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended)

Good Luck Glove Co., Metropolis, IL; 7–6–74 to 7–5–75; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (Work gloves)
Good Luck Glove Co., Vienna, IL; 9–1–74 to 8–31–75; 10 learners for normal labor turnover purposes. (Work gloves)

The following certificates were issued under the hosiery industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.40 to 522.43, as amended)

Fort Payne DeKalb Hosiery Mills, Inc., Fort Payne, AL; 9–16–74 to 9–15–75; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Infants' and children's seamless hosiery)
Unique Knitting Co., Acworth, GA; 7–15–74 to 7–14–75; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Seamless hosiery)

The following certificates were issued under the knitted wear industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 as amended)

Junior Form Lingerie Corp., Boswell, PA; 9–5–74 to 9–4–75; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Women's underwear and sleepwear)
J. E. Morgan Knitting Mills, Inc., Tamaqua, PA; 9–16–74 to 3–15–75; 50 learners for plant expansion purposes. (Men's and boys' underwear)

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Bayuk Ciales, Inc., Ciales, PR; 9–5–74 to 9–4–75; 11 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.53 an hour. (Tobacco)
Carlita Corp., Hormigueros, PR; 8–6–74 to 8–5–75; 20 learners for normal labor turnover purposes in the occupation of machine stitching for a learning period of 480 hours at the rates of $1.43 an hour for the first 240 hours and $1.56 an hour for the remaining 240 hours. (Ladies' and men's dress and sport gloves)
Glamourette Fashion Mills, Inc., Quebradillas, PR; 7–17–74 to 7–16–75; 12 learners for normal labor turnover purposes in the occupations of (1) Knitting, for a learning period of 480 hours at the rates of $1.42 an hour for the first 240 hours and $1.59 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of 320 hours at the rates of $1.42 an hour for the first 160 hours and $1.59 an hour for the remaining 160 hours. (Sweaters and related products)
Mesana Dyeing & Finishing, Inc., Quebradillas, PR; 7–17–74 to 7–16–75; 12 learners for normal labor turnover purposes in the occupations of: (1) Machine stitching and pressing, for a learning period of 320 hours at the rates of $1.42 an hour for the first 160 hours and $1.59 for the remaining 160 hours; and (2) Kettle handlers and dyers, for a learning period of 240 hours at the rate of $1.42 an hour. (Sweaters and related products)
Puritan Caribbean, Inc., Cidra, PR; 7–20–74 to 7–19–75; 18 learners for normal labor turnover purposes in the occupation of machine knitting, for a learning period of 480 hours at the rates of $1.42 an hour for the first 240 hours and $1.59 an hour for the remaining 240 hours. (Sweaters and shirts)
Ricardo Corp., Hormigueros, PR; 8–2–74 to 8–1–75; 10 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of $1.43 an hour for the first 240 hours and $1.56 an hour for the remaining 240 hours. (Ladies' and men's dress gloves)
Wendy Textile Mills, Inc., Quebradillas, PR; 7–17–74 to 7–16–75; 5 learners for normal labor turnover purposes in the occupation of machine knitting for a learning period of 480 hours at the rates of $1.42 an hour for the first 240 hours and $1.59 an hour for the remaining 240 hours. (Sweaters and related products)

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers and learning periods for the certificate issued under Part 527 are as indicated below.

Garfield Business Institute, Beaver Falls, PA; 7–15–74 to 7–14–75; authorizing the employment of 3 student-workers in the clerical industry in the occupations of secretarial and clerical for a learning period of 1,000 hours at the rates of $1.50 an hour for the first 500 hours and $1.60 an hour for the remaining 500 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before November 11, 1974.

Signed at Washington, D.C. this 17th day of October 1974.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.74–24957 Filed 10–24–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 17]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Fleet Transport Co., Inc., MC-103051, Sub-271	MC-103051, Sub-265	Aug. 21, 1973
Roy Bros. Inc., MC-112963, Sub-34	MC-112963, Sub-35	Jan. 11, 1974
Central & Southern Truck Lines, Inc., MC-113267, Sub-No. 276	MC-113267, Sub-283	Jan. 2, 1974
Nelsen Bros., Inc., MC-113382, Sub-16	MC-113382, Sub-15	Dec. 21, 1973
Exley Express, Inc., MC-114290, Subs-53, 61	MC-114290, Sub-52	Jan. 11, 1974
Dart Transit Co., MC-114457, Sub-142	MC-114457, Sub-140	Dec. 26, 1973
Bankers Dispatch Corp., MC-114533 Sub-270	MC-114533, Sub-275	Jan. 16, 1974
Poole Truck Line, Inc., MC-115162, Sub-266	MC-115162, Sub-260	Jan. 8, 1974
Erwin Hurner, MC-115876, Sub-24	MC-115876, Sub-26	Jan. 15, 1974
Barrett Mobile Home Transport Inc., MC-116073, Sub-273	MC-116073, Sub-253	Jan. 16, 1974
Robertson Tank Lines, Inc., MC-116077, Subs-304, 313, 319	MC-116077, Sub-306	Dec. 7, 1973
Wilson Brothers Truck Line, Inc., MC-116544, Subs-132, 140	MC-116544, Sub-133	Jan. 11, 1974
Wilson Brothers Truck Line, Inc., MC-116544, Sub-138	MC-116544, Sub-134	Dec. 6, 1973
Carl Subler Trucking Co., MC-116763, Sub-249	MC-116763, Sub-253	Dec. 26, 1973
D & T Trucking Co., Inc., MC-117644, Sub-29	MC-117644, Sub-32	Jan. 2, 1974
Pulley Freight Lines, Inc., MC-117815, Sub-201	MC-117815, Sub-199	Dec. 7, 1973
Subler Transfer, Inc., MC-117883, Sub-178	MC-117883, Sub-187	July 25, 1974
Umthun Trucking Co., MC-118468, Sub-29	MC-118468, Sub-30	Dec. 7, 1973
H. E. Spann and Co., Inc., MC-119160, Sub-6	MC-119160, Sub-7	Jan. 2, 1974
Henry M. Lanciani, MC-119543, Sub-8	MC-119543, Sub-9	Jan. 16, 1974
N.A.B. Trucking Co., Inc., MC-119726, Subs-29, 31	MC-119726, Sub-30	Dec. 26, 1973
Enid Freight Lines, Inc., MC-121428, Sub-3	MC-121428, Sub-4	Dec. 7, 1973
Shupe & Yost, Inc., MC-123075, Sub-22	MC-123075, Sub-23	Dec. 6, 1973
C. R. England & Sons, Inc., MC-124679, Sub-55	MC-124679, Sub-57	Jan. 18, 1974
Thomas P. Smith, MC-125362, Sub-4	MC-125362, Sub-5	Jan. 16, 1974
Mardel Trucking Co., Inc., MC-128636, Sub-2	MC-128636, Sub-3	Jan. 11, 1974
Heyl Truck Lines, Inc., MC-133119, Sub-28	MC-133119, Sub-17	Do.
Overland Co., Inc., MC-133221, Sub-11, 13	MC-133221, Sub-9	Jan. 7, 1974
Great Atlantic Corp., MC-134307, Sub-2	MC-134307, Sub-3	Jan. 15, 1974
Francis Mooney Trucking, Inc., MC-134414, Sub-3	MC-134414, Sub-4	Jan. 11, 1974
D.b.a. Refrigerated Distributing, MC-134915, Sub-1	MC-134915, Sub-2	Do.
D.b.a. H. A. Beyer & Son, MC-135482, Sub-2	MC-135482, Sub-1	Jan. 17, 1974
LTL Perishables, Inc., MC-135874, Sub-8	MC-135874, Sub-14	Jan. 16, 1974
Merchant's Home Delivery Service, Inc., MC-136211, Sub-6	MC-136211, Sub-8	Jan. 11, 1974
Coastal Trucking Co., MC-136239, Sub-1	MC-136239	Jan. 7, 1974
D.b.a. Darrell Sorenson Transportation Co., MC-136830	MC-136830, Sub-1	Jan. 8, 1974
Lenape Transportation Co. Inc., MC-136916, Sub-8	MC-136916, Sub-5	Jan. 18, 1974
J. C. Clift Truck Line, Inc., MC-138005, Sub-1	MC-138005, Sub-2	Jan. 11, 1974
Can-Am Marine Transit, Ltd., MC-138164	MC-138164	Jan. 8, 1974
D.b.a. N. J. Arabie Trucking Service, MC-138270, Sub-1	MC-138270, Sub-2	Nov. 28, 1973
Atlas Travel Tours, Ltd., MC-138348, Sub-1	MC-138348	Jan. 15, 1974
North Shore Delivery Service, Inc., MC-138417	MC-138417, Sub-1	Jan. 8, 1974
ASI, Inc., MC-138429, Sub-3	MC-138429, Sub-4	Feb. 19, 1974
Winzeler Trucking, Inc., MC-138453	MC-138453, Sub-1	Mar. 11, 1974
Georges Ed. Choquette, MC-138459	MC-138459, Sub-1	Mar. 8, 1974
D.b.a. Dave White Trucking, MC-138486, Sub-1	MC-138486, Sub-2	Feb. 28, 1974
D.b.a. John Goetz Trucking, MC-138487, Sub-1	MC-138487, Sub-2	Mar. 11, 1974
D.b.a. Gregory Grain Co., MC-138492	MC-138492, Sub-1	Feb. 28, 1974
John B. Labmert Trucking Co., MC-138570, Sub-1	MC-138570, Sub-2	Feb. 19, 1974
Gwinner Oil Co., Inc., MC-138575, Sub-1	MC-138575, Sub-2	Feb. 22, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-24890 Filed 10-24-74;8:45 am]

[Notice No. 617]

ASSIGNMENT OF HEARINGS

OCTOBER 22, 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 October 25, 1974.

MC 108340 Sub 27, Haney Truck Line now assigned December 9, 1974, at Salem, Oreg., is cancelled and reassigned to December 9, 1974 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC 123389 Sub 20, Crouse Cartage Company, now assigned October 29, at Omaha, Nebr., the hearing is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25006 Filed 10-24-74;8:45 am]

[Ex Parte No. 241, Rule 19 Ex. No. 87]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial movements of cotton, grain, and grain products moving in plain, forty-foot, narrow-door boxcars between points on the following railroads:

The Atchison, Topeka and Santa Fe Railway Company
Chicago, Rock Island and Pacific Railroad Company
Missouri Pacific Railroad Company
St. Louis-San Francisco Railway Company
Union Pacific Railroad Company

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 feet wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with cotton, grain, or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term grain and grain products shall comprise the commodities specifically named in lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330-U, ICC A-4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Effective date: October 16, 1974.

Expires December 15, 1974.

Issued at Washington, D.C., October 16, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.74-25010 Filed 10-24-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 22, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 11, 1974.

FSA No. 42888—*Roofing Cement to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-489), for interested rail carriers. Rates on cement, roofing, liquid or other than liquid, in carloads, as described in the application, from points in southwestern territory, to points in southern territory.

Grounds for relief—Rate relationship, new commodity.

Tariff—Supplement 4 to Southwestern Freight Bureau, Agent, tariff SW/S-302-

H, I.C.C. No. 5154. Rates are published to become effective on November 25, 1974.

FSA No. 42889—*Iron or Steel Articles to Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B–490), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in Alabama, Colorado, Illinois, Kansas, Missouri and Oklahoma, to specified points in Texas.

Grounds for relief—Water competition.

Tariff—Supplement 82 to Southwestern Freight Bureau, Agent, tariff 301–F, I.C.C. No. 5098. Rates are published to become effective on November 27, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–25007 Filed 10–24–74;8:45 am]

[Ex Parte No. 241; Rule 19; Amdt No. 2 to Ex No. 84]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 84 issued August 21, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 84 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire November 15, 1974.

This amendment shall become effective October 15, 1974.

Issued at Washington, D.C., October 8, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–25011 Filed 10–24–74;8:45 am]

[Ex. No. 1, Fifth Rev. S. O. No. 1124]

NEWPORT NEWS-NORFOLK, VA. TERMINAL ET AL.

Car Service Orders

OCTOBER 16, 1974.

Pursuant to the authority vested in me by section (a) (1) (viii) of Fifth Revised Service Order No. 1124 the following exceptions to Revised Service Order No. 1124 are hereby adopted as exceptions to Fifth Revised Service Order No. 1124.

Exception No. 2—Effective April 1, 1973 (Newport News–Norfolk, VA terminal)
Exception No. 3—Effective April 1, 1973 (Woodchip cars on Seaboard Coast Line)
Exception No. 4—Effective April 1, 1973 (Penn Central ore cars located on Penn Central, Canton Railroad, or Patapsco and Back River)
Exception No. 5—Effective April 1, 1973 (Extended free time at remote stations—various railroads named in Demurrage Tariff 4–J, ICC H–59)
Exception No. 6—Effective April 7, 1973 (Certain special service gondolas on Chicago, Rock Island and Pacific)
Exception No. 7—Effective April 1, 1973 (Penn Central ore cars on Philadelphia, Bethlehem and New England)
Exception No. 10—Effective July 1, 1973 (Denver and Rio Grande Western special gondola cars in dolomite service Canyon City, Colorado)
Exception No. 11—Effective July 1, 1973 (Denver and Rio Grande Western special gondola cars in limestone service at Monarch, Colorado)

As information, the issuance of Fourth Revised Service Order No. 1124, removing boxcars from the car types subject to the order had the effect of cancelling Exceptions Nos. 1, 8 and 9 which were applicable only to boxcars.

Effective date: October 1, 1974.

Issued at Washington, D.C., October 16, 1974.

[SEAL] LEWIS R. TEEPLE,
Member,
Railroad Service Board.

[FR Doc.74–25009 Filed 10–24–75;8:45 am]

[Ex. No. 2, Fifth Revised S.O. No. 1124]

ROOFED HOPPER CARS

Car Service Orders

OCTOBER 16, 1974.

Pursuant to the authority vested in me by Section (a) (1) (viii) of Fifth Revised Service Order No. 1124, roofed hopper cars listed in The Official Railway Equipment Register, ICC R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations listed below are hereby made exempt from all provisions of Fifth Revised Service Order No. 1124.

MECHANICAL DESIGNATION		
HKR	HMR	HTR

Effective date: October 16, 1974.

Issued at Washington, D.C., October 16, 1974.

[SEAL] LEWIS R. TEEPLE,
Member,
Railroad Service Board.

[FR Doc.74–25008 Filed 10–24–74;8:45 am]

federal register

FRIDAY, OCTOBER 25, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 208

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

ASBESTOS AND MERCURY

Proposed Amendments to National Emission Standards

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 61]

[FRL 275-1]

ASBESTOS AND MERCURY

Proposed Amendments to National Emission Standards for Hazardous Air Pollutants

On April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for the hazardous air pollutants asbestos, beryllium, and mercury. Clarifying amendments to the original standards were promulgated on May 3, 1974 (39 FR 15396), to advise the public how the regulations are being interpreted in Agency enforcement activities. The Administrator proposes herein amendments to the standards for asbestos and mercury. The Administrator also proposes amendments to Appendix B, Test Methods, of this part. In accordance with section 117 of the Act, publication of these proposed amendments was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including economic and technological issues, and on the proposed test method. All relevant comments received not later than December 5, 1974, will be considered. Comments received will be available for public inspection at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460. Background information materials explaining the action taken have been published in a report entitled Background Information on National Emission Standards for Hazardous Air Pollutants, Proposed Amendments to Standards for Asbestos and Mercury (EPA-450/2-74-009). This report is too voluminous to publish in the FEDERAL REGISTER; copies are available on request from the Emission Standards and Engineering Division, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The information contained in this report is briefly discussed below.

The Environmental Defense Fund, et al., filed on May 7, 1973 a Petition for Review of the national emission standards for hazardous air pollutants promulgated on April 6, 1973. As a result of this action, the Agency investigated the need for extending coverage of the standards to additional sources of asbestos and mercury in order to protect public health with an ample margin of safety. In addition, experience by the Agency in enforcing the standards promulgated on April 6, 1973, revealed that several major sources of asbestos emissions are not covered and some portions of the asbestos standard need clarifying. The Administrator believes that the clarifications proposed herein are sufficiently substantive to warrant proposal for public comment, rather than inclusion in the clarifying changes which were promulgated, without prior proposal, on May 3, 1974.

ASBESTOS

Manufacturing. It is the Administrator's judgment that the manufacture of shotgun shells and the manufacture of asphalt concrete are major sources of asbestos which should be added to the list of nine manufacturing operations covered by the promulgated asbestos standard. The asbestos emissions from the two additional manufacturing operations will be limited to the same extent as those of the other nine manufacturing operations: Visible emissions to the outside air are prohibited, but an option of using specified air-cleaning methods is provided.

Fabrication. Fabrication operations were excluded from the promulgated standard because it was thought that only new construction sites were major fabrication sources of asbestos emissions and these were thought to be adequately controlled by Occupational Safety and Health Administration (OSHA) regulations. The petition of the Environmental Defense Fund, et al., questioned the exclusion of fabrication operations from the promulgated standard. In response to these questions, the Agency conducted further investigations of the various fabrication operations involving asbestos products. These investigations showed that asbestos products other than insulating products are field-fabricated to only a limited extent and that the Agency's previous reliance on OSHA regulations to cover field fabrication is unnecessary. However, the investigation showed that fabrication of some asbestos products in central shops is a major source of asbestos emissions.

It is the judgment of the Administrator that the only field-fabricating operation for asbestos products which is a major source is the installation of molded asbestos insulating materials. The amendment proposed herein prohibits the installation of the following materials that contain commercial asbestos: Molded insulating materials which are friable and wet-applied insulating materials which are friable after drying.

A wide variety of asbestos insulating products has been used for thermal insulation. Many, though not all, of the products are friable and produce significant quantities of asbestos-containing dust during cutting to fit contours of specific equipment and during installation. One common type of friable insulation is molded, asbestos-reinforced blocks, sheets, and semicircular sections for pipe insulation. Some powdered asbestos cement products which are mixed into a slurry and used to insulate extremely irregular shapes are also friable, after drying.

Insulating products which contain no commercial asbestos have been developed for many applications, largely because of the known occupational hazards of installing products such as the common types of molded asbestos pipe insulation. Friable, molded thermal insulation which contains asbestos is no longer manufactured in the United States, and asbestos-free products are now available for the complete range of temperature requirements. Fiberglass is used at lower temperatures, and ceramic fibers are used for extremely high temperature requirements. Asbestos-free substitutes are also available for powdered asbestos cement insulation.

While control methods are available for the installation of friable asbestos insulating materials and for their removal during demolition and renovation, the methods permit some asbestos emissions during these operations and during the disposal of the accompanying waste materials. The availability of an economical and more effective control method, i.e., the use of asbestos-free insulating products, together with the uncertainty as to the nature of the dose-response curve of asbestos in man, indicates that it would be prudent to prohibit the use of friable asbestos insulating products. Even though the use of these asbestos products in the United States has been largely discontinued, a regulation is necessary to stop the use that still exists and to ensure that such products are not used again in the future.

Asbestos is used in numerous manufactured products, and many of the products undergo some type of fabrication prior to application in an end use. Some fabrication involves cutting operations which do not generate large quantities of asbestos emissions, for example, the cutting to size of vinyl-asbestos floor tile during installation. In other instances, processing which could be performed at fabrication sites is incorporated into manufacturing operations; this type of processing is already covered as part of the corresponding manufacturing operation by the standard promulgated on April 6, 1973. Examples of this practice are the grinding of motor vehicle brake linings when it is done at the site of manufacture, and the custom sizing of asbestos cement sheets for construction of individual facilities performed as part of the manufacturing process before the product has reached a hardened condition.

On the basis of information obtained during investigation of the various fabrication operations involving asbestos products, the Administrator has determined that fabrication of the following materials in central fabricating shops is a major source of asbestos emissions: (1) Asbestos-cement building materials, (2) asbestos-cement and asbestos-silicate boards for six major end uses, and (3) asbestos friction products. An amendment to the asbestos standard is proposed herein to limit the emissions of asbestos from central fabricating shops which process these types of manufactured products. The proposed amend-

ment prohibits visible emissions to the outside air but provides an option for using specified air-cleaning methods, which is the same emission limit that is specified for asbestos manufacturing sources. Asbestos cement building products include flat sheets, corrugated sheets, shingles, and laminated panels which are used for walls and roofs of industrial buildings, canal bulkheads, cooling tower construction, and other applications. The major applications of asbestos cement or asbestos silicate board which involve fabrication have been identified as ventilation hoods; ovens; electrical panels; laboratory furniture; bulkheads, partitions, and ceilings for marine construction; and flow control devices for the molten metal industry. Asbestos friction products include brake linings and clutch facings for motor vehicles. Enforcement of the asbestos standard revealed the existence of facilities which fabricate automotive brake shoe linings but do not manufacture the linings as that term is defined in the promulgated regulations, and therefore are not covered by the standard. The fabrication operations performed at these facilities are similar to those at asbestos friction product manufacturing plants, which are covered by the standard. The proposed amendment extends coverage of the asbestos standard to these fabrication operations, but does not apply to brake shoe radius-grinding which is sometimes performed during brake shoe replacement on automobiles to ensure good braking immediately after installation. Relatively small quantities of asbestos-containing dust are generated by individual installers, and even these small quantities were being controlled at facilities inspected by the Agency. Combination brake drum grinding and brake shoe radius-grinding machines are in general use which are equipped with a local dust pick-up and fabric-type filter for collection of the brake lining dust. Also, the emissions are generally vented into the room where the operation takes place rather than into the outside air.

Demolition and Renovation. Amendments to the demolition provisions of the asbestos standard are proposed herein. A definition of "friable asbestos material" is proposed, and an exemption from certain wetting requirements under subfreezing conditions is proposed. It is also proposed that the standard cover renovation operations and stripping of apparatus other than pipes, boilers, and load-supporting structural members.

The demolition provisions, 40 CFR Part 61, require a report to the Administrator of intention to demolish. It has been questioned whether friable asbestos materials may be removed from a building, structure, facility, or installation prior to submitting the report, and without following the work practices of the standard. The intent of the standard is to control emissions of asbestos from the stripping and removal of the friable asbestos materials as well as from the actual wrecking operations. Consequently, it is proposed to revise the definition of "demolition" (39 FR 15396) to clarify that demolition includes the removal or stripping of friable asbestos materials or specified items insulated or fireproofed with friable asbestos materials prior to the wrecking and removal of load-supporting structural members.

The current demolition provisions of the asbestos standard apply only to "friable asbestos materials." Enforcing the standard led to questions about which materials are "friable" and which materials are not "friable." It is not possible to specify friability in a quantifiable way because there is no standardized test method for friability; however, the provisions proposed herein include a definition for "friable asbestos material." The definition is "any material that contains more than 1 percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure." The use of the term "friable asbestos material" in the standard is intended to distinguish between materials such as vinyl-asbestos floor tile and molded asbestos pipe insulation. The asbestos fibers in floor tile are tightly bound and cannot escape easily; however, asbestos fibers in molded materials are readily released.

The Agency has received comments from demolition trade associations concerning the friability of corrugated asbestos paper insulation. The determination of whether this type of insulation is friable is complicated. Friability of such paper after installation appears to depend on the degree of deterioration of the paper binders. New paper insulation does not seem to be friable, but insulation which has been installed for a long period of time is more likely to have undergone some deterioration and become friable. Therefore, the determination of whether corrugated asbestos paper insulation is friable will be made on a case-by-case basis.

The proposed definition of "friable asbestos material" excludes those materials that contain less than 1 percent asbestos by weight. This exclusion is intended to make the demolition provisions consistent with the spraying provisions which permit the use of spray-applied asbestos insulation or fireproofing that contains less than 1 percent asbestos by weight. Asbestos insulation or fireproofing materials have in the past generally contained between 10 and 90 percent asbestos by weight. No materials are known that contain below 1 percent asbestos by weight, with the exception of recently developed spray-on insulation or fireproofing products and materials that contain asbestos as a natural contaminant.

The promulgated asbestos regulation does not apply to renovation operations where load-supporting structural members are not wrecked; or to stripping and removal in sections of apparatus other than pipes, boilers and load-supporting structural members covered with friable asbestos materials. Investigations conducted by the Agency indicate that the following operations can potentially generate asbestos emissions similar in magnitude to operations covered by the promulgated standard, and these operations are therefore major sources of asbestos emissions:

1. During renovation of buildings or structures, the stripping of significant amounts of friable asbestos material from pipes, boilers, tanks, reactors, turbines, furnaces, or structural members; or the removing of such pipes and apparatus in sections.

2. During demolition of buildings or structures, the stripping of friable asbestos materials from tanks, reactors, turbines, furnaces, and non-load-supporting structural members; or the removing of such apparatus in sections.

3. During demolition of buildings or structures, the stripping of friable asbestos material from previously removed units or sections of pipes, boilers, reactors, turbines, furnaces, and structural members covered with friable asbestos materials.

The Administrator has determined that a four-unit apartment building, the maximum size apartment building that is excluded from the asbestos standard, typically contains 80 meters of insulated pipe and 15 square meters of insulation on a steam boiler. Renovation operations involving such quantities of friable asbestos materials could therefore generate asbestos emissions of the same magnitude as the demolition operations presently covered by the standard. Therefore, the Administrator proposes to extend the asbestos standard to cover renovation operations with emission potential of a magnitude similar to that of demolition operations covered by the standard.

It is recognized that in some renovations, such as the replacement of a boiler in an apartment building, it may not be feasible to provide 10 days' notice as required by the asbestos standard. Accordingly, the amendments proposed herein specify that notice of any renovation operation must be provided "as early as possible" prior to the commencement of renovation. When 10 days' notice is possible, the notice should be postmarked that early.

It is proposed that the demolition provisions be amended to allow load-supporting structural members to be wrecked before friable asbestos material is removed from the entire building or structure, provided that: (a) The friable asbestos material in the area that is being actively wrecked is previously removed according to the procedures required by the standard, and (b) the friable asbestos material in areas not being wrecked still can be stripped or removed prior to susbequent active wrecking in those areas. The proposed provision does not alter the stringency of the asbestos standard but does provide some flexibility to the contractor carrying out a demolition operation.

The demolition industry commented that the promulgated asbestos standard should permit pipes or apparatus to be taken out of buildings or structures in units or in sections without first stripping the asbestos insulation or fireproofing.

The promulgated standard does not prohibit this practice; but since such questions had been raised, amendments were promulgated (39 FR 15396) to clarify that this practice is permitted. The units or sections can be stripped at the demolition site or other unenclosed area after removal, or possibly in an enclosed building. The stripping operations for units or sections are considered by the Administrator to be major asbestos emission sources similar to stripping performed in place in buildings or structures. Therefore, it is proposed herein that the requirement for wetting friable asbestos insulating and fireproofing materials during stripping in buildings and structures be extended to cover the stripping of pipes or apparatus removed in sections or in units from the buildings or structures with the asbestos materials intact. An option is also included for using specified air-cleaning equipment if the stripping is carried out in an enclosed area.

It is proposed herein that the requirement of the promulgated standard for wetting of asbestos insulation and fireproofing during stripping from a building, structure, facility or installation be suspended when the temperature is below 0°C (32°F) at the place of wetting the friable asbestos materials. Demolition contractors have commented that wetting at temperatures below this level produces freezing of oversprayed water and hazardous footing for workers. On the basis of observations by the Agency of demolition sites during freezing weather, the Administrator has determined that the spraying of water in those areas where workers will be walking presents a serious hazard. A narrow exemption from the wetting requirement during freezing weather is therefore proposed. However, friable asbestos materials must still be removed from the building or structure prior to wrecking, and procedures have been specified in the proposed amendment which will minimize asbestos emissions when the wetting requirements are suspended because of freezing weather. Pipes and specified apparatus with friable asbestos materials intact must be removed in sections prior to wrecking whenever possible. Once these sections are removed from buildings, subsequent stripping of friable asbestos materials is not exempted from the wetting requirements, regardless of outside temperature. Additionally, friable asbestos material wastes must be wetted under all circumstances. It is the Administrator's judgment that, when the above measures are taken, the suspension of the wetting requirements during periods of freezing weather will continue to protect human health with an ample margin of safety.

A revision is proposed herein which makes the reporting requirements for emergency demolition operations more explicit and requires wetting during such operations. Only buildings, structures, facilities, and installations which have been ordered to be demolished because they are structurally unsound and in danger of imminent collapse would be exempted from the requirement of stripping or removing of friable asbestos materials before demolition. The order for emergency demolition must be made by an authorized representative of the appropriate State or local governmental agency. The proposed amendments require that the report of intention to demolish be postmarked as early as possible prior to the commencement of demolition. In such emergency operations, the portions of the structure containing friable asbestos material must be wetted during the wrecking operation. This requirement applies even in freezing weather, since such spraying will not endanger workmen within the building.

Waste Disposal. The petition of the Environmental Defense Fund, et al., questioned the exclusion of asbestos waste disposal operations and some portions of asbestos mill-tailings disposal operations from the promulgated standard. In response to the questions raised, the Agency initiated a more extensive study of emissions from the disposal of asbestos-containing waste materials. Asbestos ambient air monitoring studies were conducted at an asbestos mill-tailings disposal site, and at a waste disposal site for asbestos manufacturing and fabricating operations. In addition, seven asbestos waste disposal or landfill operations, and six asbestos mill-tailings disposal sites were inspected. Discussions were held with asbestos manufacturing plant operators, asbestos fabricating plant operators, and demolition contractors. The results of this investigation indicated that asbestos waste disposal should be regulated by the national emission standard for asbestos. Amendments are proposed herein for the disposal of asbestos wastes generated by asbestos mills; and for asbestos manufacturing, fabricating, demolition, and spraying operations which are covered by either the promulgated standard or provisions proposed herein. The proposed standard controls the waste disposal operations of packaging, transporting, and deposition at a waste disposal site, and operation of the asbestos waste disposal site.

The proposed provisions for the disposal of asbestos waste require that there be no visible emissions to the outside air during any stage of the disposal process, extending from collection of the waste through deposition of the waste at an ultimate disposal site. The use of specified disposal practices is proposed as an alternative to complying with the no-visible-emissions requirement of the regulation.

The method proposed as an alternative to the no-visible-emission requirement for asbestos mill waste disposal requires that the waste be adequately wetted with a specified dust suppression agent, without creating visible emissions to the outside air, and subsequently deposited at a disposal site.

Two methods are proposed as alternatives to the no-visible-emission requirement for the asbestos waste generated at asbestos manufacturing, fabricating, demolition, and spraying operations. One method allows wetting the waste with water without creating visible emissions to the atmosphere, then sealing the wetted waste into impermeable containers, labeling the containers to provide notice that a hazardous material is contained within, and depositing the filled containers at a disposal site. The second method allows for the asbestos waste to be formed into non-friable pellets without creating visible emissions to the outside air and then depositing the pelletized waste at a disposal site.

The Agency investigation revealed that in some cases empty paper and plastic bags that previously contained asbestos were contaminated with asbestos fibers and were incinerated. There is no known control device available that allows most solid waste incinerators to control particulate emissions to the level achievable for such sources as asbestos mills and manufacturing operations covered by the promulgated regulation. There are environmentally acceptable alternative disposal methods for disposing of such waste, such as landfilling. Accordingly, it is proposed herein to prohibit the incineration of containers such as paper or plastic bags that previously contained commercial asbestos.

The proposed provisions for waste disposal sites require that there be no visible emissions to the outside air from the operations performed at the site and from the deposited waste. In addition, it is proposed that warning signs be installed to alert the general public of the potential asbestos hazard, and that fences be installed to restrict access of the general public to the disposal site. The intent of the fencing requirement is to provide a positive deterrent to the general public, especially children, in gaining entrance to the disposal site, creating asbestos dust by disturbing the surface of the waste site, and becoming exposed to asbestos emissions. If the asbestos waste is disposed of in a landfill operation that is covered by at least 60 centimeters of non-asbestos-containing material or 15 centimeters of non-asbestos-containing material on which an adequate vegetative cover is maintained, minor disturbances of the surface such as walking will not cause the generation of asbestos emissions. Therefore, such sections of a disposal site are exempt from the fencing requirement.

The proposed alternatives for compliance with the no-visible-emissions requirement for waste disposal sites are divided into two groups. The disposal site must comply with at least one of the specified disposal methods for the active sections of the site and at least one specified management method for inactive sections of a site. The proposed regulation distinguishes between active and inactive sections of a site because the methods for controlling asbestos emissions from each section differ.

For an active site, spraying the surface of the waste with a resinous or petroleum-based dust suppression agent, or covering the waste with at least 15 centimeters of non-asbestos material at the

end of each operating day, will reduce emissions.

The Agency's guidelines for Land Disposal of Solid Waste which were promulgated on August 14, 1974 (39 FR 29333), recommend that the thickness of compacted final cover for waste disposal sites should not be less than 60 centimeters (ca. 2 feet). However, these guidelines do not apply to mining wastes. Since asbestos tailings piles are generally large in area, over 400,000 square meters (ca. 100 acres) in some cases, the requirement that a final non-asbestos-containing material cover of 60 centimeters (2 feet) be applied to such large, steeply sloped areas is usually not practical. Accordingly, the proposed alternatives for inactive sections of asbestos mill tailings disposal sites include the use of dust suppression agents, which is not included for other asbestos waste disposal sites that are regulated. Emissions from inactive asbestos mill tailings disposal sites, or inactive sections of such sites, are regulated by the following alternative methods that reduce asbestos emissions:

1. Spraying the surface of the site with a resinous or petroleum-based dust suppression agent according to the manufacturer's recommended application rate, or

2. Covering the disposal site with 15 centimeters of non-asbestos-containing material, and establishing and maintaining a cover of vegetation on the disposal site adequate to control wind and water erosion.

3. Covering the disposal site with 60 centimeters of non-asbestos-containing material and maintaining such a cover in an erosion-free condition.

Emissions from inactive asbestos waste disposal sites, or inactive sections of such sites, other than asbestos mill tailings piles, are regulated by the following alternative methods that reduce asbestos emissions:

1. Covering the inactive asbestos-containing section of the disposal site with 15 centimeters of non-asbestos-containing material, and establishing and maintaining a cover of vegetation on this area adequate to control wind and water erosion, or

2. Covering the inactive section of the asbestos-containing section of the disposal site with 60 centimeters of non-asbestos-containing material and maintaining such cover in an erosion-free condition.

Mercury

An amendment to the mercury standard is proposed herein to limit mercury emissions from the incineration and drying of wastewater treatment plant sludges to a maximum of 3,200 grams per day. The emission limit was calculated from dispersion estimates to ensure that such sources would not cause the ambient mercury concentration to exceed 1 microgram per cubic meter averaged over a 30-day period. The meterological estimating procedure is the same as that used to develop standards for mercury ore processing facilities and mercury chlor-alkali plants (38 FR 8820), except that emission release conditions representative of sludge incineration sites have been used. The assumptions and equations used to make the dispersion estimates are discussed in the background information report.

At the time of proposal (36 FR 23239) and promulgation (38 FR 8820) of the national emission standard for mercury, the Agency had no information which indicated that sewage sludge incineration plants emit mercury in quantities that could cause the ambient concentration to exceed 1 microgram per cubic meter averaged over a 30-day period. The information available to the Administrator included stack tests for mercury emissions at five sewage sludge incineration plants. The maximum emission rate was 125 grams of mercury per day based on one of the tests which was later judged to be invalid on the basis of mass balance calculations. Emissions for the remaining four tests ranged from 1 to 40 grams of mercury per day.

After promulgation of the national emission standard for mercury, questions concerning the impact on public health of mercury emissions from sewage sludge incinerators were raised by the Environmental Defense Fund in their Petition for Review of the national emission standards for hazardous air pollutants. Similar questions were raised in connection with proposals to construct several large sludge incineration facilities. In response, the Agency initiated a study to more completely characterize emissions of mercury from sewage sludge incinerators.

Results from one emission test conducted during the more recent investigation gave an emission factor of 1.65 grams of mercury per metric ton of sludge incinerated, dry solids basis. The mercury stack sampling method described in Method 101 (38 FR 8835) was used during the most recent test. The results of all tests suggest that a significant quantity of mercury is collected by water scrubbers.

Mercury is emitted from the drying of municipal sludges and the incineration of industrial wastewater sludges, as well as from the incineration of municipal sludges. The pretreatment of industrial wastewater streams to remove mercury before discharge into municipal wastewater treatment streams may be required in the future. This could produce sludges, which might be incinerated, with higher concentrations of mercury than municipal or combined municipal-industrial wastewater treatment plant sludges. Mercury concentrations of sewage sludges nationally average approximately 5 ppm on a dry solids basis; however, approximately 10 percent of the sludge samples have mercury concentrations in excess of 15 ppm. Very large sludge incineration facilities are being contemplated for the future; for example, one existing facility will in the near future incinerate 900,000 kg (ca. 2,000,000 pounds) of dry solids per day. If this plant burned sludge with the highest reasonably expected mercury content of 15 ppm, and if only 50 percent of the mercury in the sludge were emitted into the atmosphere, the plant would emit 6,800 grams of mercury per day. This amount is over twice the maximum allowable mercury emission necessary to protect public health with an ample margin of safety. Sludge incineration facilities with capacities of 1,800,000 kg (ca. 4,000,000 pounds) per day are being planned for operation in 2005.

In view of the potentially large mercury emissions from sludge incineration plants, the Administrator has determined that it is prudent to limit mercury emissions from this source. While no sludge incineration facilities are known to be exceeding the proposed mercury emission limitation at this time, the proposed limitation will prevent a mercury emission problem from occurring in the future by ensuring that new and modified facilities investigate and provide for control of potential mercury emissions prior to construction.

Compliance with the proposed standard can be demonstrated either by determining the mercury content and charging rate of sludge and showing that the mercury input into the incineration plant is less than the maximum allowable emission, or by mercury stack sampling. Most affected facilities are expected to choose the less expensive sludge sampling option; relatively few, if any, will find it necessary to sample stack emissions.

Both the original national emission standard for mercury and the proposed amendments are designed to control the concentration of mercury in the ambient air adjacent to the point source. Since the standard is concerned primarily with the threat posed by inhalation of mercury in air immediately proximate to the point source, it does not deal with the long-range hazard posed by the addition of mercury from these point sources to the total environmental burden. Not addressed, for example, is the mercury discharged from chlor-alkali, ore processing, and slude incineration plants that is eventually transported in water, and methylated and bioconcentrated in fish. The Agency has become increasingly concerned about the total environmental burden of mercury, however, and is initiating studies to determine how this aspect can most effectively be addressed under the provisions of the Clean Air Act and other authorities.

Environmental Impact

The proposed amendments will have significant beneficial effects by reducing emissions of asbestos and mercury to the outside air; they may also have limited adverse effects on land and water resources. In the judgment of the Administrator, however, the beneficial effects of the proposed amendments outweigh the following potentially adverse effects that were considered:

1. More asbestos waste will be collected in control devices and will have to be disposed of.

2. The use of dust suppression agents to prevent wind erosion of asbestos waste may cause water pollution.

3. Other possibly harmful fibers such as fiberglass and mineral wool are substituted for asbestos in friable insulating materials.

4. Alternative disposal methods to the incineration of wastewater treatment plant sludges may cause mercury pollution of land and water.

The proposed amendments will force more efficient cleaning of gases now being emitted to the outside air from some asbestos manufacturing and fabrication plants; this action in turn will result in the production of more asbestos-containing material for disposal. However, the land disposal of such waste will be regulated by the proposed standard, which will ensure protection against emissions to the outside air during all steps of the disposal process. Further, potential asbestos water pollution problems at disposal sites can be prevented by proper selection, design and operation of the sites. All landfill sites where asbestos wastes are deposited should be selected so as to prevent horizontal and vertical migration of asbestos fibers to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions, such as the installation of impervious liners for the waste disposal site, should be taken to ensure long-term protection of the environment. Further, the intrusion of moisture into land disposal sites for asbestos should be minimized. To assist in the appropriate future use of asbestos waste disposal sites, the location of such sites should be permanently recorded in the appropriate office of the legal jurisdiction where the site is located. The asbestos waste disposal standard will be beneficial in reducing the amount of asbestos wastes that are disposed of, since it will stimulate some manufacturers who produce large quantities of potential wastes to reuse more of these wastes in their processes. The proposed standard will not increase the total quantity of asbestos waste to be disposed of from demolition and renovation operations, but will result in the segregation of the asbestos waste from large quantities of other demolition and renovation debris. Because the asbestos waste will then be more concentrated, the strict control of the disposal operations under the proposed standard will be more economical and manageable.

The use of dust suppression agents as optional methods to control wind erosion on all portions of asbestos mill tailings piles and on active sections of other asbestos waste disposal sites should reduce the total amount of asbestos entering surface waters from such sites. Such agents have been used successfully to prevent wind erosion of dust from various sources such as dirt roads, mine tailings disposal areas, farm lands and airports. While these agents could possibly cause land and water pollution problems, the history of usage over a period of more than 10 years has not revealed any substantial pollution problems. These agents are not toxic in the dilute form in which they are applied. After the agents have cured for a few hours, they will erode away only with long-term weathering.

Although asbestos is no longer used in manufacturing friable insulating materials in the United States, the proposed standard bans the use of asbestos and therefore allows the use of substitute fibers such as ceramic wool, mineral wool, and fiberglass. In contrast with asbestos, there is no evidence that these materials cause adverse health effects in the concentrations found in occupational or ambient environments.

The proposed amendment to the mercury standard will force sludge incineration and drying plants to use alternative sludge disposal methods in only a few cases. While the use of land disposal could potentially cause mercury pollution of land and water, the amount of sludge that would have to be disposed of by this method will be very small compared to the quantity of sludge already being disposed of by methods other than incineration. Adverse environmental effects to land and water can be minimized by proper selection, design, and operation of a land disposal method.

Economic Impact

Although the proposed amendments are not based on economic considerations, the Agency has evaluated the economic impact and considers it to be reasonable. Estimated costs for compliance for the several sources covered by the amendments, and the resulting economic impact, are discussed in the background information document.

Compliance with the proposed amendments to the asbestos standard will be achieved by the installation of small gas-cleaning devices, the use of asbestos-free materials, wetting during wrecking or renovation operations, the application of dust suppression agents to asbestos waste disposal piles, and other methods. Costs will vary greatly among the categories of asbestos sources because a wide variety of sources of both fugitive and process emissions are covered. Costs will also vary greatly among individual asbestos sources within a category, since the degree of control practiced now is variable; some sources can comply without additional expenditures. The proposed amendments may adversely affect some individual marginal operations, but the impact to the asbestos industries as a whole should not be large.

The economic impact of the proposed mercury standard on existing sludge incineration and drying plants is expected to be minimal. No known existing plants will exceed the standard, and the cost of demonstrating compliance will be only about $200 for most individual sources. Only those new sludge incineration and drying plants that process high-mercury-content sludge, or extremely large quantities of sludge, will be affected by the proposed standard. The size of such new sludge incinerators will be limited, with the result that a portion of the sludge will have to be disposed of by alternative methods. While the alternative methods may increase disposal costs for a few facilities, the impact of the proposed standard on new sludge incinerators is also estimated to be small.

This notice of proposed rulemaking is issued under the authority of sections 112 and 114 of the Clean Air Act as amended (42 U.S.C. 1857c–6 and 9).

Dated: October 10, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 61 of Chapter I, Title 40 of the Code of Federal Regulations by revising subparts A, B, and E and by adding Method 105 to Appendix B as follows:

Subpart A—General Provisions

1. Section 61.14 is amended by revising paragraph (c) and adding paragraph (d). The revised and added paragraphs read as follows:

§ 61.14 Source test and analytical methods.

* * * * *

(c) The Administrator may, after notice to the owner or operator, withdraw approval of an alternative method granted under paragraphs (a), (b), or (d) of this section. Where the test results using an alternative method do not adequately indicate whether a source is in compliance with a standard, the Administrator may require the use of the reference method or its equivalent.

(d) Method 105 in Appendix B to this part is hereby approved by the Administrator as an alternative method for sources subject to § 61.52(b).

Subpart B—National Emission Standard for Asbestos

2. Section 61.21 is amended by revising paragraph (j) and adding paragraphs (k), (l), (m), (n), (o), (p), (q), and (r). The revised and added paragraphs read as follows:

§ 61.21 Definitions.

* * * * *

(j) "Demolition" means the wrecking or taking out of any load-supporting structural member and any related removing or stripping of friable asbestos materials.

(k) "Friable asbestos material" means any material that contains more than 1 percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.

(l) "Control device asbestos waste" means any asbestos-containing waste material that is collected in a control device.

(m) "Renovating" means the removing or stripping of friable asbestos material used to insulate more than 80 meters (ca. 260 feet) of pipe; or the removing or stripping of more than 15 square meters (ca. 160 square feet) of friable asbestos material used to insulate or fireproof any boiler, tank, reactor, turbine, furnace, or structural member. Operations in which load-supporting structural members are wrecked or taken out are excluded.

(n) "Removing" means taking out friable asbestos materials used to insulate or fireproof any pipe, boiler, tank, reactor, turbine, furnace, or structural member from any building, structure, facility, or installation.

(o) "Stripping" means taking off friable asbestos materials used for insulation or fireproofing from any pipe, boiler, tank, reactor, turbine, furnace, or structural member.

(p) "Fabricating" means any processing of a manufactured product containing commercial asbestos, with the exception of processing at temporary sites for the construction or restoration of buildings, structures, facilities, or installations.

(q) "Inactive section of disposal site" means any section of a disposal site where additional asbestos waste material will not be deposited and where the surface is not disturbed by vehicular traffic.

(r) "Active section of disposal site" means any section of a disposal site other than an inactive section.

3. Section 61.22 is amended by revising paragraphs (c)(10) and (c)(11), (d), (f), and (g) and adding paragraphs (h), (i), (j), (k), and (l). The revised and added paragraphs read as follows:

§ 61.22 Emission standard.

* * * * *

(c) * * *

(10) The manufacture of shotgun shells.

(11) The manufacture of asphalt concrete.

(d) Demolition and renovation: The requirements of this paragraph shall apply to any owner or operator of a demolition or renovation operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any pipe, boiler, tank, reactor, turbine, furnace, or structural member that is insulated or fireproofed with friable asbestos material; or who intends to renovate any institutional, commercial, or industrial building, structure, facility, installation, or portion thereof.

(1) Written notice of intention to demolish or renovate shall be provided to the Administrator by the owner or operator of the demolition or renovation operation. Such notice shall be postmarked at least 10 days prior to commencement of demolition, or as early as possible prior to commencement of emergency demolition subject to paragraph (d)(4) of this section, and as early as possible prior to commencement of renovation. Such notice shall include the following information:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Description of the building, structure, facility, or installation to be demolished or renovated, including the size, age, and prior use of the structure; and the approximate amount of friable asbestos material used for insulation or fireproofing.

(iv) Address or location of the building, structure, facility, or installation.

(v) Scheduled starting and completion dates of demolition or renovation.

(vi) Nature of planned demolition or renovation and method(s) to be employed.

(vii) Procedures to be employed to meet the requirements of this paragraph and paragraph (j) of this section.

(viii) Name, title, and authority of the State or local governmental representative who has ordered a demolition subject to paragraph (d)(4) of this section.

(2) The following procedures shall be used to prevent emissions of particulate asbestos material to outside air:

(i) Friable asbestos materials, used to insulate or fireproof any pipe, boiler, tank, reactor, turbine, furnace, or structural member, shall be removed from any building, structure, facility, or installation subject to this paragraph. Such removal shall occur before wrecking or dismantling of any portion of such building, structure, facility, or installation that would break up the friable asbestos materials or that would preclude access to such materials in another portion for subsequent removal.

(ii) All stripping shall be accomplished while the friable asbestos material is adequately wetted, except as provided in paragraph (d)(2)(vii) of this section.

(iii) Pipes, boilers, tanks, reactors, turbines, furnaces, or structural members that are insulated or fireproofed with friable asbestos materials may be taken out of any building, structure, facility, or installation subject to this paragraph as units or in sections provided the friable asbestos materials exposed during cutting or disjointing are adequately wetted during the cutting or disjointing operation and subsequent removal. Such units shall not be dropped or thrown to the ground from any building, structure, facility or installation subject to this paragraph but shall be carefully lowered to ground level.

(iv) The stripping of friable asbestos materials used to insulate or fireproof any pipe, boiler, tank, reactor, turbine, furnace, or structural member that has been removed as a unit or in sections as provided in paragraph (d)(2)(iii) of this section shall be performed in accordance with paragraph (d)(2)(ii) of this section. Rather than comply with the wetting requirement, an owner or operator may elect to use the methods specified in § 61.23 to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

(v) Friable asbestos materials used for insulation or fireproofing which are encased in concrete or other similar structural material do not have to be removed prior to wrecking, but shall be thoroughly wetted when exposed throughout the wrecking of such materials.

(vi) All friable asbestos materials that have been removed or stripped shall be wetted adequately to ensure that such materials remain wet during all stages of demolition, renovation and related handling operations. Such materials shall not be dropped or thrown to the ground from any building, structure, facility or installation subject to this paragraph or from any floor to a floor below. For buildings, structures, facilities, or installations 50 feet or greater in height, such materials shall be transported to the ground via dust-tight chutes or containers.

(vii) Except as specified below, the wetting requirements of this paragraph are suspended when the temperature at the point of wetting of friable asbestos materials is below 0°C 32°F). Whenever friable asbestos materials are not wetted due to freezing temperatures, such materials on pipes, boilers, tanks, reactors, turbines, furnaces, or structural members shall, to the maximum extent possible, be removed in sections prior to wrecking. In no case shall the requirements of paragraphs (d)(2)(iv) or (d)(2)(vi) be suspended due to freezing temperatures.

(3) Sources subject to this paragraph are exempt from the requirements of §§ 61.05(a), 61.07, and 61.09.

(4) Any owner or operator of a demolition operation who intends to demolish a building, structure, facility, or installation, or portion thereof, to which the provisions of this paragraph would apply but which has been ordered to be wrecked by an authorized representative of the appropriate State or local governmental agency because that building is structurally unsound and in danger of imminent collapse is exempt from all but the following requirements of paragraph (d) of this section:

(i) The report requirements specified by paragraph (d)(1) of this section;

(ii) The requirements on stripping of friable asbestos materials from previously removed units or sections as specified in paragraph (d)(2)(iv) of this section;

(iii) The wetting, as specified by paragraph (d)(2)(vi) of this section, of friable asbestos materials that have been removed or stripped;

(iv) The portion of the structure being demolished that contains friable asbestos materials shall be adequately wetted during the wrecking operation.

* * * * *

(f) Rather than meet the no-visible emission requirements as specified by paragraphs (a), (c), (e), (h), (j), and (k) of this section, an owner or operator may elect to use the methods specified by § 61.23 to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

(g) Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirement of paragraphs (a), (c), (e), (h), (j), or (k) of this section, such failure shall not be a violation of such emission requirements.

(h) Fabricating: There shall be no visible emissions to the outside air, except

as provided in paragraph (f) of this section, from any building or structure in which the following operations are conducted or directly from any of the following operations if they are conducted outside of buildings or structures:

(1) The fabrication of cement building products.

(2) The fabrication of friction products, except those operations that primarily install asbestos friction materials on motor vehicles.

(3) The fabrication of cement or silicate board for ventilation hoods; ovens; electrical panels; laboratory furniture; bulkheads, partitions and ceilings for marine construction; and flow control devices for the molten metal industry.

(i) Insulating: Molded insulating materials which are friable and wet-applied insulating materials which are friable after drying, installed after the effective date of these regulations, shall contain no commercial asbestos. The provisions of this paragraph do not apply to insulating materials which are spray applied; such materials are regulated under § 61.22(e).

(j) Waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (j)(3) of this section, from the collection, processing, packaging, transporting, or deposition of asbestos-containing waste which is generated by the sources covered by paragraphs (c), (e), and (h) of this section, and of the friable asbestos waste and control device asbestos waste which is generated by the sources covered by paragraph (d) of this section. The owners or operators of such sources shall take all necessary actions to ensure that all steps, from collection through deposition at a waste disposal site, in the disposal process of asbestos-containing wastes generated by the sources comply with the provisions of this paragraph.

(2) The incineration of containers which previously contained commercial asbestos is prohibited.

(3) Rather than meet the requirements of paragraph (j)(1) of this section, an owner or operator may elect to use either of the disposal methods specified under (i) and (ii), or an alternative disposal method approved by the Administrator:

(i) Wetting of asbestos-containing waste with water:

(A) Control device asbestos waste shall be thoroughly mixed with water into a slurry and other wastes specified by paragraph (j)(1) of this section shall be thoroughly wetted. There shall be no visible emissions to the outside air from the wetting operation, except as provided in paragraph (f) of this section.

(B) All waste specified in paragraph (j)(1) of this section shall be sealed into impermeable containers while wet, and shall be deposited while wet in such containers at a waste disposal site.

(C) The containers specified in paragraph (j)(3)(i)(B) of this section shall be labeled with a warning label that states:

CAUTION

CONTAINS ASBESTOS
AVOID OPENING OR BREAKING CONTAINER
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH

(ii) Pelletizing of asbestos-containing waste into non-friable pellets:

(A) All wastes specified in paragraph (j)(1) of this section shall be pelletized into non-friable pellets and deposited at a waste disposal site.

(B) The collection of all wastes specified in paragraph (j)(1) of this section and the pelletizing operation shall not result in the discharge of visible emissions to the outside air except as specified in paragraph (f) of this section.

(k) Waste disposal for asbestos mills:

(1) There shall be no visible emissions to the outside air, except as provided in paragraph (k)(2) of this section, from the collection, processing, packaging, transporting, or deposition of asbestos ore tailings or control device asbestos waste which is generated by an asbestos mill.

(2) Rather than meet the requirement of paragraph (k)(1) of this section, an owner or operator may elect to use the following methods, or an alternative disposal method approved by the Administrator:

(i) Control device asbestos waste shall be transferred to the tailings conveyor in a manner that results in the discharge of no visible emissions to the outside air, except as provided in paragraph (f) of this section. Such waste shall be subsequently processed as specified in paragraph (k)(2)(ii) of this section. Alternatively, such waste may be disposed of as specified in paragraph (j)(3) of this section.

(ii) All ore tailings and control device asbestos waste shall be adequately wetted, with a resinous or petroleum-based dust suppression agent recommended by the manufacturer of the agent to effectively bind dust and control wind erosion, prior to deposition in the tailings disposal area. Such agent shall be mixed in the concentration recommended for the particular dust by the manufacturer of the agent. Other equally effective dust suppression agents may be used upon approval by the Administrator. There shall be no discharge of visible emissions to the outside air from the wetting operation except as specified in paragraph (f) of this section.

(l) Waste disposal sites:

(1) There shall be no visible emissions to the outside air from any active or inactive section of a waste disposal site where asbestos-containing waste has been deposited, except as provided in paragraph (l)(4) of this section.

(2) Warning signs shall be displayed at all entrances and along the property line at intervals of 100 m (ca. 330 ft) or less of all active or inactive asbestos waste disposal sites. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) (37 FR 22239) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend

ASBESTOS WASTE DISPOSAL SITE

Do Not Create Dust
Breathing Asbestos
is Hazardous to Your Health

Notation

1" Sans Serif, Gothic or Block
¾" Sans Serif, Gothic or Block
14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

(3) Asbestos-containing sections of the disposal site shall be fenced in order to deter access to unauthorized individuals, unless the requirements of paragraphs (l)(4)(i)(B) and (l)(4)(ii) are met.

(4) Rather than meet the requirement of paragraph (l)(1) of this section for emissions after the deposition of asbestos-containing waste at a disposal site, an owner or operator may elect to use one of the methods of paragraph (l)(4)(i) of this section and one or more of the methods of paragraph (l)(4)(ii) or (l)(4)(iii) of this section, or alternative control methods approved by the Administrator to control emissions from waste disposal sites.

(i) Active sections of disposal sites:

(A) A resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion shall be applied at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, to all asbestos-containing active portions of a disposal site. Such agent shall be mixed in the concentration and applied at the rate recommended for the particular dust by the dust suppressant manufacturer. Other equally effective dust suppression agents may be used upon approval by the Administrator; or

(B) A cover of at least 15 centimeters (ca. 6 inches) of compacted non-asbestos-containing material shall be applied at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, to all active asbestos-containing portions of a disposal site.

(ii) Inactive Sections of Disposal Sites, Other Than Asbestos Mill Tailings Disposal Sites:

(A) Asbestos-containing waste disposal sites, or sections of such sites, shall be covered with at least 15 centimeters (ca. 6 inches) of compacted non-asbestos-containing material, and a cover of vegetation shall be grown and maintained on the area adequate to prevent exposure of the asbestos-containing material; or

(B) Asbestos-containing waste disposal sites, or sections of such sites, shall

be covered with at least 60 centimeters (ca. 2 feet) of compacted non-asbestos-containing material and maintained to prevent exposure of the asbestos-containing waste.

(iii) Inactive Sections of Asbestos Mill Tailings Dispostal Sites:

(A) A resinous or petroleum-based dust suppression agent which effectively binds dust and controls wind erosion shall be applied to all inactive asbestos mill tailings disposal sites, or sections of such sites. Such agents shall be mixed in the concentration and applied at the rate recommended for the particular asbestos tailings waste by the dust suppressant manufacturer. Other equally effective dust suppressant agents may be used upon approval by the Administrator; or

(B) Cover as provided in paragraphs (1)(4)(ii)(A) or (1)(4)(ii)(B) of this section shall be applied to all inactive asbestos mill tailings disposal sites or sections of such sites.

4. The first sentence in § 61.23 is revised as follows:

§ 61.23 Air-Cleaning.

If air-cleaning is elected, as permitted by §§ 61.22(f) and 61.22(d)(2)(iv), the requirements of this section must be met.

* * * * *

Subpart E—National Emission Standard for Mercury

5. Section 61.50 is revised to read as follows:

§ 61.50 Applicability.

The provisions of this subpart are applicable to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge.

6. Section 61.51 is amended by adding paragraphs (l) and (m) as follows:

§ 61.51 Definitions.

* * * * *

(l) "Sludge" means sludge produced by a treatment plant that processes municipal or industrial wastewaters.

(m) "Sludge dryer" means a device used to reduce the moisture content of sludge by heating to temperatures above 65°C (ca. 150°F) with combustion gases.

7. Section 61.52 is revised to read as follows:

§ 61.52 Emission standard.

(a) Emissions to the atmosphere from mercury ore processing facilities and mercury cell chlor-alkali plants shall not exceed 2,300 grams of mercury per 24-hour period.

(b) Emissions to the atmosphere from sludge incineration plants, sludge drying plants, or a combination of these that process wastewater treatment plant sludges shall not exceed 3,200 grams of mercury per 24-hour period.

8. Section 61.53 is amended by adding paragraph (d) as follows:

§ 61.53 Stack sampling.

* * * * *

(d) Sludge incineration and drying plants.

(1) Unless a waiver of emission testing is obtained under § 61.13, each owner or operator required to comply with § 61.52(b) shall test emissions from his source. Such tests shall be conducted either in accordance with the procedures set forth in paragraph (d) of this section or § 61.54.

(2) Method 101 in Appendix B to this part shall be used to test emissions as follows:

(i) The test shall be performed within 90 days of the effective date in the case of an existing source or a new source which has an initial startup date preceding the effective date;

(ii) The test shall be performed within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(3) The Administrator shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test.

(4) Samples shall be taken over such a period or periods as are necessary to accurately determine the maximum emissions which will occur in a 24-hour period. No changes shall be made in the operation which would potentially increase emissions above the level determined by the most recent stack test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(5) All samples shall be analyzed, and mercury emissions shall be determined within 30 days after the stack test. Each determination shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(6) Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the Administrator, for a minimum of 2 years.

9. Section 61.54 is added as follows:

§ 61.54 Sludge sampling.

(a) As an alternate means for demonstrating complance with § 61.52(b), an owner or operator may use Method 105 of Appendix B and the procedures specified in this section.

(1) A sludge test shall be conducted within 90 days of the effective date in the case of an existing source or a new source which has an initial startup date preceding the effective date; or

(2) A sludge test shall be conducted within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(b) The Administrator shall be notified at least 30 days prior to a sludge sampling test, so that he may at his option observe the test.

(c) Sludge shall be sampled according to paragraph (c)(1) of this section, sludge charging rate for the plant shall be determined according to paragraph (c)(2) of this section, and the sludge analysis shall be performed according to paragraph (c)(3) of this section.

(1) The sludge shall be sampled after dewatering and before incineration or drying, at a location that provides a representative sample of the sludge that is normally charged to the incinerator or dryer. Eight consecutive grab samples shall be obtained at intervals of between 45 and 60 minutes and thoroughly mixed into one sample. Each of the eight grab samples shall have a volume of at least 200 ml but shall not exceed 400 ml. A total of three composite samples shall be obtained within an operating period of 24 hours. When the 24-hour operating period is not continuous, the total sampling period shall not exceed 72 hours after the first grab sample is obtained. Samples shall not be exposed to any condition that may result in mercury contamination or loss.

(2) The maximum 24-hour period sludge incineration or drying rate shall be determined by use of a flow rate measurement device that can measure the mass rate of sludge charged to the incinerator or dryer with an accuracy of ±5 percent over its operating range. Other methods of measuring sludge mass charging rates, approved by the Administrator, may be used.

(3) The handling, preparation, and analysis of sludge samples shall be accomplished according to Method 105 in Appendix B of this part.

(d) The mercury emissions shall be determined by use of the following equation:

$$E_{Hg} = 1 \times 10^{-3}\ c\ Q$$

where E_{Hg} = mercury emissions, g/day
c = mercury concentration of sludge on a dry solids basis, μg/g (ppm)
Q = sludge charging rate, kg/day

(e) No changes in the operation of a plant shall be made after a sludge test has been conducted which would potentially increase emissions above the level determined by the most recent sludge test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(f) All sludge samples shall be analyzed for mercury content within 30 days after the sludge sample is collected. Each determination shall be reported to the Administrator by a registered letter dispatched before the close of the next business day following such determination.

(g) Records of sludge sampling, charging rate determination and other data needed to determine mercury content of wastewater treatment plant sludges shall be retained at the source and made available, for inspection by the Administrator, for a minimum of 2 years.

* * * * *

Appendix B—Test Methods

10. Method 105 is added to Appendix B of this part as follows:

* * * * *

Method 105. Method for Determination of Mercury in Wastewater Treatment Plant Sewage Sludges

1. *Principle and applicability.* 1.1 Principle—A weighed portion of the sewage sludge sample is digested in aqua regia for 2 minutes at 95°C, followed by oxidation with potassium permanganate. Mer-

cury in the digested sample is then measured by the conventional spectrophotometer cold vapor technique. An alternative digestion involving the use of an autoclave is described in paragraph 4.5.2 of this method.

1.2 Applicability—This method is applicable for the determination of total organic and inorganic mercury content in sewage, sludges, soils, sediments, and bottom-type materials. The normal range of this method is 0.2 to 5 μ g/g. The range may be extended above or below the normal range by increasing or decreasing sample size and through instrument and recorder control.

2. *Apparatus.* 2.1 Analysis—The conventional cold vapor technique (5) is used to analyze the sample.

2.1.1 Atomic Absorption Spectrophotometer[1]—Any atomic absorption unit having an open sample presentation area in which to mount the absorption cell is suitable. Instrument settings recommended by the particular manufacturer should be followed.

2.1.2 Mercury Hollow Cathode Lamp—Westinghouse WL-22847, argon filled, or equivalent.

2.1.3 Recorder—Any multirange, variable-speed recorder that is compatible with the UV detection system is suitable.

2.1.4 Absorption Cell—Standard spectrophotometer cells 10 cm long, having quartz end windows may be used. Suitable cells may be constructed from plexiglass tubing, 2.5 cm O.D. x 11.4 cm (ca. 1'' O.D. x 4¼''). The ends are ground perpendicular to the longitudinal axis, and quartz windows [2.5 cm diameter x 0.16 cm thickness (ca. 1'' diameter x 1/16'' thickness)] are cemented in place. Gas inlet and outlet ports [also of plexiglass but 0.6 cm O.D. (ca. ¼'' O.D.)] are attached approximately 1.3 cm (½'') from each end. The cell is strapped to a burner for support and aligned in the light beam to give the maximum transmittance. NOTE: Two 5.1 cm x 5.1 cm (ca. 2'' x 2'') cards with 2.5 cm (ca. 1'') diameter holes may be placed over each end of the cell to assist in positioning the cell for maximum transmittance.

2.1.5 Air Pump—Any peristaltic pump capable of delivering 1 liter of air per minute may be used. A Masterflex pump with electronic speed control has been found to be satisfactory. (Regulated compressed air can be used in an open one-pass system.)

2.1.6 Flowmeter—Capable of measuring an air flow of 1 liter per minute.

2.1.7 Aeration Tubing—Tygon tubing is used for passage of the mercury vapor from the sample bottle to the absorption cell and return. Straight glass tubing terminating in a coarse porous frit is used for sparging air into the sample.

2.1.8 Drying Tube—15 cm long x 1.9 cm diameter (ca. 6'' long x ¾'' diameter) tube containing 20 grams of the desiccant magnesium perchlorate. The apparatus is assembled as shown in Figure 105-1. In place of the magnesium perchlorate drying tube, a small reading lamp with 60W bulb may be used to prevent condensation of moisture inside the cell. The lamp is positioned so as not to interfere with the measurement and to shine on the absorption cell maintaining the air temperature about 5°C above ambient.

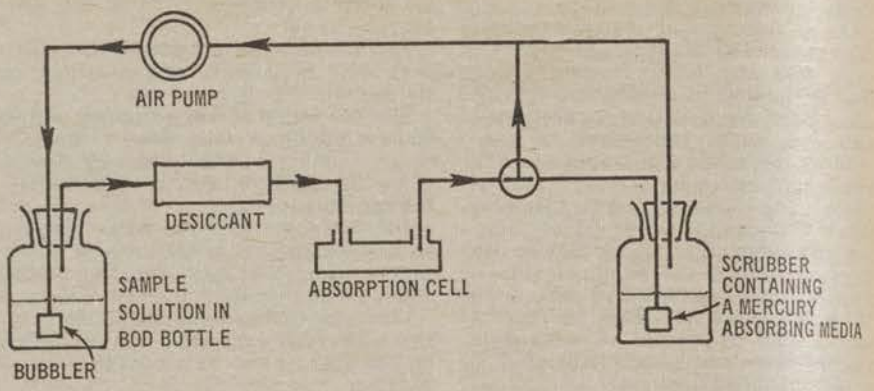

Figure 105-1. Apparatus for flameless mercury determination.

3. *Reagents.* 3.1 Analysis

3.1.1 Aqua Regia—Prepare immediately before use by carefully adding three volumes of concentrated HCl to one volume of concentrated HNO_3.

3.1.2 Sulfuric Acid, 0.5N—Dilute 14.0 ml of concentrated sulfuric acid to 1.0 liter.

3.1.3 Stannous Sulfate—Add 25 g stannous sulfate to 250 ml of 0.5N sulfuric acid. This mixture is a suspension and should be stirred continuously during use. A 10% solution of stannous chloride may be used in place of the stannous sulfate.

3.1.4 Sodium Chloride-Hydroxylamine Sulfate Solution—Dissolve 12 grams of sodium chloride and 12 grams of hydroxylamine sulfate in distilled water and dilute to 100 ml. Hydroxylamine hydrochloride may be used in place of the hydroxylamine sulfate.

3.1.5 Potassium Permanganate—5% solution, w/v. Dissolve 5 grams of potassium permanganate in 100 ml of distilled water.

3.1.6 Stock Mercury Solution—Dissolve 0.1354 grams of Bureau of Standards certified purity mercuric chloride in 75 ml of distilled water. Add 10 ml of concentrated nitric acid and adjust the volume to 100.0 ml. 1 ml=1 mg. Hg.

3.1.7 Working Mercury Solution—Make successive dilutions of the stock mercury solution to obtain a working standard containing 0.1 ug per ml. This working standard and the dilutions of the stock mercury solution should be prepared fresh daily. Acidity of the working standard should be maintained at 0.15% nitric acid. This acid should be added to the flask as needed before the addition of the aliquot.

4. *Procedures.* Samples for mercury analysis are subject to contamination from a variety of sources. Extreme care must be taken to prevent contamination. Certain interferences may occur during the analysis procedures. Extreme caution must be taken to avoid inhalation of mercury.

4.1 Sample Handling and Preservation

4.1.1 Because of the extreme sensitivity of the analytical procedure and the omnipresence of mercury, care must be taken to avoid extraneous contamination. Sampling devices, sample containers, and reagents should be ascertained to be free of significant amounts of mercury; the sample should not be exposed to any condition in the laboratory that may result in contact or airborne mercury contamination.

4.1.2 While the sample may be analyzed without drying, it has been found to be more convenient to analyze a dry sample. Moisture may be driven off in a drying oven at a temperature of 60°C. No significant mercury losses have been observed by using this drying step. The dry sample should be pulverized and thoroughly mixed before the aliquot is weighed.

4.2 Interferences

4.2.1 Interferences that may occur in sludge samples are sulfides, high copper, high chlorides, etc.

4.2.2 Volatile materials which absorb at the 253.7 nm will cause a positive interference. In order to remove any interfering volatile materials, the dead air space in the BOD bottle should be purged with nitrogen before the addition of stannous sulfate.

4.3 Handling Sample Mercury Vapors After Analysis

4.3.1 Because of the toxic nature of mercury vapor, precaution must be taken to avoid its inhalation. Therefore, a bypass should be included in the analysis system to either vent the mercury vapor into an exhaust hood or pass the vapor through some absorbing media, such as:

[1] Instruments designed specifically for the measurement of mercury using the cold vapor technique are commercially available and may be substituted for the atomic absorption spectrophotometer.

(a) Equal volumes of 0.1N $KMnO_4$ and 10% H_2SO_4

(b) 0.25% iodine in a 3% KI solution

A specially treated charcoal that will absorb mercury vapor is also available from Barnebey and Cheney, E. 8th Ave. and North Cassidy St., Columbus, Ohio 43219, Catalog No. 580–13 or No. 580–22.[2]

4.4 Calibration

4.4.1 Transfer 0, 0.5, 1.0, 2.0, 5.0 and 10 ml aliquots of the working mercury solution containing 0 to 1.0 μg of mercury to a series of 300-ml BOD bottles. Add enough distilled water to each bottle to make a total volume of 10 ml. Add 5 ml of aqua regia and heat 2 minutes in a water bath at 95°C. Allow the sample to cool and add 50 ml distilled water and 15 ml of $KMnO_4$ solution to each bottle and return to the water bath for 30 minutes. Cool and add 6 ml of sodium chloride-hydroxylamine sulfate solution to reduce the excess permanganate. Add 50 ml of distilled water. Treating each bottle individually, add 5 ml of stannous sulfate solution and immediately attach the bottle to the aeration apparatus. At this point, the sample is allowed to stand quietly without manual agitation. The circulating pump, which has previously been adjusted to a rate of 1 liter per minute, is allowed to run continuously. The absorbance, as exhibited either on the spectrophotometer or the recorder, will increase and reach maximum within 30 seconds. As soon as the recorder pen levels off, approximately 1 minute, open the bypass valve and continue the aeration until the absorbance returns to its minimum value. Close the bypass valve, remove the fritted tubing from the BOD bottle and continue the aeration. Proceed with the standards and construct a standard curve by plotting peak height versus micrograms of mercury.

4.5 Analysis

4.5.1 Weigh triplicate 0.2 g ±0.001 g portions of dry sample and place in bottom of a BOD bottle. Add 5 ml of distilled water and 5 ml of aqua regia. Heat 2 minutes in a water bath at 95°C. Cool and add 50 ml distilled water and 15 ml potassium permanganate solution to each sample bottle. Mix thoroughly and place in the water bath for 30 minutes at 95°C. Cool and add 6 ml of sodium chloride-hydroxylamine sulfate to reduce the excess permanganate. Add 55 ml of distilled water. Treating each bottle individually, add 5 ml of stannous sulfate and immediately attach the bottle to the aeration apparatus. With each sample, continue as described in paragraph 4.4.1 of this method.

4.5.2 An alternative digestion procedure using an autoclave may also be used. In this method of 5 ml of concentrated H_2SO_4 and 2 ml of concentrated HNO_3 are added to the 0.2 grams of sample. 5 ml of saturated $KMnO_4$ solution are added and the bottle is covered with a piece of aluminum foil. The samples are autoclaved at 121°C and 2.1 kg/cm² (ca. 15 psig) for 15 minutes. Cool, make up to a volume of 100 ml with distilled water, and add 6 ml of sodium chloride-hydroxylamine sulfate solution to reduce the excess permanganate. Purge the dead air space and continue as described in paragraph 4.4.1 of this method.

[2] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

5. *Calculation.* 5.1 Measure the peak height of the unknown from the chart and read the mercury value from the standard curve.

5.2 Calculate the mercury concentration in the sample by the formula:

$$\mu g\ Hg/gm = \frac{\mu g\ Hg \text{ in the aliquot}}{\text{wt. of the aliquot in g}}$$

5.3 Report mercury concentrations as follows: Below 0.1 μg/g; between 0.1 and 1 μg/g, to the nearest 0.01 μg/g; between 1 and 10 μg/g, to nearest 0.1 μg; above 10 μg/g, to nearest μg.

6. *Precision and accuracy.* 6.1 According to the provisional method in reference number 5, the following standard deviations on replicate sediment samples have been recorded at the indicated levels: 0.29 μg/g±0.02 and 0.82 μg/g ±0.03. Recovery of mercury at these levels, added as methyl mercuric chloride, was 97 and 94 percent, respectively.

7. *References*

1. Bishop, J. N. "Mercury in Sediments," Ontario Water Resources Comm., Toronto, Ontario, Canada, 1971.

2. Salma, M. Private communication, EPA Cal/Nev Basin Office, Alameda, California.

3. Hatch, W. R., and Ott, W. L. "Determination of Sub-Microgram Quantities of Mercury by Atomic Absorption Spectrophotometry," Ana. Chem. *40*, 2085 (1968).

4. Bradenberger, H. and Bader, H. "The Determination of Nanogram Levels of Mercury in Solution by a Flameless Atomic Absorption Technique," Atomic Absorption Newsletter *6*, 101 (1967).

5. Analytical Quality Control Laboratory (AQCL), Environmental Protection Agency, Cincinnati, Ohio, "Mercury in Sediment (Cold Vapor Technique)," Provisional Method, April 1972.

[FR Doc.74–24252 Filed 10–24–74;8:45 am]

federal register

FRIDAY, OCTOBER 25, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 208

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitations as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions

Florida	AQ–4050
North Carolina	AR–4048
South Carolina	AR–4049

Modifications To General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Arkansas:	
AR–33	Aug. 30, 1974
California:	
AR–1037; AR–1038	Sept. 27, 1974
Florida:	
AQ–4121	June 7, 1974
AR–4026	Aug. 30, 1974
Georgia:	
AR–4029	Sept. 6, 1974
Louisiana:	
AR–56	Oct. 4, 1974
Nebraska:	
AR–13; AR–14	Aug. 16, 1974
AR–59	Oct. 11, 1974
Texas:	
AR–41; AR–42	Sept. 20, 1974
AR–48	Sept. 27, 1974
Utah:	
AR–1040	Oct. 4, 1974
Washington:	
AR–1031	Sept. 27, 1974

Signed at Washington, D.C., this 18th day of October 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

STATE: Florida COUNTY: Dade
DECISION NUMBER: AQ-4050 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to including 4 stories.

13-R-FLA-1-A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanics	6.14				
Block masons	6.13				
Bricklayers	8.10	.40	.39		
Carpenters	8.45	.45	.30		.01
Cement masons	7.35				
Drywall tapers & finishers	7.70	.25	.30		.01
Electricians	8.80	4%	1%+.20	7%	1%
Elevator constructors	7.55	.17	.185	1.5%+a&b	.005
Elevator constructors' helpers	70%JR	.17	.185	1.5%+a&b	.005
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.20	.30	.20		.01
Ironworkers, reinforcing, structural ornamental	8.30	.45	.33		.03
Laborers:					
Laborers	5.95	.45	.30		
Mortar mixers	6.05	.45	.30		
Lathers	8.20	.35	.10		.06
Painters:					
Brush	7.45	.25	.30		.01
Roller	7.70	.25	.30		.01
Spray	7.95	.25	.30		.01
Plasterers	8.10	.40	.39		
Plumbers & pipefitters	8.34	.40	.80		.07
Roofers	6.77				
Kettlemen	6.42				
Sheet metal workers	9.20	.45	.35		.02
Soft floor layers	8.45	.45	.30		.01
Tile setters	8.10	.40	.39		
Tile setters' helpers	5.75				
Truck drivers	6.58				
Power Equipment Operators:					
Backhoe	7.71	.35	.25		
Bulldozer	6.86	.35	.25		
Crane	8.35	.35	.25		
Forklift operator	7.30				
Front end loader	5.55				
Grader	5.51				
Oiler, crane	6.36	.35	.25		

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who worked in business less than 5 years.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

NEW DECISION

STATE: North Carolina COUNTY: Onslow
DECISION NUMBER: AR-4048 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

67-NC-1-B 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	5.65				
Bricklayers	6.00				
Carpenters	3.00				
Cement masons	4.33				
Electricians	4.37				
Ironworkers:					
Structural, Ornamental, Reinforcing	3.00				
Laborers:					
Laborers	2.75				
Lathers	5.00				
Painters, brush	4.25				
Plasterers	5.65				
Plumbers & steamfitters	5.51				
Roofers	3.00				
Sheet metal workers	3.44				
Truck Drivers	2.75				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoes	3.38				
Cranes	5.25				
Front end loaders	4.00				
Tractors	4.10				

NEW DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: AR-4049 DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Lexington & Richland

40-SC-4-F 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air conditioning mechanic	$3.82					
Bricklayers	5.40					
Carpenters	4.50					
Cement masons	4.14					
Dry wall finisher	3.84					
Dry wall hanger	3.88					
Electricians	4.09					
Laborers:						
Laborers	2.60					
Mortar mixers	3.25					
Pipelayers	3.00					
Lathers	4.50					
Painters, brush	3.72					
Plasterers	4.00					
Plumbers & pipefitters	4.84					
Roofers	4.00					
Sheet metal workers	4.00					
Soft floor layers	4.56					
Tile setters	4.75					
Truck Drivers	3.00					
Welders - rate for craft.						
POWER EQUIPMENT OPERATORS:						
Asphalt paver	4.00					
Asphalt raker	3.00					
Asphalt sweeper	3.00					
Backhoe	3.87					
Bulldozer	4.15					
Front end loader	3.87					
Motor grader	3.25					
Pan	3.64					
Roller	4.00					

DECISION NO. AR-33 - Mod. #1
(39 FR 31784 - August 30, 1974)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians:					
Electricians	$8.775	.30	1%		½%
Cable splicers	8.90	.30	1%		½%
Line Construction:					
Lineman	9.075		1%		½%
Cable splicers	9.20		1%		½%
Operator	9.075		1%		½%
Roofers	6.40		.05		
Lathers	7.40				.02
Painters:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.35		.30		
Spray gun operators and sand blasters	6.95		.30		
All skeleton steel and work on stages, structural steel over 30 feet high	6.60		.30		

DECISION #AR-1037 - Mod. #3
(39 FR 34930-September 27, 1974)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons: Alameda, Contra Costa, San Benito and Santa Clara Cos.	$10.15	.85	.65		.15
Electricians: Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada, Placer and Sierra Cos. West of the Main Sierra Mountain Watershed					
Electricians	9.78	.41	1%+.65		.045
Cable Splicers	10.76	.41	1%+.65		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1038 - Mod. #2					
(39 FR 34945-September 27, 1974)					
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California					
Change:					
Bricklayers; Stonemasons:					
Alameda, Contra Costa, San Benito and Santa Clara Cos.	$10.15	.85	.65		.15
Electricians:					
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed:					
Electricians	9.78	.41	1%+.65		.045
Cable Splicers	10.76	.41	1%+.65		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4121 - Mod. #1					
(39 FR 20300 - June 7, 1974)					
Brevard & Volusia Counties, Florida					
Change:					
Painters:					
Commercial Repainting:					
Brush & Roller	$6.55		.20		.05
Sandblasting	7.05		.20		.05
All other painting:					
Brush & Roller	6.95		.20		.05
Spray	7.65		.20		.05
Sandblasting	7.65		.20		.05
Hand drywall taping and finishing	6.95		.20		.05
Drywall Work using Ames tools or automatic tapers	7.65		.20		.05
Gloves & mittens	7.65		.20		.05
Paperhanging	7.65		.20		.05
Steam cleaning or power tools	7.65		.20		.05
Grouting or Caulker	7.65		.20		.05
Hot & cold tar materials, bitumastic, martite, flame mastic or any similar material	7.65		.20		.05
DECISION #AR-4026 - Mod. #1					
(39 FR 31791 - August 30, 1974)					
Alachua County, Florida					
Change:					
Carpenters	7.42	.39	.20	.15	.03
Piledrivermen	7.42	.39	.20	.15	.03
DECISION #AR-4029 - Mod. #2					
(39 FR 32445 - September 6, 1974)					
Fulton, Clayton, Cobb and Dekalb Counties, Georgia					
Change:					
Sheet Metal Workers	8.70	.35	.35		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-56 - Mod. #1 (39 FR 35920 - October 4, 1974) Statewide Louisiana					
Change:					
Electricians:					
Electricians:					
Zone 3	$8.95	.35	1%+.20		1/10%
Zone 4	9.05	.25	1%		
Cable splicers:					
Zone 3	9.20	.35	1%+.20		1/10%
Zone 4	9.35	.25	1%		
Glaziers:					
Zone 5	6.50				
Lathers:					
Zone 1	6.90				.01
DECISION NO. AR-13 - Mod. #2 (39 FR 29884 - August 16, 1974) Douglas and Sarpy Counties, Nebraska.					
Change:					
Carpenters:					
Carpenters	7.88	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Bricklayers; Stonemasons	8.375	.35	.30	.60	
Cement masons	8.34	.35	.30		
DECISION NO. AR-14 - Mod. #3 (39 FR 29885 - August 16, 1974) Douglas & Sarpy Counties, Nebraska.					
Change:					
Asbestos workers	10.00	.40	.51		.015
Bricklayers, stonemasons	8.375	.35	.30	.60	
Carpenters:					
Carpenters	7.88	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Cement masons	8.34	.35	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-59 - Mod. #1 (39 FR 36705 - October 11, 1974) Douglas, Sarpy, Cass, Washington and that portion of Saunders County east of Highway #109, Nebraska					
Change:					
Cement masons	$7.78	.35	.30		
DECISION NO. AR-34 - Mod. #1 (39 FR 36762 - October 11, 1974) Statewide, New Mexico					
Change:					
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
Zone 1-A	$7.36	.65	.60		.20
Zone 1-B	8.11	.65	.60		.20
Zone 1-C	8.61	.65	.60		.20
ELECTRICIANS' ZONE DEFINITION					
ZONE VI to read "McKinley Co."					
DESCRIPTION OF WORK TO READ:					
"Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley and Bernalillo Counties, but not including construction on the Navajo Indian Reservation).					

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-41 - Mod. #2					
(39 FR 34005 - September 20, 1974)					
Galveston & Harris Counties, Texas					
Change:					
Bricklayers & stonemasons					
(Harris County)	$8.69	.325	.30		.05
Cement masons:					
Harris County	7.40	.49	.42		.05
Galveston County	7.40	.49	.42		
Electricians:					
Galveston County	8.64	.28	1%+.34		.03
Ironworkers	7.87	.55	.60		.075
Power equipment operators:					
Group 1	8.15	.35	.40		.04
Sprinkler fitters	9.05	.50	.70		.08
DECISION #AR-42 - Mod. #3					
(39 FR 34007 - September 20, 1974)					
Travis County, Texas					
Change:					
Elevator constructors:					
Elevator constructors	7.285	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
DECISION #AR-48 - Mod. #1					
(39 FR 35060 - September 27, 1974)					
Jefferson & Orange Counties, Texas					
Change:					
Line construction:					
Linemen	9.085	.28	1%		1/2%
Groundman	6.63	.28	1%		1/2%
Sprinkler fitters	9.05	.50	.70		.08

MODIFICATIONS P. 8

DECISION #AR-1040 - Mod. #1
(39 FR 35940 - October 4, 1974)
Statewide, Utah

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Piledriving)****					
Group 1-A	$7.83	.57	.725	.55	.10
Group 1-B	8.13	.57	.725	.55	.10
Group 1-C	8.27	.57	.725	.55	.10
Group 2-A	8.84	.57	.725	.55	.10
Group 2-B	9.03	.57	.725	.55	.10
Group 3	9.30	.57	.725	.55	.10
Group 3-A	9.65	.57	.725	.55	.10
Group 4	10.15	.57	.725	.55	.10
Group 5	10.28	.57	.725	.55	.10
Power Equipment Operators (Steel Erection)*****					
Group 1	8.23	.57	.725	.55	.10
Group 2	8.58	.57	.725	.55	.10
Group 3	9.49	.57	.725	.55	.10
Group 4	9.62	.57	.725	.55	.10
Group 4-A	9.88	.57	.725	.55	.10
Group 5	10.32	.57	.725	.55	.10
Group 6	10.69	.57	.725	.55	.10

MODIFICATIONS P. 9

POWER EQUIPMENT OPERATORS
(Piledriving)****

Group 1-A: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-B: Compressor Operator (electrically, gas or diesel powered, etc.)

Group 1-C: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting materials only)

Group 2-B: Compressor Operator (2 to 6) (electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 KW; Pump Operator (2 to 6); Welding Machine Operator (2 to 6) (gas or diesel powered)

Group 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device

Group 3-A: Heavy Duty Repairman and/or welder

Group 4: Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Pile-driving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cubic yard rating; Truck Crane Operator (up to and including 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam flash boiler, pump or compressor attached); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Op.) over 25 tons); (Hoisting material or performing Piledriving work)

POWER EQUIPMENT OPERATORS
(Steel Erection)*****

Group 1: Assistant to Engineer (Oiler)

Group 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driver (100 KW)

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman; Welder

MODIFICATIONS P. 10

POWER EQUIPMENT OPERATORS (Cont'd)
(Steel Erection)

Group 5: "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons MRC or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party

Group 6: Crawler Cranes and Truck Cranes (over 15 tons MRC); Derricks (2 operators required when swing engine remote from hoist); Universal Liebher and Tower Cranes (and similar types) (In the erection, dismantling and moving of equipment, there shall be an additional operating engineer); Two or more Drum Hoist; Highline Cableway; Tower Cranes Mobile

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DECISION #AR-1031 - Mod. #2
(39 FR 35074-September 27, 1974)
Statewide, Washington

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Brush	$7.16	.30	.20	.10	.03
Spray	7.41	.30	.20	.10	.03
High Work over 100'	7.66	.30	.20	.10	.03
High Towers, ground to 100'	7.41	.30	.20	.10	.03
High Towers, ground to 300'	7.66	.30	.20	.10	.03
High Towers, ground to over 300'	8.16	.30	.20	.10	.03
Drywall Tapers	7.14	.40	.15	.50	.06

[FR Doc.74-24680 Filed 10-24-74;8:45 am]