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federal register

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Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

EGGS AND POULTRY

Federal Grading and Inspection; Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056), the U.S. Department of Agriculture amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof, and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70).

Statement of considerations. On January 9, 1975, a rulemaking proposal was published in the FEDERAL REGISTER (40 FR 1709) setting forth proposed miscellaneous amendments to the voluntary grading regulations for eggs and poultry (7 CFR Parts 56 and 70), and the voluntary and mandatory regulations for the inspection of egg products (7 CFR Parts 55 and 59). The purpose of the proposed amendments is to update these regulations, provide additional information, and make minor changes that are of a clarifying or housekeeping nature.

An additional rulemaking proposal broadening the producer exemption to permit the sale of eggs by poultry producers from their own flocks directly to household consumers at an established place of business away from the site of production was published on February 27, 1975, in the FEDERAL REGISTER (40 FR 8356). This proposal superseded the opening text and paragraph (c) of § 59.100 of the proposal published January 9, 1975.

Twenty-one letters were received by the Hearing Clerk on the February 27 proposal and were considered in the adoption of the amendments herein. Eight were from State Departments of Agriculture, four from trade organizations, eight from egg handlers, and one from a land-grant university.

Those in favor of the proposal mentioned the desirability of providing small producers an additional outlet for the sale of their eggs.

Five correspondents expressed concern with the health aspects of the sale of restricted eggs such as checks. Currently, a producer can sell restricted eggs from his own flock's production, at the site of production, or on a door-to-door retail route. The Department has not received any complaints from purchasers of such eggs and finds it reasonable to also permit the producer to sell his restricted eggs at his established place of business away from the site of production. The only difference between the two types of transactions is the point of delivery of the eggs to the consumers. Insofar as the health aspects are concerned, there is no reason to believe that allowing sales of such eggs to consumers at a retail place of business as provided in this amendment will subject consumers to any greater health hazard than that present in door-to-door sales; in fact, the amendment is more restrictive on the sale of restricted eggs with respect to tolerances for leakers and loss than the current regulations and thus will provide consumers with more protection.

Questions were raised with regard to the impact this amendment would have on State egg laws. These questions are answered by referring to the opening paragraph in § 59.100 which specifies that the producer exemption does "not apply to restricted eggs when prohibited by State or local law." Thus, the amendment will have no direct impact on State egg laws.

One correspondent was also concerned that major chainstores owning egg production units would sell large quantities of restricted eggs at their retail outlets. A producer, in this instance the chainstore, will not qualify for the producer exemption if it grades and packs eggs from other sources as well as from its own flock's production. Since there is no information presently available which indicates that any major chainstore sells eggs solely from its own flock's production, the possibility that the situation raised in the comment would occur is remote. However, the effects of the broadening of the producer exemption will be continuously reviewed to assure that conditions do not develop which are inconsistent with the policy of the Act.

Sixteen letters containing various comments were received by the Hearing Clerk on the January 9, 1975, proposal and were considered in the adoption of the amendments herein. Eight were from interested persons in the egg, egg products and poultry industry directly affected by the amendments, three were from trade organizations, two were from State Departments of Agriculture, two were from producer cooperations, and one was from another interested person.

Concerning the amendment to § 56.76 (e) (4), four comments were in opposition to changing the wash water of the shell egg washer from "at least once during each shift" to "approximately every 4 hours." This amendment makes the wording of the shell egg regulations consistent with that covering the washing of shell eggs in egg products plants and will not have an impact on present operations in shell egg plants. Presently, shell egg plants are in compliance with this requirement. Some of the comments questioned the flexibility that would be allowed in administering the "approximately every 4 hours" terminology. This change will not require a plant to interrupt operations after precisely 4 hours of work. Plants would be allowed to continue operations up to a scheduled lunch period or break, provided such break was within 5 hours of the beginning of operations and the wash water remained in satisfactory condition.

Three others suggested that the sentence "Eggs shall not be allowed to stand or soak in water" be deleted from § 56.76 (e) (8) as not being needed since the first sentence of the paragraph requires that the washing and drying operation be continuous and completed as rapidly as possible. This sentence is needed for clarification since soaking is not permitted and such practice considerably increases the possibility of bacterial spoilage of eggs.

Five comments opposed the amendment exempting freeze-dried products, imitation egg products, egg substitutes, and dietary foods from the definition of "Egg product" in § 59.5, which amendment simply formalizes the Department's present policy. Because of the significant amount of egg contained in some of these types of products, they recommend that such products should be under the continuous inspection of USDA.

The products will continue to be exempted. Based on over 3½ years of experience of operating the mandatory egg products inspection program, there is no known reason to change from the present departmental policy. To our knowledge, there have been no problems encountered with the wholesomeness of these exempted products. All liquid, frozen, or dried egg products used in the preparation of exempted products must be inspected by the Department. Our experience indicates that further inspection by the Department is not necessary.

Freeze-dried products are produced from USDA-inspected egg products, are not manufactured in what is traditionally known as egg products plants, and are not presently considered as products

of the egg food industry. They are produced in plants under the inspection supervision of the Animal and Plant Health Inspection Service of the USDA or under the jurisdiction of the Food and Drug Administration of the Department of Health, Education, and Welfare.

The imitation egg products, egg substitutes, and dietary foods under question are also produced from inspected egg products and are processed in food manufacturing plants covered by the Food and Drug Administration or in egg products plants supervised by USDA. Under the Egg Products Inspection Act, the USDA is responsible for the inspection of liquid, frozen, or dried eggs produced in egg products plants, and the Food and Drug Administration has authority for inspection activities in other food manufacturing establishments that use eggs in preparing their food products. In order to prevent duplication of inspection activities and eliminate the need for the reinspection of egg products used in the preparation of other foods, a memorandum of understanding on egg products was developed between the USDA and the Food and Drug Administration and was published in the FEDERAL REGISTER on February 4, 1972 (37 FR 2686). Under this agreement, the FDA covers exempted products not packed in official egg products plants, and USDA provides inspection coverage on such products produced in official egg products plants.

Concerning the definition of "Egg product," § 59.5, two comments suggested changing the wording in the next to the last sentence by adding the word "inspected" in front of "eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs" so that the last part of the sentence would read: "provided such products are prepared from inspected egg products or inspected eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs." The word "inspected" would imply to some persons that there was continuous inspection of the shell eggs used. The Act does not provide for the continuous inspection of shell eggs but requires that egg packers be inspected by the Department on a quarterly basis.

In § 59.100(f) the limitation of restricting each sale of "restricted eggs" to no more than 30 dozen eggs when sold directly to the household consumer on the premises of the shell egg packer was opposed by four correspondents. One comment favored the amendment. Those opposed generally felt the amendment was not needed and would impose additional recordkeeping burdens on the industry; however, one comment urged that this limit is too high. Under the exemption authority as contained in the Act, limiting the sales to 30 dozen "restricted eggs" will provide a sufficient but reasonable quantity for use by the household consumer, members of his household and his nonpaying guests and employees, and would not increase present recordkeeping requirements, nor create any serious health hazards.

Three comments opposed the requirement of § 59.124 that the inspector's tour of duty be 5 consecutive days per week. It has been and is Department policy that a grader's or inspector's tour of duty be 5 consecutive days per week, within the period of Monday through Saturday for each full shift required. The word "consecutive" was inadvertently omitted when the regulations were originally promulgated.

Three correspondents were concerned about the amendments which changed the official identification symbol from the outline of the shield to a shield containing "USDA" for the purpose of indicating when it is imitated or simulated. The amendments clarify the fact that the shield is imitated or simulated only when the shield contains the letters "USDA." The authority and legitimate control of the shield with "USDA" are based on the fact that it is a certification mark registered as a trademark with the United States Patent Office signifying that the product was officially inspected in the case of egg products or officially graded in the case of poultry and eggs. The trademark does not cover the shield alone.

Four correspondents opposed the proposed changes for marking of eggs and egg products offered for importation in §§ 59.930 and 59.940 which eliminate identifying imported eggs and egg products with "Approved for Import Under E.P.I.A.," when such products are found to be acceptable by the USDA for importation. Experience indicates that it is not necessary to undergo the laborious and costly procedure of individually stamping the containers of such products in order to insure proper importation control. U.S. Bureau of Customs' import procedures and the Department's import instructions and inspection procedures are adequate and will assure that imported eggs and egg products will be inspected and that these foreign products shall meet the USDA requirements for importation before entry into this country. Receivers of imported egg products will receive an official Form PY-222 "Import Request (Eggs and Egg Products)" which will contain a certification by a USDA representative that the product covered by the form was actually inspected by the Department and is eligible for entry into this country. Furthermore, such eggs and egg products will be identified with the country of origin, as required in § 59.950 as further proof of import.

In § 59.504(c) FD&C red colors were proposed as an approved denaturant or decharacterant for loss and inedible eggs or egg products. Since the proposal, the Department has found FD&C red colors to be unsatisfactory for denaturing or decharacterizing egg products. The colors have been found to be particularly unstable in yellow egg products and to fade or dissipate. The colors of red and the colors of yellow egg products are so close to each other in the color spectrum that when the red dye fades, it is masked by the color of the egg. Even when the dye dissipates or fades, the addition of more dye does not permanently correct the problem. Since experience has shown that FD&C red colors do not meet the criteria for a denaturant or decharacterant, the regulations will not list them as an approved color. Red dyes may continue to be used as a denaturant for loss-type eggs sold in shell form.

With reference to the amendments to Part 70 (7 CFR Part 70), specifically §70.356 entitled "Poultry roast—A Quality," there were two comments opposed to the use of comminuted (mechanically deboned) meat in oven-ready (pan) raw poultry roast, and one comment opposed the use of emulsified skin to cover the roast. The basis for these objections was that the use of mechanically deboned meat and emulsified skin would lower the quality of the roast. The mechanically deboned meat is being substituted in part for the skin used. Some technical people feel that the mechanically deboned meat is nutritionally superior to skin. Careful examination, including cooking trials used in comparing raw roast containing mechanically deboned meat versus such product without mechanically deboned meat, has shown the two different types of roast to be equal. Also, roasts covered with whole skin, emulsified skin, or no skin have been compared by examination and cooking trials and were shown to be equal in quality.

A new § 55.11 on "Nondiscrimination" for the voluntary egg products inspection regulations is being included as part of these amendments. This new section is identical to § 59.17 on "Nondiscrimination" included in the mandatory egg and egg products regulations on which no comments were received.

An additional change to the regulations is being made that was not included in the proposals, to clarify that in § 59.410 the egg products described therein are "liquid" egg products.

In addition, comments in general opposition to the amendments but not supported by any specific reasons were received from three of the correspondents regarding the January 9 proposal and from four correspondents regarding the February 27 proposal. To the extent that the findings and conclusions in this statement of considerations are at variance with any of these comments, such comments are denied for the reasons stated herein. Finally, there were a few suggestions for additional changes to be made in the regulations. These additional changes will not be considered at this time because they were not included in the proposed rulemaking. However, the Department will make use of such recommendations in considering future amendments to the regulations.

After due consideration of all relevant matters presented by interested persons, including the proposals set forth in the aforesaid notices of rulemaking, the following amendments to the aforesaid regulations are promulgated:

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

1. A new § 55.11 is added to read:

§ 55.11 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

2. Section 55.140 is revised to read:

§ 55.140 Application for inspection in official plants; approval.

Any person desiring to process products under inspection service must receive approval of such plant and facilities as an official plant prior to the installation of such service. The initial survey, drawings, and specifications to be submitted, changes and revisions in the official plant, and final survey and procedure for plant approval shall be in accordance with and conform with the applicable provisions of § 59.146 of this chapter, regulations governing the inspection of eggs and egg products.

3. Section 55.300 is revised to read:

§ 55.300 Approval of official identification.

Labeling procedures, required information on labels, and method of label approval, shall be in accordance with and conform with the applicable provisions of § 59.411 of this chapter, regulations governing the inspection of eggs and egg products, except where "egg product(s)" is used in § 59.411, the word "product(s)" shall be substituted and used for this Part 55.

4. In § 55.310, paragraph (a) and Figure 1 are revised to read:

§ 55.310 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1, containing the letters "USDA," shall be the official identification symbol for the purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purpose of § 55.5.

* * * * *

FIGURE 1.

* * * * *

5. § 55.330, paragraphs (a) and (c) are revised to read:

§ 55.330 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear official identification approved for use pursuant to § 55.300 shall be used only for the purpose for which approved. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 55.200;

* * * * *

(c) Once a year or more often, if requested, each applicant shall submit to the Administrator a list of approved labels which bear any official identification that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, approval number, and the name of the product.

* * * * *

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

1. In § 56.1 the definition of "Nest run eggs" is revised and a new definition for "Regional director" is added to read:

§ 56.1 Meaning of words and terms defined.

* * * * *

"Nest run eggs" means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some Checks, Dirties, or other obvious undergrades may have been removed.

* * * * *

"Regional director" means any employee of the Department in charge of the shell egg grading service in a designated geographical area.

* * * * *

2. Section 56.6 is revised to read:

§ 56.6 Supervision.

All grading service shall be subject to supervision at all times by the applicable State supervisor, regional director and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and samplers are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or the containers thereof to be corrected prior to shipment of the product from the place of initial grading.

3. Section 56.35 is revised to read:

§ 56.35 Authority to use, and approval of official identification.

(a) *Authority to use official identification.* Authority to officially identify product graded pursuant to this part is granted only to applicants who make the services of a grader or supervisor of packaging available for use in accordance with this part. Packaging materials bearing official identification marks shall be approved pursuant to §§ 56.35 to 56.39, inclusive, and shall be used only for the purpose for which approved and prescribed by the Administrator. Any unauthorized use or disposition of approved labels or packaging materials which bears any official identification may result in cancellation of the approval and denial of the use of labels or packaging material bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 56.31.

(b) *Approval of official identification.* No label, container, or packaging material which bears official identification may contain any statement that is false or misleading. No label, container, or packaging material bearing official identification may be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated under these acts. The use of finished labels must be approved as prescribed by the Administrator. A grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panels of such container shall for this purpose be considered as the label. The label shall contain the name, address, and ZIP Code of the packer or distributor of the product, the name of the product, a statement of the net contents of the container, and the U.S. grademark.

(c) *Nutrition labeling.* Nutrition information may be included on the label of consumer packaged shell eggs, providing, such labeling complies with the provisions of Title 21, Chapter 1, Part 1, Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. Nutrition labeling is required when a nutritional claim or information is presented on the labeling of consumer packages. Labeling will not be approved by the Department without comments from the Food and Drug Administration regarding nutritional claims and test data.

4. In § 56.36, paragraphs (a) (1) and (2) and (b) (1), Figure 1, and paragraph (b) (2) are revised to read:

§ 56.36 Information required on, and form of grademark.

(a) *Information required on grademark.* (1) Except as otherwise authorized, each grademark provided for in this section shall conspicuously and legibly

indicate the letters "USDA," and the U.S. grade of the product it identifies, such as "A Grade" (illustrated in Figure 2). The letters "USDA" shall be printed in a light color on and surrounded by a dark field, and the U.S. grade printed in a dark color on a light field.

(2) The size or weight class of the product such as "Large" and such terms as "Federal-State Graded" or words of similar import may be shown within the grademark, (illustrated in Figure 3). This information shall be printed in a dark color on a light field. However, such terms as "Federal-State Graded" need not be shown. The size or weight class of the product may be omitted from the grademark, provided, it appears prominently on the main panel of the carton.

* * * * *

(b) *Form of official identification symbol and grademark.* (1) The shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with shell eggs, shall be deemed to constitute a representation that the product has been officially graded for the purpose of § 56.2.

FIGURE 1

(2) Except as otherwise authorized, the grademark permitted to be used to officially identify cartons of shell eggs which are graded pursuant to the regulations in this part shall be contained in a shield and in the form and design indicated in Figures 2, 3, and 6 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3. The grademark shall be printed on the carton or on a tape used to seal the carton.

* * * * *

5. Section 56.38 is revised to read:

§ 56.38 Rescindment of approved labels.

Once a year, or more often, if requested, each applicant shall submit to the Administrator a list, in triplicate, of approved labels which bear any official identification that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, approval number, and the grade, weight class, and brand name of the product as applicable.

§ 56.43 [Amended]

6. In § 56.43, paragraph (e) is deleted.

7. In § 56.64, paragraph (c) is revised to read:

§ 56.64 Who shall perform the appeal.

* * * * *

(c) Whenever practical, an appeal grading shall be conducted jointly by two graders. The assignment of the grader(s) who will make the appeal grading requested under § 56.61(b) shall be made by the regional director or the Chief of the Grading Branch.

8. In § 56.76, paragraph (e) is revised to read:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(e) *Shell egg cleaning operations.* (1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently, if necessary.

(2) The temperature of the wash water shall be maintained at 90°F. or higher, and shall be at least 20°F. warmer than the temperature of the eggs to be washed. These temperatures shall be maintained throughout the cleaning cycle.

(3) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(4) Wash water shall be changed approximately every 4 hours or more often if needed to maintain sanitary conditions, and at the end of each shift. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water, chlorine, or quaternary sanitizing rinse may be used as part of the replacement water, provided, they are compatible with the washing compound. Iodine sanitizing rinse may not be used as part of the replacement water.

(6) Only potable water may be used to wash eggs. Each official plant shall submit certification to the national office stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required. When the iron content exceeds 2 parts per million, equipment shall be provided to correct the excess iron content. Frequency of testing shall be determined by the Administrator. When the water source is changed, new tests are required.

(7) Waste water from the egg washing operation shall be piped directly to drains.

(8) The washing and drying operation shall be continuous and shall be completed as rapidly as possible. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.

(9) Prewetting shell eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away or other methods which may be approved by the Administrator. The temperature of the water shall be the same as prescribed in this section.

(10) Washed eggs shall be spray rinsed with warm water containing an approved sanitizer of not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent.

(11) Test kits shall be provided and used to determine the strength of the sanitizing solution.

(12) During any rest period, eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a build-up of heat.

(13) Washed eggs shall be reasonably dry before cartoning or casing.

(14) When steam or vapors originate from the washing operation, they shall be continuously and directly removed to the outside of the building.

* * * * *

9. § 56.230 is revised to read:

§ 56.230 Grade.

"U.S. Nest Run * * * percent AA Quality" shall consist of eggs of current production of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 15 percent which may be below A quality, not more than 10 percent may be B quality and C quality combined for shell texture, shape, interior quality (including blood and meat spots), or due to rusty or blackish appearing cage marks or bloodstains, not more than 2 percent may have adhering dirt or foreign material on the shell ½ inch or larger in diameter, not more than 6 percent may be checks and not more than 3 percent may be loss. Marks which are slightly gray in appearance and adhering dirt or foreign material on the shell less than ½ inch in diameter are not considered quality factors. The eggs shall be officially graded for all other quality factors. No case may contain less than 75 percent A quality and AA quality eggs in any combination.

10. In § 56.231, Table I is revised to read:

§ 56.231 Summary of grade. * * *

TABLE I.—*Summary of U.S. nest run grade for shell eggs*

Nest run grade description [3]	Minimum percentage of quality required (lot average) [1]		Maximum percentage tolerance permitted (15 percent lot average) [1]			
	AA quality [2]	A quality or better [4]	B and C quality for shell texture or shape, interior quality (including blood and meat spots), or cage marks [5] and blood stains	Checks	Loss	Adhering dirt or foreign material 1/8 inch or larger in diameter
U.S. nest run ... percent AA quality [6]	20	85	10	6	3	2

[1] Substitution of eggs of higher qualities for lower specified qualities is permitted.
[2] Stain (other than rusty or blackish appearing cage marks or blood stains), and adhering dirt and foreign material on the shell less than 1/8 inch in diameter shall not be considered as quality factors in determining the grade designation.
[3] No case may contain less than 10 percent AA quality.
[4] No case may contain less than 75 percent A quality and AA quality eggs in any combination.
[5] Cage marks which are rusty or blackish in appearance shall be considered as quality factors. Marks which are slightly gray in appearance are not considered as quality factors.
[6] The actual total percentage must be stated in the grade name.

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

1. In § 59.5 the definitions for "Egg product" and "Potable water" are revised and new definitions for "Producer-packer" and "Shell egg packer" are added to read:

§ 59.5 Terms defined.

* * * * *

"Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products. For the purposes of this part, the following products, among others, are exempted as not being egg products: freeze-dried products, imitation egg products, egg substitutes, dietary foods, dried no-bake custard mixes, egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes, French toast, and sandwiches containing eggs or egg products, provided, such products are prepared from inspected egg products or eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. Balut and other similar ethnic delicacies are also exempted from inspection under this part.

* * * * *

"Potable water" means water that has been approved by a State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

* * * * *

"Producer-packer" means any producer who sorts eggs only from his own production and packs them into their various qualities.

* * * * *

"Shell egg packer" (grading station) means any person engaged in the sorting of eggs from sources other than or in addition to his own production into their various qualities, either mechanically or by other means.

* * * * *

§ 59.16 [Deleted]

2. Section 59.16 is deleted.

3. A new § 59.17 is added to read:

§ 59.17 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

4. In § 59.28, paragraph (a)(1) is revised to read:

§ 59.28 Other inspections.

(a) * * *

(1) Business premises, facilities, inventories, operations, and records of egg handlers, and the records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products. In the case of shell egg packers packing eggs for the ultimate consumers (i.e., packed for direct use of household consumer, restaurant, institution, etc.), and hatcheries, such inspections shall be made each calendar quarter.

* * * * *

5. In § 59.45, paragraph (b) is revised to read:

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

* * * * *

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes, unless they are denatured or decharacterized and identified as required by the regulations in this part.

6. In § 59.100, paragraph (l) is deleted and the opening text and paragraphs (c) and (f) are revised to read:

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a) (1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section, the exemptions do not apply to restricted eggs when prohibited by State or local law: *And provided further*, That the sale of "hard-cooked shell eggs" or "peeled hard-cooked shell eggs" prepared from checks is subject to the conditions for exemption in paragraphs (c), (d), and (f) of this section: *And provided further*, That the conditions for exemption and provisions of these regulations are met:

* * * * *

(c) The sale at the site of production, on a door-to-door retail route, or at an established place of business away from the site of production, by a poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs: *Provided*, That each such sale of restricted eggs shall be limited to no more than 30 dozen eggs; *And provided further*, (1) That eggs sold directly to consumers at an established place of business away from the site of production be moved directly from the producer to such place of business; (2) That such business away from the site of production be owned and managed by the producer; and (3) That such eggs which are sold on a door-to-door route or at an established place of business away from the site of production shall contain no more loss and/or leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

* * * * *

(f) The sale of eggs by shell egg packers on the premises where the grading station is located, directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs. Each such sale of "restricted eggs": shall be limited to no more than 30 dozen eggs;

* * * * *

7. In § 59.105, paragraph (a) is revised to read:

§ 59.105 Suspension or termination of exemptions.

(a) The Administrator may immediately suspend or terminate any exemption under § 59.100(b) at any time with respect to any person, if the conditions of exemption prescribed by this section are not being met. The Administrator may modify or revoke any regulation of this part, granting exemptions whenever he determines such action appropriate to effectuate the purposes of the Act.

* * * * *

8. Section 59.124 is revised to read:

§ 59.124 Schedule of operation of official plants.

Operating schedules of an official plant shall be subject to approval of the Administrator, and for the purpose of the regulations the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 consecutive days per week within the period of Monday through Saturday, for each full shift required. Clock hours of daily operations need not be specified in a schedule, although as a condition of continuance of approval of a schedule, the hours of operation must be reasonably uniform from day to day.

9. In § 59.160, paragraphs (d) and (e) are revised to read:

§ 59.160 Refusal, suspension, or withdrawal of service.

* * * * *

(d) (1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 401(a)(1) of the Federal Water Pollution Control Act, as amended (86 Stat. 816, 33 U.S.C. 1251 et seq.), to provide the Administrator with a certification as prescribed in said subsection that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of the Act (33 U.S.C. 1311, 1312, 1316, and 1317). No grant of inspection can be issued after April 3, 1970, (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived, because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). Further, upon receipt of an application for inspection and a certification as required by 401(a)(1) of the Federal Water Pollution Control Act, the Administrator (as defined in § 59.5) is required by subparagraph (1) of said subsection to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that subsection. No grant of inspection can be made until the requirements of said subparagraph (1) have been met.

(2) In the case of any activity which will affect water quality, but for which there are no applicable water quality standards, the certification shall so provide, and such grant of inspection will be conditioned upon a requirement of compliance with the purposes of the Federal Water Pollution Control Act as provided in subsection 401(a)(1) of said Act.

(e) Inspection may also be suspended, revoked, or terminated as provided in Section 401(a) (4) and (5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1341(a) (4) and (5)).

* * * * *

10. Section 59.410 is revised to read:

§ 59.410 Egg products required to be labeled.

Containers and portable tanks of edible egg products, prior to leaving the official plant, shall be labeled in accordance with §§ 59.411 through 59.415 and shall bear the official identification shown in Figure 2 of § 59.412 or Figure 3 or 4 of § 59.415. Bulk transport shipments of liquid pasteurized egg products to non-official outlets need not be sealed. Bulk shipments of liquid egg products transported from one official plant to another shall be sealed and accompanied by an official certificate.

11. In § 59.411, the present paragraph (e) is redesignated (f), paragraphs (a), (b), and (c)(1) are revised and a new paragraph (e) is added to read, respectively:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

(a) No label, container, or packaging material which bears official identification may bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless it is approved by the Administrator in accordance with paragraph (b) of this section. The use of finished labels must be approved as prescribed by the Administrator. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) No label, container, or packaging material bearing official identification may be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Egg Products Inspection Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated under these acts. Copies of each label submitted for approval shall be accompanied by:

* * * * *

(c) * * *

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions. When water (excluding that used to reconstitute dehydrated ingredients back to their normal composition) is added to a liquid or frozen egg product or to an ingredient of such products (in excess of the normal water content of that ingredient), the total amount of water added, including the water content of any cellulose or vegetable gums used, shall be expressed as a percentage of the total product volume in the ingredient statement on the label.

* * * * *

(e) Nutrition information may be included on the label of egg products, providing such labeling complies with the provisions of 21 CFR Part 1, Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. Since these regulations have different requirements for consumer packaged products than for bulk packaged egg products not for sale or distribution to household consumers, label submission shall be accompanied with information indicating whether the label covers consumer packaged or bulk packaged product. Nutrition labeling is required when nutrients, such as proteins, vitamins, and minerals are added to the product, or when a nutritional claim or information is presented on the labeling, except for the following which are exempt from nutrition labeling requirements:

(1) Egg products shipped in bulk form for use solely in the manufacture of other foods and not for distribution to household consumers in such bulk form or containers.

(2) Products containing an added vitamin, mineral, or protein, or for which a nutritional claim is made on the label, or in advertising, which is supplied for institutional food use only: *Provided*, That the manufacturer or distributor provides the required nutrition information directly to those institutions.

(3) Any nutrient(s) included in product solely for technological purpose may be declared solely in the ingredients statement, without complying with nutrition labeling, if the nutrient(s) is otherwise not referred to in labeling or in advertising. Labels will not be approved by the Department without comments from the Food and Drug Administration regarding nutritional claims, formulation, and test data.

12. In § 59.412, paragraph (a) and Figure 1 are revised to read:

§ 59.412 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol for purposes of this part and, when used, imitated, or simulated in any manner in connection with a product, shall be deemed to constitute a representation that the product has been officially inspected.

* * * * *

FIGURE 1.

* * * * *

13. In § 59.417, paragraphs (a) and (c) are revised to read:

§ 59.417 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear official identification approved for use pursuant to § 59.411 shall be used only for the purpose for which approved. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification and may subject such violator to the penalties and denial of the benefits of the Act;

* * * * *

(c) Once a year each applicant shall submit to the Administrator a list of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, approval number, and the name of the product.

* * * * *

14. In § 59.430, paragraph (b) is revised to read:

§ 59.430 Limitation on entry of material.

* * * * *

(b) Inedible egg products may be brought into an official plant for storage and reshipment: *Provided*, they are handled in such a manner that adequate segregation and inventory controls are maintained at all times. Inedible egg products may be processed in official plants: *Provided*, That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. The processing of inedible egg products shall be done under conditions which will not affect the processing of edible products, such as processing in separate areas, or at times when no edible product is being processed. All equipment and processing areas must be thoroughly cleaned and sanitized prior to processing any edible product.

15. In § 59.500, paragraph (h) is revised to read:

§ 59.500 Plant requirements.

* * * * *

(h) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate pressure and facilities for its distribution throughout the plant or portion thereof utilized for egg processing and handling operations and protected against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

* * * * *

16. In § 59.504, paragraph (c) is revised to read:

§ 59.504 General operating procedures.

* * * * *

(c) All loss and inedible eggs or egg products shall be placed in a container clearly labeled "inedible" and containing a sufficient amount of approved denaturant or decharacterant, such as FD&C brown, blue, black, or green colors, meat and fish by-products, grain and milling by-products, or any other substance, as approved by the Administrator, that will accomplish the purposes of this section. Shell eggs shall be crushed and the substance shall be dispersed through the product in amounts sufficient to give the product a distinctive appearance or odor. Notwithstanding the foregoing, and upon permission of the Inspector, the applicant may hold inedible product in containers clearly labeled inedible which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained. In addition, product shipped from the official plant for industrial use or animal food need not be denatured or decharacterized if it is shipped under Government seal and is received by an inspector or grader as defined in this part.

* * * * *

17. In § 59.510, paragraph (d) (2) is revised to read:

§ 59.510 Classifications of shell eggs used in the processing of egg products.

* * * * *

(d) * * *

(2) Any egg with a portion of the shell and shell membranes missing and with egg meat adhering to or in contact with the outside of the shell.

* * * * *

18. In § 59.515, paragraph (a) is revised to read:

§ 59.515 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently if necessary.

(2) The temperature of the wash water shall be maintained at 90° F. or higher, and shall be at least 20° F. warmer than the temperature of the eggs to be washed. These temperatures shall be maintained throughout the cleaning cycle.

(3) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(4) Wash water shall be changed approximately every 4 hours or more often if needed to maintain sanitary conditions and at the end of each shift. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water and chlorine sanitizing rinse may be used as part of the replacement water. Iodine sanitizing rinse may not be used as part of the replacement water.

(6) Waste water from the egg washing operation shall be piped directly to drains.

(7) The washing operation shall be continuous and shall be completed as rapidly as possible. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.

(8) Prewetting shell eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away, or by other methods which may be approved by the Administrator. The temperature of the water shall be the same as prescribed in this section.

(9) Washed eggs shall be spray rinsed with an approved sanitizer of not less than 100 p/m nor more than 200 p/m of available chlorine or its equivalent.

* * * * *

19. In § 59.522, paragraph (o) and paragraph (aa) (3) are revised to read:

§ 59.522 Breaking room operations.

* * * * *

(o) Test kits shall be provided and used to determine the strength of the sanitizing solution. (See § 59.515(a) (9) and § 59.522.)

* * * * *

(aa) * * *

(3) Mechanical egg breaking equipment shall be clean and sanitized prior to use, and during operations the machines shall be cleaned and sanitized approximately every 4 hours or more often if needed to maintain them in a sanitary condition. This equipment shall be cleaned at the end of each shift.

20. Section 59.690 is revised to read:

§ 59.690 Persons required to register.

Shell egg handlers, except for producer-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., retail stores, households, restaurants, institutions, food manufacturers, etc.), and hatcheries, are required to register with the U.S. Department of Agriculture by furnishing their name, place of business, and such other information as is requested on forms provided by and/or available from the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form. Persons as those listed above who are establishing a business will be required to register before they start operations.

21. In § 59.720, paragraph (a) (4) is revised to read:

§ 59.720 Disposition of restricted eggs.

(a) * * *

(4) By coloring the shells of loss and inedible eggs with a sufficient amount of

FD&C color to give a distinct appearance, or applying a substance that will penetrate the shell and decharacterize the egg meat. Except that, lots of eggs containing significant percentages of blood spots or meat spots, but no other types of loss or inedible eggs may be shipped directly to official egg products plants, provided they are conspicuously labeled with the name and address of the shipper and the wording "Spots—For Processing Only In Official Egg Products Plants."

* * * * *

22. Section 59.800 is revised to read:

§ 59.800 Identification of restricted eggs.

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—For Processing Only In An Official USDA Egg Products Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used As Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the letters of the identification wording shall be as required in § 59.860. When eggs are packed in immediate containers, e.g., cartons, sleeve packs, overwrapped 2½ or 3 dozen packs, etc., for sale to household consumers under the exemptions provided for in § 59.100(c), (d), or (f), they shall be deemed to be satisfactorily identified in accordance with the requirements of this part if such immediate containers bear the packer's name and address and the quality of the eggs. Alternatively, a point of sale sign may be displayed showing the above information.

23. A new § 59.801 is added to read:

§ 59.801 Nest run or current receipt eggs.

Eggs which are merchandised as they come from the production facilities without washing, grading, or sizing are exempt from the labeling provisions in § 59.800. However, when such eggs are packed and sold to consumers, they may not contain more loss and leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

24. In § 59.930, the "Warning" notice in paragraph (c) is revised to read:

§ 59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

* * * * *

(c) * * *

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the product may be released to the consignee, or his agent, and this warning notice defaced.

* * * * *

25. Section 59.940 is revised to read:

§ 59.940 Marking of egg products offered for importation.

Egg products which, upon inspection, are found to be acceptable for importation into the United States, and are properly labeled and bear the inspection mark of the country of origin, need no further identification. However, each shipping container of egg products rejected shall be marked "U.S. Refused Entry."

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

1. Section 70.90 is revised to read:

§ 70.90 Approval of official identification and wording on labels.

Any label or packaging material which bears any official grade identification shall be used only in such a manner as the Administrator may prescribe, and such labeling or packaging materials, including the wording used on such materials, shall be approved in accordance with and conform with the provisions of this Part 70 and the applicable provisions of §§ 381.115 through 381.141 of 9 CFR Part 381, Poultry Products Inspection Regulations.

2. In § 70.91 paragraph (b)(1) and Figure 1, are revised to read:

§ 70.91 Marking graded products.

* * * * *

(b) Form of official identification symbol and grademark. (1) The shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol for purposes of this part and, when used, imitated, or simulated in any manner in connection with poultry shall be deemed prima facie to constitute a representation that the product has been officially graded for the purposes of § 70.2.

FIGURE 1.

* * * * *

3. In § 70.356, the opening text and paragraph (d) are revised and a new paragraph (j) is added to read:

§ 70.356 Poultry roast—A Quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with 9 CFR Part 381 as ready-to-cook "Rolls," "Roasts" or with words of similar import.

* * * * *

(d) Seventy-five percent or more of the outer surface of the product shall be covered with skin, whether attached to the meat or used as a wrap. The skin shall not appreciably overlap at any point. The combined weight of the skin and fat used to cover the outer surface and that used as a binder shall not exceed 15 percent of the total net weight of the product.

* * * * *

(j) Product packaged in an oven-ready container shall meet all the requirements of paragraphs (a) through (i) of this section, except that with respect to skin covering, the exposed surface of the roast need not be covered with skin. If skin is used to cover the exposed surface, it may be whole or emulsified. Additionally, for roasts packaged in oven-ready containers, comminuted (mechanically deboned) meat may be substituted in part for skin, but may not exceed 8 percent of the total weight of the product.

Done at Washington, D.C. this 2nd day of May 1975. To become effective June 30, 1975.

E. L. PETERSON,
Administrator.

[FR Doc.75-12066 Filed 5-7-75;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1974 and Subsequent Crops of Rice

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.).

The purpose of these amendments is to (1) revise the definition "engaged in the production of rice" in order to require that a rice producer must furnish more than the "producer" allotment as all or a part of the "farm" allotment determined for a farm, and that in addition, the producer must have an interest in the production of rice being produced on the farm and receive at the time of harvest a predetermined and fixed portion of such crop or the proceeds thereof; (2) add previous rice growing experience as another eligibility requirement for obtaining a new grower allotment; (3) provide for the cancellation of a new grower allotment if the producer has not

continued as a farm operator or is not entitled to receive 50 percent or more of the rice crop or the proceeds thereof; and (4) revise the new grower eligibility requirements to provide that the applicant is not eligible to receive a new grower allotment if he operates or has an ownership interest in any other farm in the United States for which a rice allotment is established for the current year.

Pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1353, 1363, 1375, 1377, 1378), the subpart—Regulations for Determination of Acreage Allotments for 1974 and Subsequent Crops of Rice (39 FR 9186, 39 FR 15021) is amended as follows:

1. Section 730.62 is amended by revising paragraph (b)(3) to read as follows:

§ 730.62 Definitions.

* * * * *

(b) * * *

(3) "Engaged in the production of rice" means to participate actively in the farming operations necessary to produce and harvest a crop of rice on the farm and share in a predetermined and fixed portion of the rice crop, or the proceeds therefrom, by virtue of furnishing all or part of the land on which the rice is being produced or the labor, water, or equipment necessary to produce and harvest the crop. Any producer who the county or State committee finds, after allocation of his producer allotment to a farm, is not or was not engaged in the production of rice on the farm as provided in accordance with this subparagraph, shall not be deemed to be engaged in the production of rice on the farm for the purpose of determinations made in accordance with § 730.72(e). A person whose allotment has been allocated to the farm must contribute land or water sufficient to produce an acreage of rice at least equal to his allotment or the labor or equipment sufficient to produce and harvest such acreage. Any contribution of land, labor, water, or equipment must be bona fide. A producer who furnishes land must satisfy the county committee that he has control of the land throughout the crop year, either through ownership or a valid lease.

* * * * *

2. Section 730.69 is amended by revising paragraph (b)(1), adding paragraph (b)(5) and revising paragraph (g) to read as follows:

§ 730.69 Determination of allotments for new producers.

* * * * *

(b) * * *

(1) *Interest in another farm.* He does not operate or have an ownership interest in any other farm in the United States for which a rice allotment is established for the current crop year.

* * * * *

(5) *Previous experience.* The applicant must have gained rice producing experience in the year prior to the current crop year as a farm operator exercising full management control over the rice production and the applicant must have been entitled to receive 50 percent or more of the rice crop or proceeds thereof in the year prior to the current crop year.

* * * * *

(g) *Cancellation of new producer allotment.* A new producer rice allotment shall be subject to cancellation in the following circumstances:

(1) If a new producer rice allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information, the allotment shall be cancelled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be cancelled as of the date issued.

(2) If a new producer allotment is established and it is later determined by the county committee that the applicant has met the provisions of paragraph (b)(5) of this section, but has not continued as a farm operator for the current crop year, and is not entitled to receive 50 percent or more of the rice crop or the proceeds thereof for the current crop year, the allotment shall be cancelled effective for the next crop year.

§ 730.72 [Amended]

3. Section 730.72 is amended by adding at the end of paragraph (a) the following sentence: "The producer holding the allotment shall not be eligible to allocate such allotment to any farm in the current year unless he establishes to the satisfaction of the committee that he will contribute land or water sufficient to produce an acreage of rice at least equal to his allotment or the labor or equipment sufficient to produce and harvest such acreage."

4. Section 730.80 is amended by revising paragraph (b)(1), adding paragraph (b)(4) and revising paragraph (g) to read as follows:

§ 730.80 Determination of allotments for new farms.

* * * * *

(b) * * *

(1) *Interest in another farm.* Neither the owner nor the operator of the farm covered by the application has an ownership interest in or operates any other farm in the United States for which a rice allotment is established for the current crop year.

* * * * *

(4) *Previous experience.* The operator must have gained rice producing experience in the year prior to the current crop year as a farm operator exercising full management control over the rice production and he must have been entitled to receive 50 percent or more of the rice crop or proceeds thereof in the year prior to the current crop year.

* * * * *

(g) *Cancellation of new farm rice allotment.* A new farm rice allotment shall be subject to cancellation in the following circumstances:

(1) If a new farm allotment is established and it is later determined by the county committee that the applicant unknowingly furnished incomplete or inaccurate information, the allotment shall be cancelled effective for the next crop year. If it is determined that the applicant knowingly furnished incomplete or inaccurate information and the State committee concurs in the county committee determination, the allotment shall be cancelled as of the date issued.

(2) If a new farm rice allotment is established and it is later determined by the county committee that the operator has met the provisions of paragraph (b)(4) of this section, but has not continued as a farm operator for the current crop year, and is not entitled to receive 50 percent or more of the rice crop or the proceeds thereof for the current crop year, the allotment shall be cancelled effective for the next crop year.

(Secs. 301, 353, 375, 52 Stat. 38, as amended; 61, as amended; 66, as amended; 7 U.S.C. 1301, 1353, 1375.)

Effective date. Since rice farmers are planning rice farming operations for the 1975 crop year, and will need to know the provisions of this amendment, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. This amendment shall become effective for 1975 and subsequent crops of rice.

Signed at Washington, D.C., on May 2, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-12149 Filed 5-7-75;8:45 am]

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

[Grapefruit Reg. 75, Amdt. 7; Export Reg. 24, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grapefruit Grade Requirements

Amendment 7 to Regulation 75 lowers the minimum grade requirements applicable to domestic shipments of Florida white seedless grapefruit and white and pink seeded grapefruit to U.S. No. 2 on May 5, 1975. Amendment 7 to Regulation 24 lowers the minimum grade requirement applicable to export shipments of Florida white and pink seeded grapefruit to U.S. No. 2 on May 5, 1975. The specification of such lower minimum grade requirement recognizes the lesser quality of such grapefruit estimated to be remaining for fresh shipment from the production area.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Growers Administrative Committee and Shippers Advisory Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the minimum grade requirements applicable to seedless and seeded grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the current and prospective demand for white seedless grapefruit and white and pink seeded grapefruit by fresh market outlets. The lower minimum grade requirement specified for domestic shipments of white seedless grapefruit and for domestic and export shipments of white and pink seeded grapefruit is consistent with the external appearance and remaining supply of such grapefruit. Fresh shipments of Florida grapefruit for the season through April 27, 1975, total 25,151 carlots, and there were an estimated 3,349 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments lower requirements applicable to the handling of white seedless grapefruit and white and pink seeded grapefruit grown in Florida.

Order. 1. In § 905.556 (Grapefruit Regulation 75; 39 FR 32976, 37186, 40745, 42899; 40 FR 8321, 11345, 14889) the provisions of paragraph (b)(1) and (b)(3) are amended to read as follows:

§ 905.556 Grapefruit Regulation 75.

* * * * *

(b) * * *

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

(3) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2, or any pink seedless grapefruit which do not grade at least U.S. No. 2 Russet; or

* * * * *

2. In § 905.559 (Export Regulation 24; 39 FR 32976; 37186; 40 FR 2792, 11345, 12646, 14889, 16210) the provisions of paragraph (b)(11) are amended to read as follows:

§ 905.559 Export Regulation 24.

* * * * *

(b) * * *

(11) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

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

Dated, May 2, 1975, to become effective May 5, 1975.

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

[FR Doc.75-12065 Filed 5-7-75;8:45 am]

[Naval Orange Reg. 351]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 9–15, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.651 Navel Orange Regulation 351.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges remains fairly good. Prices f.o.b. averaged $3.78 per carton on a reported sales volume of 1,505 carlots last week, compared with an average f.o.b. price of $3.68 per carton and sales of 1,331 carlots a week earlier. Track and rolling supplies at 512 cars were up 19 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time 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 Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, 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 Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 9, 1975, through May 15, 1975, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement."

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

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

Dated: May 6, 1975.

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

[FR Doc.75-12377 Filed 5-7-75;11:14 am]

[Valencia Orange Reg. 497]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 9-15, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the partity price for Valencia oranges.

§ 908.797 Valencia Orange Regulation 497.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be generally strong.

Prices f.o.b. averaged $3.20 per carton on a reported sales volume of 370,000 cartons last week, compared with an average f.o.b. price of $3.00 per carton and sales of 192,000 cartons a week earlier. Track and rolling supplies at 224 cars were up 55 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this 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 Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 9, 1975, through May 15, 1975, are hereby fixed as follows:

(i) District 1: 222,000 cartons;

(ii) District 2: 288,921 cartons;

(iii) District 3: 239,000 cartons."

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

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

Dated: May 7, 1975.

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

[FR Doc.75-12378 Filed 5-7-75;11:14 am]

[Nectarine Reg. 2, Amdt. 3]

PART 916—NECTARINES GROWN IN CALIFORNIA

Container and Pack Regulations

This amendment, effective during the period May 12, 1975, through June 29, 1975, requires loose-filled or loose-packed nectarines in closed containers to conform with the requirements of standard pack as set forth in the U.S. Standards for Grades of Nectarines. The requirements of standard pack are currently applicable to nectarines place-packed in closed containers. The amendment also requires such containers to bear, on one outside end in plain sight and plain letters, the count of nectarines packed in molded forms in cartons, lug boxes, or flats and the size of nectarines loose-filled, loose-packed, or tight-filled in any container. In addition, the amendment requires that standard lug boxes 22D and 22E containing loose-filled or loose-packed nectarines be stamped "25 pounds net weight" and "35 pounds net weight," respectively. The specification of standard pack requirements is designed to ensure that containers of nectarines are tightly packed and well filled. Container marking requirements are designed to provide the trade with information on the count, size, and weight of fruit in containers.

Findings. (1) Pursuant to the amended marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the requirements applicable to nectarines, as hereinafter set forth, will tend to effectuate the declared policy of the act in that such requirements will facilitate more efficient handling of nectarines and contribute to more effective operations under said marketing agreement and order.

(2) This amendment reflects the Department's appraisal of the need for container and pack requirements applicable to fresh shipments of California nectarines. Requiring loose-filled or loose-packed nectarines in closed containers to meet standard pack specifications is designed to ensure that containers are tightly packed and well filled without excessive or unnecessary fruit bruising. This action is therefore designed to contribute to more orderly marketing conditions in the interest of growers and consumers. The count and size marking requirements are designed to enable the trade to readily determine the number and size of nectarines in containers. Net weight requirements are specified for standard lug boxes 22D and 22E to provide the trade with uniform weights of loose-filled or loose-packed nectarines in such containers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. An open meeting was held by the Nectarine Administrative Committee on April 3, 1975, after giving due notice thereof, to consider the need for and extent of modification of current container and pack regulations for nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information were promptly submitted to the Department after such meeting was held. Necessary supplemental information was received on April 25, 1975.

Shipments of the current crop of such nectarines are expected to begin on or about the effective date of this amendment; this amendment should be applicable to all such shipments in order to effectuate the declared policy of the act; the regulatory provisions of this amendment are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. The provisions of paragraphs (a) and (b) of § 916.341 (Nectarine Regulation 2; 36 FR 5964, 38 FR 13011, 15727) are amended to read as follows:

§ 916.341 Nectarine Regulation 2.

Order. (a) During the period May 12 through June 29, 1975, no handler shall handle any package or container of any variety of nectarines except in accordance with the following terms and conditions:

(1) Such nectarines, when packed in any closed container, shall conform to the requirements of standard pack.

(2) Each package or container of nectarines shall bear, on one outside end in plain sight and in plain letters, the name of the variety, if known or, when the variety is not known, the words "unknown variety."

(3) Each package or container of nectarines shall bear, on one outside end in plain sight and in plain letters, the following count or size description of the nectarines as applicable:

(i) The size of nectarines packed in molded forms (tray packs) in cartons, lug boxes, or flats shall be indicated in accordance with the number of nectarines in each container, such as "80 count," "88 count," etc.

(ii) The size of nectarines loose-filled, loose-packed, or tight-filled (not packed in rows) in No. 22D standard lug boxes shall be indicated according to the number of such nectarines when packed in molded forms in said boxes in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(iii) The size of nectarines loose-filled, loose-packed, or tight-filled (not packed in rows) in any container, other than the No. 22D standard lug box, shall be indicated according to the number of such nectarines when packed in molded forms in a No. 22D standard lug box in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(4) Each No. 22D standard lug box of loose-filled or loose-packed nectarines (not packed in rows) shall bear on one outside end, in plain sight and in plain letters, the words "25 pounds net weight."

(5) Each No. 22E standard lug box of loose-filled or lose-packed nectarines (not packed in rows) shall bear on one outside end, in plain sight and in plain letters, the words "35 pounds net weight."

(b) As used herein, "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (7 CFR 51.3145–51.3160); the terms "No. 22D standard lug box" and "No. 22E standard lug box" shall have the same meaning as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and all other terms shall have the same meaning as when used in the marketing agreement and order.

* * * * *

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

Dated, May 5, 1975, to become effective May 12, 1975.

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

[FR Doc.75-11925 Filed 5-7-75;8:45 am]

[Plum Reg. 5, Amdt. 1]

PART 917—HANDLING OF FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Container and Pack Regulation

This amendment of the regulation, issued pursuant to the marketing agreement and Order No. 917 (7 CFR Part 917) requires handlers of all containers of fresh California plums to mark such containers according to the size of the fruit and the net weight of the containers as hereinafter specified.

Notice was published in the March 27, 1975, issue of the FEDERAL REGISTER (40 FR 13512) that consideration was being given to a proposal by the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons 21 days to submit written data, views, or arguments pertaining to the proposal.

The published proposal reflected the committee's general objective of making certain changes in the language of Plum Regulation 5 (§ 917.419; 35 FR 7064) that would cause it to conform to those requirements of the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.) applicable to the disclosure of the size of the contents of containers by appropriate labeling of the containers. As published, the proposal also would add a second requirement to the regulation which would cause the net weight of certain containers to be marked thereon.

With regard to labeling containers as to the size of the contents, it was proposed that the word "size" be added to the size designations currently required to be on all specified containers. For example, size designations such as "4x5," "6 row," and others would be changed to "4x5 size," "6 row size," and other corresponding terms. Thus any connotation of size which derives from the arrangement of the plums, in a particular container, would be specified directly as a size by including the word "size" in the container marking.

During the period provided for the submission of written data, views, or arguments on the proposal, the committee submitted, through its program manager, modified language to clarify and expand the published proposal as it would affect the provisions of § 917.419 (a) (4) (iii). Such additional language would make the aforementioned provisions specifically applicable to plums packed in molded forms in cartons or lug boxes ("tray pack") and to wrapped plums packed in No. 12B fruit (peach) boxes (which containers are so designated and defined by § 1387.11 of the "Regulations of the California Department of Food and Agriculture") and includes a requirement that the size of plums in such containers be indicated in accordance with the number of plums in the filled container, such as "88 count," "108 count," etc. Accordingly, the proposed language of § 917.419(a) (4) (ii) and (iii), as published in the notice, is hereby modified to reflect the changes submitted by the committe.

With regard to the second change, which is set forth at § 917.419(a) (5) in the notice, certain containers of loose-fill, loose-pack, or tight-fill plums (not packed in rows) would be marked to show the 28-pound minimum net weight thereof. The specification of a 28-pound net weight for such containers would promote more orderly marketing and avoid confusion in the industry by assuring a uniform net weight among

those containers. Such container marking also would comply with other applicable labeling laws.

After consideration of all relevant material presented, including that in the notice, the recommendations by the committee, and other available information, it is hereby found that the amendment hereinafter set forth is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act in that it will facilitate more orderly marketing of California plums and contribute to more effective operations under said marketing agreement and order.

Section 917.419(a)(4) and (5) is revised to read as follows:

§ 917.419 Plum Regulation 5.

(a) * * *

(4) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the size description of the contents which description shall conform to the following as applicable:

(i) The size of plums in four-basket crates shall be indicated in accordance with the arrangement of the plums in the top layer of the baskets, such as "4x4 size," "4x5 size," etc.

(ii) The size of plums in face and fill packs in cartons or lug boxes shall be indicated in accordance with the number of rows in the face, such as "6 row size," "8 row size," etc., and, except as hereinafter provided in subdivision (iii) of this subparagraph, the size of plums packed or filled in other packages or containers shall be indicated in accordance with the equivalent size designation for such plums when packed in four-basket crates.

(iii) The size of plums packed in molded forms in cartons or lugs ("tray pack") and of wrapped plums packed in No. 12B fruit (peach) boxes (as designated and defined by § 1387.11 of the "Regulations of the California Department of Food and Agriculture") shall be indicated in accordance with the number of plums in the container, such as "88 count," "108 count," etc.

* * * * *

(5) Each package or container of loose-fill, loose-pack, or tight-fill plums (not packed in rows) shall bear on one outside end, in plain sight and in plain letters, the words "28 pounds net weight."

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) pack regulations for California plums are currently in effect, (2) seasonal handling of California plums will begin on or about the effective date hereof, and to be of maximum benefit to handlers and consumers the additional requirements in this regulation should become effective no later than such date, (3) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, and (4) this regulation was unanimously recommended by members of the Plum Commodity Committee in an open meeting at which all interested persons were afforded an opportunity to submit their views.

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

Dated, May 2, 1975, to become effective May 16, 1975.

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

[FR Doc.75-12063 Filed 5-7-75;8:45 am]

[Grapefruit Reg. 15, Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade Requirements

This amendment lowers the minimum grade requirements applicable to imported white seedless and white and pink seeded grapefruit to U.S. No. 2 on May 5, 1975. The requirement is the same as that applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This amendment is consistent with Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. This regulation fixes the same minimum grade requirement on imported white seedless and white and pink seeded grapefruit as is effective under Marketing Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Order. In § 944.111 (Grapefruit Regulation 15; 39 FR 33306, 37188; 40 FR 8322, 11346, 14891) the paragraph (a) (1), (2), and (3) are revised to read as follows:

§ 944.111 Grapefruit Regulation 15.

(a) * * *

(1) Seeded grapefruit shall grade at least U.S. No. 2 and be of a size not smaller than 3 12/16 inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit, other than pink seedless grapefruit, shall grade at least U.S. No. 2, and pink seedless grapefruit shall grade at least U.S. No. 2 Russet; and

(3) Seedless grapefruit shall be of a size not smaller than 3 5/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this amendment fixes the same requirement for imports of white seedless and white and pink seeded grapefruit as is applicable under amended Grapefruit Regulation 75 (§ 905.556) to the shipment of white seedless and white and pink seeded grapefruit grown in Florida; and (c) this amendment lowers the minimum grade requirements applicable to imported white seedless and white and pink seeded grapefruit.

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

Dated, May 2, 1975, to become effective May 5, 1975.

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

[FR Doc.75-12064 Filed 5-7-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended November 27, 1974 (39 FR 41356–41358), December 11, 1974 (39 FR 43294), January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), and March 11, 1975 (40 FR 11346), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

THREE HOURS

* * * * *

Stewart Airport, Newburgh, New York (served from Dover, New Jersey and West Coxsackie, New York).

* * * * *

FOUR HOURS

Stewart Airport, Newburgh, New York (served from Albany, New York).

* * * * *

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective May 8, 1975.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of May, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-12067 Filed 5-7-75;8:45 am]

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

PART 112—PACKAGING AND LABELING

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On March 14, 1975, a notice of proposed amendments to Part 112 and Part 113 was published in the FEDERAL REGISTER at 40 FR 11880.

The preferred spelling of two micro-organisms used in the preparation of biological products has been changed in the Eighth Edition of "Bergeys Manual of Determinative Bacteriology." These amendments change the spelling of these two micro-organisms where they appear in Part 112 and Part 113.

These amendments were proposed to either clarify or update test methods and procedures used to evaluate biological products. They also were to correct certain printing and clerical errors made in the regulation.

Comments received from three people contained suggestions that printing errors made in the proposal and in earlier publications be corrected. These suggestions were accepted.

A suggestion that the alternate route of challenge not be deleted in the test for Erysipelothrix Rhusiopathiae Vaccine has been rejected because the reason given is not substantiated by test results obtained by Veterinary Services.

One person suggested editorial changes to clarify rabies virus requirements by specifying the strains referred to by their scientific names. Other editorial changes suggested were to correct spelling, grammar, and references. These suggestions were accepted.

One person suggested the relaxation of the requirement that only "albino" mice be used in testing Erysipelothrix Rhusiopathiae Antiserum. This suggestion was accepted.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the constructive and helpful suggestions received from representatives of the biologics industry, revisions of the material proposed were made for clarification of the procedures to be followed and for scientific accuracy.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 112 and Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein subject to the following noted modifications:

A reference to a June 24, 1972, publication issued by the Department of Health, Education, and Welfare, has been updated in § 112.7(d)(5). No substantive change has been made.

In § 113.52(e), a printing error has been corrected and the words "Each MCS" in the second sentence have been replaced with the word "and" for clarity.

True names of biological products should be capitalized. Printing errors in the proposal are corrected in the heading and introductory paragraph for § 113.67 and in the headings for § 113.92, § 113.104, § 113.129, § 113.143, § 113.145, § 113.146, § 113.147, and § 113.252. In addition, the headings for § 113.86, § 113.89, § 113.90, § 113.201 are also corrected by these amendments.

The trade mark "ERA" has been deleted from § 113.147 (d)(3) and (d)(3)(ii). The scientific names of the rabies virus strains referred to in § 113.147(d)(3), (d)(3)(ii) and (d)(4) have been inserted for scientific accuracy and to clarify the intent of the test requirements.

The word "albino" has been deleted from § 113.252(c)(1) as being unnecessarily restrictive.

1. Section 112.7 is amended by revising paragraphs (d)(1), (d)(5), (f)(2), and (f)(4) to read:

§ 112.7 Special additional requirements.

* * * * *

(d) * * *

(1) The statement "In high risk areas, annual revaccination is recommended."

* * * * *

(5) A statement containing the recommended action to be taken in cases of exposure to the vaccine virus shall be prominently placed on all enclosures and also placed on carton labels for all cartons containing more than one final container of biological product. Satisfactory recommendations may be found in the U.S. Department of Health, Education, and Welfare Public Health Service, Center for Disease Control, Veterinary Public Health Notes dated May 1974.

* * * * *

(f) * * *

(2) *Clostridium Haemolyticum* Bacterin. "Repeat the dose every 5 to 6 months in animals subject to reexposure."

* * * * *

(4) *Erysipelothrix Rhusiopathiae* Bacterin. "Swine: For breeding animals, repeat after 21 days and annually." "Turkeys: Repeat dose every 3 months."

* * * * *

2. Section 113.3 is amended by revising paragraph (b)(9) to read:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(9) *Sterile Diluent.* A sample of Sterile Diluent shall accompany each sample of vaccine, other than frozen Marek's Disease Vaccine, if such diluent is required to rehydrate or dilute the vaccine before use. Samples of Sterile Diluent prepared for use with frozen Marek's Disease Vaccine shall be submitted upon request from Veterinary Services.

* * * * *

3. Section 113.52 is amended by revising paragraph (e) to read:

§ 113.52 Requirements for selection of cell lines.

* * * * *

(e) Each MCS either derived from or intended for use in bovine species shall be shown to be free of BVD virus using the procedure provided in § 113.51(d) and shall also be shown to be free of *Brucella abortus* by using 1.0 ml aliquots of the MCS as inoculum and using the procedure provided in § 113.32.

* * * * *

4. Section 113.67 is amended by revising the heading and the introductory portion to read:

§ 113.67 Erysipelothrix Rhusiopathiae Vaccine.

Erysipelothrix Rhusiopathiae Vaccine shall be prepared as a desiccated live culture of an avirulent or modified strain of *Erysipelothrix rhusiopathiae* which has been proved to be nonpathogenic and nontoxic. Each serial and subserial shall be tested for purity, safety, potency, and moisture content. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

* * * * *

5. Section 113.86 is amended by revising the heading to read:

§ 113.86 Leptospira Pomona Bacterin.

* * * * *

6. Section 113.89 is amended by revising the heading to read:

§ 113.89 Leptospira Grippotyphosa Bacterin.

* * * * *

7. Section 113.90 is amended by revising the heading to read:

§ 113.90 Leptospira Hardjo Bacterin.

* * * * *

8. Section 113.92 is amended by revising the heading, the introductory portion of § 113.92, and paragraph (c)(2) to read:

§ 113.92 Clostridium Haemolyticum Bacterin.

Clostridium Haemolyticum Bacterin shall be produced from a culture of *Clostridium haemolyticum* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium haemolyticum* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

* * * * *

(c) *Potency test* * * *

(2) *Clostridium haemolyticum* challenge material, available upon request from Veterinary Services, shall be used for challenge 14 to 15 days following the last injection of the product. Each of the eight vaccinates and each of five additional nonvaccinated guinea pigs for controls shall be injected intramuscularly with approximately 100 LD_{50} of challenge material. This dose shall be determined by statistical analysis of results of titrations of the challenge material. The vaccinates and controls shall be observed for 3 days post-challenge and all deaths recorded.

* * * * *

9. Section 113.104 is amended by revising the heading and the introductory portion of § 113.104; by revising paragraphs (d) (3) and (4); and by revising the introductory portion of paragraph (e) to read:

§ 113.104 Erysipelothrix Rhusiopathiae Bacterin.

Erysipelothrix Rhusiopathiae Bacterin shall be produced from a culture of *Erysipelothrix rhusiopathiae* which has been inactivated and is nontoxic. Each serial of biological product containing *Erysipelothrix rhusiopathiae* shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

* * * * *

(d) * * *

(3) Each injected mouse shall be challenged subcutaneously 14 to 21 days after being injected with the diluted bacterin. A 0.2 ml dose containing at least 100 mouse LD_{50} of a suitable culture of *Erysipelothrix rhusiopathiae* shall be used. All survivors in each group of mice shall be recorded 10 days post-challenge.

(4) *Test for valid assay.* The same consecutive dilutions of the Standard and the Unknown need not be used in the test for valid assay, but the following requirements shall be met:

(e) When the swine protection test is conducted, susceptible pigs shall be used as test animals. Each of four pigs (vaccinates) shall be injected with one pig dose as recommended on the label. Four additional pigs shall be held as unvaccinated controls. Fourteen to twenty-one days postvaccination, the vaccinates and the controls shall be challenged with a virulent *Erysipelothrix rhusiopathiae* culture by the intramuscular route and observed for 7 days.

* * * * *

10. Section 113.129 is amended by revising paragraph (b)(1) to read:

§ 113.129 Rabies Vaccine (Killed Virus).

* * * * *

(b) * * *

(1) Thirty-five animals of each species shall be used as test animals (25 vaccinates and 10 controls). Blood samples shall be drawn from these animals and individual serums tested. Only animals which are negative for neutralizing antibodies to rabies shall be used.

* * * * *

11. Section 113.143 is amended by revising paragraph (c)(1)(i) to read:

§ 113.143 Encephalomyelitis Vaccine, Venezuelan.

* * * * *

(c) * * *

(1) * * *

(i) Each of 10 young adult mice (16 to 20 grams each) shall be injected intraperitoneally with 0.3 ml of the undiluted virus sample and observed each day for 21 days. If unfavorable reactions attributable to the product occur in the mice during the observation period, the product is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test is inconclusive and may be repeated.

* * * * *

12. Section 113.145 is amended by revising paragraph (c)(6) and the introductory portion of paragraph (d) to read:

§ 113.145 Bovine Rhinotracheitis Vaccine.

* * * * *

(c) * * *

(6) If less than 19 of the post-injection serum samples tested as prescribed in paragraph (c)(3) of this section shows neutralization in all tubes of the 1:2 final serum dilution, or if more than one of the vaccinates show a temperature of 103.5° F or higher for 2 or more days, or if more than one of the vaccinates exhibits respiratory or other clinical signs of infectious bovine rhinotracheitis, or both, the Master Seed Virus is unsatisfactory.

* * * * *

(d) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested except as prescribed in paragraph (d)(1) of this section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

* * * * *

13. Section 113.146 is amended by revising the introductory portion of paragraph (d) to read:

§ 113.146 Bovine Virus Diarrhea Vaccine.

* * * * *

(d) Test requirements for release: Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested except as prescribed in paragraph (d)(1) of htis section. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

* * * * *

14. Section 113.147 is amended by revising the introductory portion of paragraph (d)(3) and paragraph (d)(3)(ii) and (4) to read as follows:

§ 113.147 Rabies Vaccine.

* * * * *

(d) * * *

(3) Young adult mice, each weighing 14 to 16 grams, shall be used as test animals when the virus in vaccine prepared with a low egg passage Flury Strain or high cell passage Street Alabama Dufferin Strain (HCP SAD) of rabies virus is titrated. At least 10 mice for each dilution shall be used.

* * * * *

(ii) The injected young adult mice shall be observed each day for 14 days except when testing vaccines made with HCP SAD strain of rabies virus, in which case, the mice shall be observed each day for 21 days. Deaths and paralysis occurring subsequent to the fourth day post-injection shall be noted and the LD_{50} titer calculated by the Reed and Muench Method.

* * * * *

(4) Suckling mice, 6 days of age or younger, shall be used as test animals when virus in vaccine prepared with a high egg passage Flury Strain of rabies virus is titrated.

* * * * *

15. Section 113.252 is amended by revising the heading and introductory text and paragraph (c)(1) to read:

§ 113.252 *Erysipelothrix Rhusiopathiae Antiserum.*

Erysipelothrix Rhusiopathiae Antiserum shall be prepared from the blood of horses hyper-immunized with the antigenic strains of *Erysipelothrix rhusiopathiae*. Each serial shall be tested for purity, safety, and potency as provided in

this section. Any serial found unsatisfactory by a prescribed test shall not be released.

* * * * *

(c) *Potency test.* * * *

(1) In the first stage, each of 40 Swiss mice, each weighing 16 to 20 grams, shall be injected subcutaneously with 0.1 ml of antiserum. Twenty-four hours post-injection, the injected mice and 10 additional mice designated as controls shall be challenged subcutaneously with the same culture of *Erysipelothrix rhusiopathiae.*

* * * * *

Effective date. These amendments take effect June 9, 1975, except that label changes brought about by these amendments shall be made by all licensees at the next printing of labels to which these changes apply, but in all cases, not later than January 1, 1976.

Done at Washington, D.C., this 2nd day of May, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-12150 Filed 5-7-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-SO-27; Amdt. 39-2148]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-28; Correction

On April 2, 1975, FR Doc. No. 75-8442 was published in the FEDERAL REGISTER (40 FR 14740), issuing an Airworthiness Directive pertaining to Piper Model PA-28.

In the preamble, the Docket No. was erroneously cited as "75-SO-57" in lieu of "75-SO-27." It is necessary to amend the FEDERAL REGISTER document to correct this error. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, FR Doc. No. 75-8442, is amended, effective immediately, as hereinafter set forth:

In the preamble "Docket No. 75-SO-57" is deleted and "Docket No. 75-SO-27" is substituted therefor.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia, on April 24, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-12047 Filed 5-7-75;8:45 am]

[Docket No. 75-SO-39, Amdt. 39-2195]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA 32 Series Airplanes

There have been delaminations of the forward baggage door on Piper PA-32 series airplanes that could result in in-flight failure of the baggage door. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive examination of the forward baggage door until modified on Piper PA-32 series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-32-260, serial numbers 32-01 through 32-7500039 and Model PA-32-300, serial numbers 32-40001 through 32-7540147 certificated in all categories.

Compliance required before further flight after the effective date of this AD, unless already accomplished within the last ten hours in service, and thereafter at intervals not to exceed ten hours time in service from the last examination.

To detect delamination of the forward baggage door, accomplish the following:

(a) Examine the inside and outside of the forward baggage door along the hinge, along the leading edge, and along all inner stiffening sections for evidence of cracks or delamination of the fiberglass.

(b) If the examination in paragraph (a) does not reveal any evidence of the noted conditions, no further action is necessary.

(c) If the examination in paragraph (a) reveals evidence of cracks or delaminations, modify the baggage door by installing Piper Kit #760-972V or an equivalent approved by the Chief, Engineering and Manufacturing Branch, ASO-210, FAA, Southern Region, before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the modification can be performed.

After modification per paragraph (c) this AD is no longer applicable. The examination required by paragraph (a) may be performed by the pilot. Piper Service Bulletin No. 463 pertains to this subject.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

This amendment becomes effective May 12, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on April 24, 1975.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.75-12039 Filed 5-7-75;8:45 am]

[Airspace Docket No. 75-SO-8]

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

Alteration of VOR Federal Airways; Addendum

Correction

In FR Doc. 75-10969, appearing at page 18414 in the issue of Monday, April 28, 1975, in § 71.121, the figure in the third line reading "V-129" should read "V-179".

[Airspace Docket No. 75-SO-41]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Simmons Army Air Field, N.C., control zone.

The Simmons Army Air Field control zone is described in § 71.171 (40 F.R. 354). In the description, reference is made to "longitude 78°57'05" W." with respect to the geographic position of Simmons Army Air Field, and "longitude 79°00'05" W." with respect to an exclusion proviso. Both references are in error and it is necessary to amend the description to correct them. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Simmons Army Air Field, N.C., control zone is amended as follows:

"* * * longitude 78°57'05" W * * *" is deleted and "* * * longitude 78°56'06" W * * * is substituted therefor, and "* * * longitude 79°00'05" W * * *" is deleted and "* * * longitude 79°00'05" W * * *" is substituted therefor.

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

Issued in East Point Ga., on April 30, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-12040 Filed 5-7-75;8:45 am]

[Airspace Docket No. 75-SO-42]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is

to alter the Sumter, S.C., control zone and transition area.

The Sumter control zone is described in § 71.171 (40 F.R. 354). In the description, an extension is predicated on Shaw AFB TACAN 213° radial. A change in the TACAN RWY 4L Instrument Approach Procedure final approach radial to 215° necessitates a change in the description.

The Sumter transition area is described in § 71.181 (40 F.R. 441). In the description, an extension is predicated on Shaw AFB TACAN 033° radial; is 10 miles wide, and extends to 12.5 miles northeast of the TACAN. A change in the TACAN RWY 22L Instrument Approach Procedure altitude necessitates a change in the description to reduce the width to 8 miles and the length to 8.5 miles.

Since these amendments are editorial and/or reduces the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Sumter, S.C., control zone is amended as follows:

"* * * 213° * * *" is deleted and "* * * 215° * * *" is substituted therefor.

In § 71.181 (40 F.R. 441), the Sumter, S.C., transition area is amended as follows:

"* * * within 5 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 12.5 miles * * * is deleted and "* * * within 4 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 8.5 miles * * *" is substituted therefor.

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

Issued in East Point, Ga., on April 30, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-12041 Filed 5-7-75;8:45 am]

[Airspace Docket No. 75-SO-47]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Miami, Fla. (Dade-Collier Training and Transition Airport) control zone.

The Dade-Collier Training and Transition Airport control zone is described in § 71.171 (40 FR 354), and is effective 24 hours a day. Because of a curtailment in activity at this airport during certain periods, it is necessary to redesignate the control zone to part-time, with the effective hours established by NOTAM. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t. June 1, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Miami, Fla. (Dade-Collier Training and Transition Airport), control zone is amended as follows:

"This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual." is added to the description.

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

Issued in East Point, Ga., on April 29, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-12042 Filed 5-7-75;8:45 am]

[Airspace Docket No. 75-SO-43]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Orlando, Fla. (McCoy AFB), control zone and the Orlando, Fla., transition area.

The Orlando (McCoy AFB) control zone is described in § 71.171 (40 FR 354) and the Orlando transition area is described in § 71.181 (40 FR 441). In both descriptions, reference is made to "McCoy AFB." Since the name of this airport has been changed to "Orlando Jetport at McCoy," it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (40 FR 354), the Orlando, Fla. (McCoy AFB) control zone is amended to read:

ORLANDO, FLA. (ORLANDO JETPORT AT MCCOY)

Within a 5-mile radius of Orlando Jetport at McCoy (lat. 28°25'55" N., long. 81°19'15" W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within the Orlando (Herndon Airport) (lat. 28°-32'40" N., long. 81°19'55" W.) control zone.

In § 71.181 (40 FR 441), the Orlando, Fla., transition area is amended as follows:

"* * * McCoy AFB * * *" is deleted and "* * * Orlando Jetport at McCoy * * *" is substituted therefor.

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

Issued in East Point, Ga., on April 29, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-12043 Filed 5-7-75;8:45 am]

[Docket No. 14566; Amdt. No. 967]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective June 19, 1975.*

Detroit Lakes, Minn.—Detroit Lakes Arpt., VOR Rwy 31, Orig.
Dublin, Ga.—Dublin Municipal Arpt., VOR-A, Amdt. 3, cancelled
Dublin, Ga.—Dublin Municipal Arpt., VOR Rwy 26, Orig.
Lancaster, Pa.—Lancaster Arpt., VOR/DME Rwy 26, Orig.
Lancaster, Pa.—Lancaster Arpt., VOR Rwy 8, Amdt. 10

Lancaster, Pa.—Lancaster Arpt., VOR Rwy 31, Amdt. 8
Mattoon-Charleston, Ill.—Coles County Memorial Arpt., VOR Rwy 6, Amdt. 7
Mattoon-Charleston, Ill.—Coles County Memorial Arpt., VOR Rwy 24, Amdt. 6
Sussex, N.J.—Sussex Arpt., VOR–A, Amdt. 3
Waukesha, Wisc.—Waukesha County Arpt., VOR–A, Amdt. 8

* * * *effective May 29, 1975*

Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 10, Amdt. 6
Plymouth, Ind.—Plymouth Municipal Arpt., VOR Rwy 28, Amdt. 5

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective June 19, 1975.*

Houston, Tex.—Houston Intercontinental Arpt., LOC (BC) Rwy 26, Amdt. 4
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Arpt., LOC (BC) Rwy 13, Amdt. 6

* * * *effective May 22, 1975*

Milwaukee, Wisc.—General Mitchell Field, LOC Rwy 25L, Orig.
Montgomery, Ala.—Dannelly Field, LOC (BC) Rwy 27, Amdt. 5, cancelled
Montgomery, Ala.—Dannelly Field, LOC Rwy 27, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective June 19, 1975.*

Mattoon-Charleston, Ill.—Coles County Memorial Arpt., NDB Rwy 6, Amdt. 7, cancelled
Rugby, N.D.—Rugby Municipal Arpt., NDB Rwy 11, Orig.
Rugby, N.D.—Rugby Municipal Arpt., NDB Rwy 29, Amdt. 1
Waukesha, Wisc.—Waukesha County Arpt., NDB Rwy 10, Amdt. 4

* * * *effective May 22, 1975*

Durant, Okla.—Eaker Field, NDB Rwy 35, Orig.
Sedona, Ariz.—Sedona Arpt., NDB–A, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective June 19, 1975.*

Casper, Wyo.—Natrona County Int'l. Arpt., ILS Rwy 7, Amdt. 20
Lancaster, Pa.—Lancaster Arpt., ILS Rwy 8, Amdt. 3.

* * * *effective June 12, 1975*

Allentown, Pa.—Allentown, Bethlehem, Easton Arpt., ILS Rwy 6, Amdt. 18

* * * *effective May 15, 1975*

Mobile, Ala.—Bates Field, ILS Rwy 32, Orig.

* * * *effective April 28, 1975*

Lexington, Ky.—Blue Grass Arpt., ILS Rwy 4, Amdt. 5

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective June 19, 1975.*

Orlando, Fla.—Orlando Jetport at McCoy Arpt., RADAR–2, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective June 19, 1975.*

Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Arpt., RNAV Rwy 4L, Amdt. 3
Waukesha, Wisc.—Waukesha County Arpt., RNAV Rwy 10, Amdt. 1

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

Issued in Washington, D.C., on May 1, 1975.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.75-12044 Filed 5-7-75; 8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE B—REGULATIONS RELATING TO COMMERCE AND FOREIGN TRADE

CHAPTER XI—SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 1160—PUBLIC INFORMATION

Freedom of Information Regulations

This notice establishes Chapter XI entitled "Social and Economic Statistics Administration" in Title 15 of the Code of Federal Regulations.

Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Social and Economic Statistics Administration (SESA) was created on January 1, 1972, by the Secretary of Commerce (Department of Commerce Organization Order 35–4A). SESA is comprised of the Office of the Administrator, the Office of the Associate Administrator for Administration, the Bureau of the Census and the Bureau of Economic Analysis.

The regulations of the Bureau of the Census and the Bureau of Economic Analysis are contained in Title 15 of the CFR as Chapters I and VIII respectively. To conform with Title 5, U.S.C. section 552, as amended by Public Law 93–502, and the rules promulgated by the U.S. Department of Commerce on March 12, 1975 (40 FR 11551), SESA hereby establishes Part 1160 of Title 15, CFR. This part delineates the procedures to be followed by members of the public in requesting documents under the Freedom of Information Act, and by the Office of the Administrator and the Office of the Associate Administrator for Administration of SESA in searching for and providing documents and for other purposes.

The rules herein do not fall within the criteria set forth in the draft Department Administrative Order relating to Inflationary Impact Statements required by Office of Management and Budget Circular No. A–107.

In that a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

The effective date of these regulations is February 19, 1975.

In consideration of the above, Part 1160 of Title 15, CFR, is established as set forth below.

Sec.
1160.1 Scope and purpose.
1160.2 Policies.
1160.3 Definitions.
1160.4 Publication in the FEDERAL REGISTER.
1160.5 Availability of materials for inspection and copying.
1160.6 Requests for records.
1160.7 Initial determinations of availability of records.
1160.8 Appeals from initial denials or untimely delays.
1160.9 Fees.
1160.10 Arrangements for public inspection and copying of available records.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93–502 (5 U.S.C. 301, 553; 40 FR 11551).

§ 1160.1 Scope and purpose.

(a) This part revises the rules whereby the Social and Economic Statistics Administration (SESA) is to make publicly available the materials and indexes specified in 5 U.S.C. 522(a)(2) and the records requested under 5 U.S.C. 552(a)(3). This revision is to conform the rules to the requirements of the Freedom of Information Act (5 U.S.C. 552), as amended by Pub. L. 93–502, 88 Stat. 1561, effective February 19, 1975.

(b) These rules supplement Department Administrative Order 205–12, which contains policies, delegations of authority, and other rules implementing, U.S.C. 502. These rules also supplement the rules published on March 12, 1975, by the Department of Commerce (40 FR 11551).

§ 1160.2 Policies.

(a) Policies and other factors to be considered in issuing the rules in this part are set forth in Department Administrative Order 205–12.

(b) Requests for records made under 5 U.S.C. 552(a)(3) apply only to existing records, and SESA is not required, in response to a request, to create records by combining or compiling information contained in existing records, or otherwise to prepare new records. However, SESA officials may, upon request, provide or create new information in record form pursuant to user charge statutes, such as 15 U.S.C. 1525–1527, or in accord with authority otherwise provided by law.

§ 1160.3 Definitions.

(a) To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

(b) As used in this part, "Act" means the "Freedom of Information Act", as amended, 5 U.S.C. 552.

§ 1160.4 Publication in the Federal Register.

(a) Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue

to be so published, in one of the following ways:

(1) By publication in the FEDERAL REGISTER of the Department Orders of the Department of Commerce, including any supplements and appendices thereto, and of appropriate Secretary of Commerce Circulars and Department Administrative Orders;

(2) By publication in the FEDERAL REGISTER of agency rules and regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(3) By publication in the FEDERAL REGISTER of appropriate general notices; and

(4) By other forms of publication, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Federal Register.

(b) Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 1160.5(c).

§ 1160.5 Availability of materials for inspection and copying.

(a) The Administrator, SESA shall, as provided in 5 U.S.C. 552(a)(2) and subject to other provisions of law, establish and maintain a reference facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by SESA and are not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Current indexes providing identifying information for the public as to any matter which is (i) issued, adopted, or promulgated after July 4, 1967, and (ii) required to be made available or published by 5 U.S.C. 552(a)(2);

(5) Records of the final votes of each member in every proceeding of any agency comprised of more than one member;

(6) Rules and decisions denying requests for records which otherwise implement or relate to the act; and

(7) Materials published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) and such other materials which each unit may consider desirable and practical to make available for the convenience of the public.

(b) SESA may, to prevent unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The Secretary of Commerce has determined (DAO 205-12, subparagraph 5.02.a5) that it is unnecessary and impracticable to publish quarterly or more frequently and distribute (by sale or otherwise) copies of each index and supplements thereto, as provided in 5 U.S.C. 552(a)(2). Upon request, copies of such indexes shall be provided at the public reference facility at a cost not to exceed the direct cost of duplication.

(d) The above materials may be inspected in the SESA Freedom of Information Records Inspection Facility located at the Library Branch, Room 2455, Federal Building 3, Social and Economic Statistics Administration, Washington, D.C. 20233 (Suitland, Maryland). This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Upon request, however, the facility will arrange to have copies of the above materials made at the cost shown in § 1160.9.

(e) Correspondence concerning the materials available in the facility should be sent to the above address. The telephone number of the facility is 763-5040, Area Code 301.

§ 1160.6 Requests for records.

(a) The procedures of this section are applicable only to those records not customarily available to the public as part of the regular informational activities of SESA or which are not available in the SESA reference facility described in § 1160.5.

(b) A person who wishes to inspect records described in § 1160.6(a) shall make a request in writing, with the envelope and letter clearly marked "Freedom of Information Desk" or "Freedom of Information Request" or the equivalent, to distinguish it from other mail to the Department. Each such request, so marked, shall be addressed to Administrator, Social and Economic Statistics Administration, Attention: Freedom of Information Desk, Washington, D.C. 20233.

(c) A request which is not addressed as described in § 1160.6(b) and which is not routed through the Department's Central Facility, will not be deemed to have been "received" for purposes of the time period for a request for records set forth in 5 U.S.C. 552(a)(6), until the earlier of the time that (1) forwarding of the request to the responsible unit has been effected, or (2) such forwarding would have been effected with the exercise of due diligence by SESA personnel. In each instance when a request is forwarded, SESA shall notify the requester that its request was improperly addressed and of the date the request was received by SESA.

(d) A request for records shall sufficiently identify the records requested to enable SESA personnel familiar with the subject matter to locate them with a reasonable amount of effort. The requester shall, to the extent possible, furnish specific description information regarding dates and places the records were made, the file descriptions, subject matter, persons involved, and other pertinent details that will help identify the records. If the request relates to a matter in pending litigation, the court, location and case shall be identified. When more than one record is requested, the request shall clearly describe each specific record, and the specific information requested which is contained in a record, so that its availability may be separately determined. Employees at the SESA reference facility described in § 1160.5 will assist the public to a reasonable extent in framing a request.

§ 1160.7 Initial determinations of availability of records.

(a) Whenever SESA receives a request for records it shall promptly log the receipt of the request, and within 10 days of its receipt (excepting Saturdays, Sundays and legal public holidays) shall initially determine:

(1) Whether the request is for records under the Act, is for materials available otherwise than under the Act, or is for information not contained in existing records and, therefore, not under the Act. The requester shall be promptly notified in writing how the request is being handled when it does not come within the Act.

(2) Whether the records requested are reasonably described and can be located from the information furnished, SESA shall promptly so inform the requester in writing, specifying what additional identification is needed to assist SESA in locating the record, and offering to assist the requester to reformulate the request.

(3) Whether the records no longer exist or are not in SESA's possession. SESA shall, if it knows which unit of the Department or other agency may have the records, forward the request to it. In each instance, SESA shall promptly notify the requester in writing.

(4) Whether the requested records are the exclusive or primary concern of another executive agency. If so, SESA shall promptly refer the request to that other agency for further action under its rules, and promptly notify the requester in writing of this referral.

(5) Whether the request is a categorical one. A categorical request, i.e., one for all records falling within a reasonably specific but broad category, shall be regarded as conforming to the statutory requirement that records be reasonably described, if the particular records can be identified, searched for, collected and produced without unduly burdening or disrupting SESA's operations. If the categorical request does not reasonably describe the records requested, SESA shall promptly notify the requester in writing specifying what additional identification is needed, and extend to the requester an opportunity to confer with SESA personnel to attempt to reformulate the request so as reasonably to describe the records.

(6) In each of the situations set forth in paragraphs (a) and (b) of this section, the procedures relating to fees described in § 1160.9 shall also be applied and coordinated as appropriate.

(b) An official having custody of the records requested in SESA shall review

the request to determine the availability of the records requested.

(1) The determination shall be made within 10 days (excepting Saturdays, Sundays and legal public holidays) of the receipt of the request (as defined in § 1160.6(c)), unless the time is extended as provided in paragraph (b)(2) of this section.

(2) In unusual circumstances, the Associate Administrator for Administration may extend the time for initial determination for up to 10 days (excluding Saturdays, Sundays and legal public holidays) by written notice to the requester setting forth the reasons for the extension and date on which a determination is expected to be dispatched. Extensions of time for the initial determination and extensions of time on appeal may not exceed a total of 10 days, and time taken for the former counts against available appeal extension time. "Unusual circumstances" means, but only to the extent reasonably necessary to the processing of a particular request: (i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (iii) the need for consultation, which shall be conducted with all practical speed, with another agency or unit having a substantial interest in the determination of the request, or among two or more components of SESA having substantial subject-matter interest therein.

(3) If no determination has been sent to the requester at the end of the initial 10-day period, or the last extension thereof, the requester may deem his request to be initially denied, and exercise a right of appeal therefrom. When no determination can be made within the applicable time period, SESA shall nevertheless exercise due diligence in continuing to process the request. It shall, on expiration of the applicable time period, inform the requester of the reason for the delay, of the date a determination is expected to be sent, and of the requester's right to treat the delay as a denial and to appeal therefrom. It may ask the requester to forego an appeal until a determination is made.

(4) If it is determined that the records requested are to be made available, and there are no further fees to be paid, the responsible official shall promptly notify the requester as to where and when the requested records or copies may be obtained or otherwise provide them as agreed. If there are fees still to be paid by the requester, the requester shall be notified that upon payment the records will immediately be made available.

(5) Only the Associate Administrator for Administration, and in his absence, the Deputy Associate Administrator for Administration, have been authorized to make initial denials for requests for records. A denial of records shall be in writing, signed by the Associate Administrator for Administration or, in his absence, the Deputy Associate Administrator for Administration, and it shall include:

(i) A reference to the specific exemption or exemptions of the Act authorizing the withholding of the records, stating briefly why the exemption applies and, where relevant, why a discretionary release is not appropriate.

(ii) The name and title or position of each official responsible for the denial.

(iii) A statement of the manner in which any reasonably segregable portion of a record shall be provided to the requester after deletion of the portions which are determined to be exempt.

(iv) A brief statement of the right of the requester to appeal the determination, and the address to which the appeal should be sent, in accord with § 1160.8(a) and (b).

(6) The Office of the General Counsel of the Department shall be consulted before any initial denial of a request for records is issued and a copy of each initial denial of a request for records shall be provided to the Assistant General Counsel for Administration of the Department of Commerce and the SESA Legal Adviser. § 1160.8 Appeals from initial denials or untimely delays.

§ 1160.8 Appeals from initial denials or untimely delays.

(a) When a request for records has been initially denied in whole or in part, or has not been timely determined, the requester may submit a written appeal within 30-calendar days after the date of the written denial or, if there has been no determination, on the last day of the applicable time limit. The appeal shall include a copy of the original request, the initial denial, if any, and a statement of the reasons why the records requested should be made available and why the initial denial, if any, was in error. No personal appearance, oral argument or hearing on the appeal is provided.

(b) An appeal shall be addressed to the Administrator, Social and Economic Statistics Administration, Washington, D.C. 20233. Both the appeal envelope and the letter shall be clearly marked "Freedom of Information Appeal" or "Appeal for Records" or the equivalent. An appeal not addressed and marked as provided herein will be so marked by SESA personnel when it is so identified, and will be forwarded immediately to the proper addressee. An appeal incorrectly addressed will not be deemed to have been "received" for purposes of the time period for appeal set forth in 5 U.S.C. 552(a)(6), until the earlier of the time that (1) forwarding to the Administrator has been effected, or (2) such forwarding would have been effected with the exercise of due diligence by SESA personnel. In each instance when an appeal is so forwarded, the Administrator shall notify the requester that the appeal was improperly addressed and of the date the appeal was received by that official.

(c) The Administrator, SESA, shall act upon an appeal within 20 days (excluding Saturdays, Sundays and legal public holidays) of its receipt, unless an extension of time is made in unusual circumstances, when the time for action may be extended up to 10 days (excluding Saturdays, Sundays and legal public holidays) minus any days of extension granted at the initial request level. A notice of such extension shall be sent to the requester, setting forth the reasons and the date on which a determination of the appeal is expected to be sent. As used in this paragraph, "unusual circumstances" are defined in § 1160.7(b)(2).

(d) If a decision on appeal is to make the records available to the requester in part or in whole, such records shall be promptly made available for inspection and copying as provided in § 1160.5.

(e) If no determination of an appeal has been sent to the requester within the 20-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies with respect to such request, giving rise to a right of judicial review as specified in 5 U.S.C. 552(e)(4). When no determination can be sent to the requester within the applicable time limit, the Administrator shall nonetheless exercise due diligence in continuing to process the appeal. When the time limit expires, the requester shall be informed of the reason for the delay, of the date when a determination may be expected to be made, and his right to seek judicial review until the appeal is determined.

(f) A determination on appeal shall be in writing and, when it denies records in whole or in part, the notice to the requester shall include: (1) notation of the specific exemption or exemptions of the Act authorizing the withholding, a brief explanation of how the exemption applies, and, when relevant, a statement as to why a discretionary release is not appropriate; (2) a statement that the decision is final for SESA and for the Department of Commerce; (3) advice that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or the District of Columbia, and (4) the names and titles or positions of each official responsible for the denial of the request.

(g) No final denial may be issued with (1) consulting without the Office of the Special Assistant to the Secretary for Public Affairs, and (2) concurrence of the Office of the General Counsel of the Department.

(h) Final appeal decisions shall be indexed and kept available for public inspection and copying. Copies shall be sent to the Department's Assistant Secretary for Administration, the Assistant General Counsel for Administration and the SESA Legal Adviser.

§ 1160.9 Fees.

A uniform schedule of fees and procedures for collecting fees for the U.S. Department of Commerce has been promulgated and it is published in 15 CFR 4.9, and applies to all requests for SESA records.

§ 1160.10 Arrangements for public inspection and copying of available records.

(a) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to SESA's reference facility, where it will be held for inspection by the applicant for a reasonable time. The address, and hours of operation, of this facility are stated in § 1160.5(d).

(b) During inspection of the record at the facility, the applicant may copy by hand any portion of the record, may request the facility to make a copy thereof, and may obtain certification of a machine-copied record in accordance with the fee structure in § 1160.9.

(c) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect SESA's records. The public is reminded of title 18, United States Code, section 2701(a), which makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(d) If an applicant does not want to inspect a record by personal visit, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in § 1160.9. Original copies of records shall not be sent to any location other than the reference facility for public inspection pursuant to 5 U.S.C. 552(a)(3).

(e) Copies of transcripts of hearings may be made available for inspection when not in use.

Dated: May 2, 1975.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.75-12072 Filed 5-7-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11395]

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

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Broker-Dealer Reports

The Securities and Exchange Commission today announced the adoption of Rule 17a-20 [17 CFR 240.17a-20] and related Form X-17A-20 [17 CFR 249.636], the approval of two plans submitted pursuant to paragraph (a)(3) of Rule 17a-20 [17 CFR 240.17a-20], and the implementation of other aspects of the program to monitor the impact of Rule 19b-3 [17 CFR 240.19b-3] which provides for the elimination of fixed public commission rates on exchange transactions after May 1, 1975.[1]

Background. In announcing adoption of rule 19b-3 [17 CFR 240.19b-3] prohibiting exchanges from fixing commission rates, the Commission recognized the significant concern expressed by many responsible persons in the securities industry regarding the effect of competitive commission rates and undertook:

> To take steps to provide appropriate increased monitoring of the activities of brokers, and their financial condition and operations as well as possible shifts in patterns of trading for some period subsequent to May 1, 1975, in order to assure that the objectives of the Act, including the protection of investors and the maintenance of fair and orderly markets, are upheld during any transitional phase.[2]

The purpose of the monitoring program is to enable the Commission to keep itself informed as to significant developments during the transition to competitive commission rates and to assist others in keeping informed. The Commission does not propose to engage in regulating the pricing practices of member firms. Indeed, one purpose of eliminating fixed rates is to terminate that type of regulation. Member firms, of course, will continue to have responsibilities as agents and will continue to be subject to the provisions of the Securities Exchange Act, which, speaking generally, require adequate disclosure and fair dealing. Fiduciaries will also continue to be subject to the obligations inherent in that status.

Adoption of rule 17a-20 [17 CFR 240.17a-20] and Related Form X-17A-20 — [17 CFR 249.636]. After consideration of the public comments received and the advice of its two advisory committees, the Commission has adopted with certain modifications proposed rule 17a-20 [17 CFR 240.17a-20] and related Form X-17A-20 [17 CFR 249.636] under the Securities Exchange Act of 1934.

A. *Section 240.17a-20.* As issued for comment, the proposed rule would have required monthly filing of Form X-17A-20 [17 CFR 249.636] by every broker or dealer with revenues of more than $1,000,000 in 1973 or 1974. The Commission specifically requested comment on the issue of whether the revenue level for monthly filing should be raised to $5,000,000. A number of comments were received from the public and the Report Coordinating Group, a federal advisory committee to the Commission, suggesting that the revenue level for monthly reporting on Form X-17A-20 [17 CFR 249.636] be changed to $5,000,000 since the proposed level of monthly reporting would unduly increase the reporting burden on many firms without appreciably improving the accuracy or usefulness of the information to be gathered.

The Commission has determined to require monthly reporting only by firms with revenues in excess of $5,000,000 as defined in the rule. The firms affected by the change will be reporting the information required by the rule on a quarterly basis under paragraph (a)(2) rather than on a monthly basis.

In announcing the proposed rule, the Commission also asked for comment on a proposal to provide for the voluntary reporting on the Form X-17A-20 [17 CFR 249.636] of any firm not otherwise required by the rule to file either a monthly or quarterly report of revenues and expenses. Several comments have been received from the public suggesting that this would be a desirable method of obtaining information about the impact of competitive commission rates on small broker-dealers without unduly burdening them. The Commission has determined to accept voluntary filings of Form X-17A-20 [17 CFR 249.636] by those not otherwise required to file the form. The information received on the basis of such voluntary filings will be analyzed separately and considered along with the other information obtained as a part of the monitoring program.

The Commission also received a number of comments regarding the requirement in paragraph (b) of the proposed rule that there be notification to the Commission and to customers of changes in exchange membership. The Commission has determined to adopt Rule 17a-20(b) [17 CFR 240.17a-20(b)] with certain modifications. As proposed, broker-dealers would have been required to give 45 days notice of intention to resign its membership interest in an exchange to the Commission and 30 days notice of such intention to customers accompanied by a statement as to the anticipated effect of such resignation on the manner in which they would provide services for customers in respect of securities traded on such exchange and charges for such services. The notification periods have been reduced to 15 days and 10 days, respectively. Furthermore, while "membership interest" and "resignation" are defined broadly with the intention of covering all types of membership interests, the rule has been modified to make clear that notification is not required as long as a broker-dealer retains one membership interest on a particular exchange. Finally, notification to customers will only be required when the contemplated resignation is from the exchange which is the examining authority for such broker-dealer pursuant to Section

[1] The Commission on March 13, 1975, issued Securities Exchange Act Release No. 11293, 40 FR 12524 (March 19, 1975), announcing a program to monitor the impact of Rule 19(b)(3) [17 CFR 240.19b-3] and soliciting public comment on proposed Rule 17a-20 [17 CFR 240.17a-20], Form X-17A-20 [17 CFR 249.636] and other aspects of the proposed monitoring program.

[2] Securities Exchange Act Release No. 11203 (January 23, 1975), 40 FR 7394 (February 20, 1975).

9(c) of the Securities Investor Protection Act of 1970, 84 Stat. 1636, 15 U.S.C. 78aaa. The rule does not restrict the right of a broker-dealer to contract to sell a membership interest; however, where notification would be required under the rule, the resignation should not take effect and delivery of the membership interest should not be scheduled prior to the termination of the notification period. Under current practices of exchanges, some time period ranging up to six weeks must normally elapse between the time a contract to sell a membership interest is entered into and delivery of that membership interest to the purchaser may be made. Accordingly, in most situations, the rule as revised will not delay most sales of membership interests.

In addition, some concern has been expressed that broker-dealers with membership interests on many exchanges might be unduly burdened by the requirement of notification to all customers prior to resignation from a membership interest in a national securities exchange. The rule provides a general exemptive authority in paragraph (c). The Commission will consider granting exemptions on a case-by-case basis.

Commission action. Pursuant to sections 17(a) and 23(a) of the Securities and Exchange Act of 1934, the Securities and Exchange Commission adopts a new § 240.17a–20 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations reading as follows:

§ 240.17a–20 Monitoring effect of competitive commission rates.

(a) (1) Every broker or dealer required by §249.618 of this Chapter to file for calendar year 1973 or 1974 Part III of Form X–17A–10 or equivalent information pursuant to a plan declared effective by the Commission under § 240.17a–10(b) of this chapter and with revenues as shown on line 6 of Statement A to said Part III of $5,000,000 or more in either year shall, not later than 17 business days after the close of each calendar month (commencing with the calendar month ending April 30, 1975), file a report of his revenues and expenses and related financial and other information for each such calendar month as is required by § 249.636 of this chapter on Form X–17A–20.

(2) Every broker or dealer, not otherwise required to file pursuant to subparagraph (1) of paragraph (a), with revenues as shown on line 6 of Statement A to Part III or line 11 of Statement AA to Part II of Form X–17A–10 (§ 249.618) of $500,000 or more during calendar year 1973 or 1974 shall, not later than 17 business days after the close of each calendar quarter (commencing with the calendar quarter ending June 30, 1975), file a report of his revenues and expenses and related financial and other information for each such calendar quarter as is required by § 249.636 of this chapter on Form X–17A–20.

(3) The provisions of paragraphs (a) (1) and (2) of this section shall not apply to a member of a national securities exchange or a registered national securities association if said exchange or association maintains records containing the information required by § 249.636 of this chapter on Form X–17A–20 as to such member, and transmits to the Commission a copy of the records as to such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be submitted by only one specified national securities exchange or registered national securities association. For the purpose of this section, a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the fulfillment of the Commissions' functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

(4) Individual reports filed pursuant to paragraph (a) of this section are to be considered nonpublic information, except in cases where the Commission determines that it is in the public interest to direct otherwise.

(b) (1) A broker or dealer holding any membership interest in a national securities exchange which proposes to resign that membership interest shall, not later than 15 days before such resignation is to take effect, file with the Commission a report indicating:

(i) Whether or not it intends to continue to effect transactions in securities listed or traded on the national securities exchange from which the broker or dealer wishes to resign;

(ii) Arrangements, if required, made to comply with the provisions of § 240.17a–15 of this chapter;

(iii) To whom it proposes to transfer, directly or indirectly, its membership interest in the national securities exchange and a description of any material relationship or proposed relationship between such broker or dealer or its associated persons and such transferee or its associated persons;

(iv) Arrangements, if any, made, or anticipated to be made, with any member of such national securities exchange regarding effecting transactions on such exchange for the account of such broker or dealer or its customers; and

(v) A copy of the notice sent, or to be sent, to customers pursuant to paragraph (b) (2) of this section.

(2) A broker or dealer holding any membership interest or interests in a national securities exchange which is the examining authority for such broker-dealer pursuant to section 9(c) of the Securities Investor Protection Act of 1970, who wishes to resign all such membership interests in said national securities exchange, shall, not later than 15 days before such resignation is to take effect, send to its customers a statement to the effect that it is so resigning and setting forth:

(i) Its reasons for so resigning; and

(ii) The anticipated effect of such resignation on the manner in which it will provide services for customers in respect of securities traded on such exchange and on the charges for such services.

(3) For the purposes of paragraph (b):

(i) "Membership interest" shall include full membership, allied membership, associated membership, floor privileges, classification as a member firm or member corporation under the rules of the exchange, and any other interest that entitles a broker or dealer to the exercise of any privilege on an exchange; and

(ii) "Resignation" of a membership interest in a national securities exchange is deemed to include any action on the part of a broker or dealer the effect of which, under the rules of the exchange, causes it to cease to have a membership interest with respect to such national securities exchange, and is deemed to become effective on the date when a broker or dealer ceases to have substantially all of the rights associated with holding any membership interest.

(c) On written request of any national securities exchange, registered national securities association, broker or dealer, or on its own motion, the Commission may grant an extension of time or an exemption from any of the requirements of § 240.17a–20 or § 249.636 (Form X–17A–20) of this chapter either unconditionally or on specified terms and conditions.

B. *Section 249.636 and Form X–17A–20.* Certain changes of a technical nature have been made on Form X–17A–[illegible] [17 CFR 249.636]. The Explanatory Notes, Part I, Firm Identification Information, of the proposed Form X–17A–[illegible] [17 CFR 249.636] as issued for comment included an Item 10 defining "full time personnel." A comment was received suggesting that the definition should be clarified. The Commission concurs and has in Form X–17A–20 [17 CFR 249.636], as adopted, added to Item 10 the phrase "per week" after the phrase "who works 30 hours or more."

Item 13 in the same Explanatory Notes as proposed defines the method by which the number of public customer transactions is to be reported. A number of comments were received suggesting that this placed an unfair burden on broker-dealer firms introducing accounts on a fully disclosed basis. The Commission concurs and has in Form X–17A–20 [17 CFR 249.636], as adopted, added two new lines

at the end of Item 13 stating: "Firms carrying public customer accounts for other broker/dealers on a fully disclosed basis are to include transactions from those accounts in their number count. Firms introducing accounts on a fully disclosed basis will report 'zero' for these items."

The Explanatory Note for Item 2a, 2b, 2c, Part II has been revised by adding a phrase at the end of the item stating "and does not include realized gain (loss) from specialist activities on a national securities exchange."

In addition, the Commission has determined to adopt Form X–17A–20 [17 CFR 249.636], but to modify its design to make it compatible with electronic data processing; to include a space for the signature of the sole proprietor, general partner, managing agent or principal officer accompanied by an admonition concerning the veracity of the information supplied; on the first page, substitute the word "Period" instead of "Month" in the phrase "Report for the Month Ending"; and in Item 1b under Revenue Sources add the word "equity" after "listed." The "Table of Contents" and "Statement of Consolidation" have been moved to become the first page of the Explanatory Notes to the Form X–17A–20 [17 CFR 249.636].

Commission action. Pursuant to sections 17(a) and 23(a) of the Securities Exchange Act of 1934, the Commission adopts new § 249.636 in Part 249 of Chapter II of the Code of Federal Regulations to read as follows:

§ 249.636 Form X–17A–20 Monitoring effect of competitive commission rates—revenue and expense information.

This form shall be completed and filed by every member, broker, and dealer required to file a report pursuant to subparagraphs (1) or (2) of § 240.17a–20(a) of this chapter, unless such member, broker, or dealer has filed the information required by this form with a national securities exchange or a registered national securities association pursuant to subparagraph (3) of § 240.17a–20(a) of this chapter.

Copies of Form X–17A–20 [17 CFR 249.636] have been filed with the Office of the Federal Register as part of the original document, and copies thereof may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549. In view of the elimination of fixed commission rates on May 1, 1975, pursuant to Rule 19b–3 [17 CFR 240.19b–3], and the importance of monitoring the impact of Rule 19b–3 [17 CFR 240.19b–3] from its inception, the Commission finds that there is good cause to declare, and does declare, adopted Rule 17a–20 [17 CFR 240.17a–20] and Form X–17A–20 [17 CFR 249.636] to be effectively immediately.[3]

Approval of two plans submitted pursuant to paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20]. Two self-regulatory organizations have filed plans pursuant to paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20]. Paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20] would allow brokers or dealers who are members of an exchange or association which files an appropriate plan declared effective by the Commission to dispense with a separate filing to the Commission. The National Association of Securities Dealers, Inc. ("NASD") and the New York Stock Exchange, Inc. ("NYSE") have agreed to collect directly from their members the information required by the rule, thereby eliminating for their members a direct filing requirement with the Commission.

Under the NASD plan, their member firms (other than NYSE member firms) which are required to file Form X–17A–20 will file a NASD form containing the required information with the NASD. The first monthly filing for the month of April, 1975 will be due at the NASD by May 23, 1975, and thereafter by the twentieth calendar day of each month. The first quarterly filing will be due at the NASD by July 24, 1975, and thereafter on the twentieth calendar day in the month following each successive quarter.

Under the NYSE plan, their member firms will submit a short supplemental schedule with NYSE's Joint Regulatory Report within 17 business days after the close of each calendar month starting with the calendar month April, 1975.

The Commission has reviewed the procedures and provisions of the plans and, pursuant to paragraph (a)(3) of Rule 17a–20 [17 CFR 240.17a–20], having due regard for the fulfillment of the Commission's functions under the provisions of the Securities Exchange Act of 1934, declares the plans to be effective.

SECO-only broker-dealers who are required by the rule to submit information will file the Form X–17A–20 [17 CFR 249.636] directly with the Commission.

Other Aspects of the Monitoring Program. After consideration of the public comments received and the advice of its two advisory committees, the Commission announced that it will be implementing the other aspects of the proposed monitoring program.

The other aspects of the program include the study and analiysis of a sampling[4] of firms in order to develop information on effective commission rates being paid by individual and institutional customers to different types of broker-dealer firms; the review of volume reports from national securities exchanges and third market firms in order to determine the distribution of trading among the various market places; the development of additional information regarding revenue sources and expenses of national securities exchanges and registered national securities associations; the study and analysis of the income expenses, assets and liabilities of specialists; and the selective review of activity in certain stocks.

The Commission is cooperating with self-regulatory organizations, its two advisory committees and other interested persons in developing information for the monitoring program. To the extent it appears appropriate, the Commission may also direct its staff to conduct inspections and to interview and consult various persons in the industry to ensure that the purposes of the Securities Exchange Act of 1934 are being upheld. In this regard, the Commission has been advised that the NYSE intends to continue to compile its on-going Transaction Revenue Survey and to furnish the Commission with the results. The Commission welcomes the cooperation of the NYSE and of other self-regulators.

Much of the information to be collected by the Commission will involve trade and commercial or financial information which will be treated as confidential. The Commission is, however, considering making available aggregated information, which would protect the confidentiality of individual firms.

Suggestions from the public. It is contemplated that the monitoring program will be continually reviewed; where appropriate, modifications will be made; and, when it appears that special reporting is no longer necessary or appropriate, Rule 17a–20 [17 CFR 240.17a–20] will be modified or repealed.

The Commission does not anticipate that the reporting required by Rule 17a–20 [17 CFR 240.17a–20] would be continued for periods beginning after June 30, 1976. Upon reviewing the initial data from the monitoring program, and on an on-going basis thereafter, the Commission may also consider whether or not any additional rulemaking or other action might be appropriate.

The Commission welcomes suggestions concerning all aspects of its program to monitor the impact of Rule 19b–3 [17 CFR 240.19b–3]. Such suggestions should be submitted on as timely a basis as possible and be directed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should refer to File No. S7–557 and will be available for public inspection.

(Secs. 17(a), 23(a), Securities Exchange Act of 1934; 48 Stat. 897,901 as amended 49 Stat. 1397, 52 Stat. 1076; 15 U.S.C. 78q(a), 78w(a)).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 2, 1975.

[FR Doc.75–12276 Filed 5–7–75;8:45 am]

[3] 5 U.S.C. 553(d)(3) provides that an adopted rule becomes effective 30 days after publication except "as otherwise provided by the agency for good cause found and published with the rule."

[4] For example, detailed information regarding changes in commission rates will be gathered monthly through a "Survey of Commission Charges on Brokerage Transactions" from a selected sample of 100 broker-dealer firms.

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973), the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product and supplier's Catalog No.	Form of product	Date of application
Abbott Laboratories	CEP Agarose Plates, NDC 0074-9023-12, NDC 0074-9023-35.	Foil Pouch: 4¼ by 4 inches, 6½ by 5¼ inches.	Mar. 24, 1975
Do	Barbital-Acetate Buffer Powder with 1 g Sodium Azide, NDC 0074-7501-12.	Plastic Bag: 16.24 g per bag.	Do.
American Hospital Supply Corp.	Moni-Trol I-X Chemistry Controls (Level I), Catalog Nos.:		
	B5106-1	Vial: 5 ml	Jan. 20, 1975
	B5106-5	Vial: 10 ml.	
	B5106-3	Bottle: 25 ml.	
Do	Moni-Trol II-X Chemistry Controls (Level II) Catalog Nos.:		
	B5106-2	Vial: 5 ml	Do.
	B5106-6	Vial: 10 ml.	
	B5106-4	Bottle: 25 ml.	
Amersham/Searle	[15,16(n)-^{3}H] Etorphine Catalog No. TRK 476.	Ampoule: 1 millicurie	Feb. 17, 1975
Do	(−) Δ^1-Tetrahydro[3',5'-^{14}C]Cannabinol Catalog No. CFA. 538.	Ampoule: 10 and 50 microcuries.	Mar. 5, 1975
Dow Chemical Co	Iodine-125 Triiodothyronine Lyophilized.	Vial: 20.5 ml	Mar. 17, 1975
Do	Anti-triiodothyronine Lyophilized	do	Do.
Do	ANSA Buffer Lyophilized	do	Do.
Do	Dextran Lyophilized	do	Do.
Grand Island Biological Co	Gibform Indicator Cells, NDC 011815 0220.	Vial: 40 ml	Feb. 21, 1975
Do	Gibform Adsorption Cells, NDC 011815 0225.	Vial: 20 ml	Do.
ICL Scientific	EIQ Intensifier	Bottle: 7.6 gm	Feb. 26, 1975
Do	Diluent I	Vial: 10 and 25 ml	Do.
Nichols Institute	Thyroxine (T 4) RIA Program Reagent A (Lyophilized) Catalog No. 1212-1.	Bottle: 10 gm	Jan. 20, 1975
Wien Laboratories	Diluent Buffer pH 8.3 Catalog No. U-1213.	Bottle: 750 ml	Feb. 24, 1975
Do	Diluent Buffer pH 8.3 Catalog No. U-1213B.	Bottle: 3,000 ml	Do.
Do	Barbital Buffer pH 8.6	Vial: 15 ml	Do.
* *	* * *	* *	*

b. By amending § 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product and supplier's Catalog No.	Form of product	Date of application
Abbott Laboratories	T-7 I-125 diagnostic kit No. 7734	Vial: 11 ml	Nov. 15, 1972
Do	DILU-tainer CEP barbital Acetate buffer No. 9025-03.	Plastic bag: 6 by 13 inches.	Aug. 21, 1912
Do	CEP agarose plates (for research studies only) No. 9023-03 and 9023-04.	Foil pouch: 4½ by 4 inches, 6½ by 5¼ inches.	Do.
American Hospital Supply Corp.	Moni-Trol I-X (Normal Range), Catalog Nos.:		
	B5105-1	Vial: 5 ml	Mar. 13, 1973
	B5105-5	Vial: 10 ml.	
	B5105-3	Bottle: 25 ml.	
Do	Moni-Trol II-X (Abnormal Range), Catalog Nos.:		
	B5106-2	Vial: 5 ml	Do.
	B5106-6	Vial: 10 ml	
	B5106-4	Bottle: 25 ml	
Grand Island Biological Co.	Gibform Indicator Cells NDC 011815 0220 1.	Vial: 15 ml	Nov. 21, 1973
Do	Gibform Adsorption Cells NDC 011815 0225 1.	Vial: 6 ml	Do.

* * * * * * *

Effective date. This order is effective May 8, 1975. Any person interested may file written comments on or objections to the order on or before July 8, 1975. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: April 24, 1975.

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

[FR Doc.75-11957 Filed 5-7-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

Motorist-Aid Systems

Regulations concerning Motorist-Aid Systems are hereby published and will appear as Title 23, Part 655, Subpart G.

A notice of proposed rulemaking was issued by the Administrator, Federal Highway Administration, on January 15, 1975 (40 FR 2708).

The regulation published today will establish policy and procedure for Federal participation in the cost of installing motorist-aid systems along the right-of-way of a highway to permit stranded motorists to call for emergency assistance and to receive a prompt and effective response. Prior to 1972, all motorist-aid systems were considered experimental, but IM 20-1-72 (June 16, 1972) released from experimental status the following systems:

1. Coded-message systems (pushbutton, lever, or other mechanical operation) having a "call confirmed" feature actuated at the receiving location, a call canceling feature at the sending location, an automatic location identification and service from a single response service.

2. Voice systems, using wire transmission having as a minimum, two-way communication, called party control, and automatic location identification.

Instructional Memorandum 20-1-72 specifically retained as experimental the following types of systems:

1. Coded-message systems, regardless of the type of energy source, equipped with multi-service request features (those offering a choice of more than one service), and

2. Systems using radio-voice transmissions.

Instructional Memorandum 20-1-72 did not specifically allow a State to make the reasonable determination as to which functional type of system (i.e., coded-message or voice) would best serve its purposes and advertise for that function only.

The regulation represents a change in the previous policy. The regulation removes multi-service-coded systems and radio-voice-transmission systems from experimental status, and permits them to be implemented under normal Federal-aid procedures as single service-coded systems, and wire-voice transmission had previously been permitted. The regulation also permits a State to decide whether it wants a coded-message system or a voice system and then to allow bidding competition as to types of equipment from among persons who can install the selected type of system. The regulation would not permit a State to choose between radio or wire-voice systems or between battery powered or batteryless-coded systems.

The changes in the regulation will put a manufacturer and installer of a coded-message system only in competition with other coded-message systems but not in competition with voice systems. This differentiation between types of systems is justified by the fact that the two types of systems have different functional characteristics. If all types of systems were required to compete, a State would be compelled to use the less expensive system even though it might have justifiable reasons to prefer the functional characteristics of the other system.

The regulation includes the requirement for an operational plan to ensure that procedures have been established so that prompt responses to motorists' problems will be forthcoming, and to ensure that the motorist-aid devices will be adequately maintained.

Since the entire field of motorist-aid systems is still developing, the regulation will permit Federal participation in the cost of evaluating systems after they have been installed, and it would require the evaluation of each project within one year after project acceptance.

The regulation also requires the consideration of various design and location features to ensure the safety of motorists using the systems.

As a result of the notice of proposed rulemaking, 15 comments were received from 11 State agencies, two private companies, the American Association of State Highway and Transportation Officials (AASHTO) and the Advisory Committee on Intergovernmental Review (ACIR). Five State agencies and ACIR supported the regulation without comment.

The Missouri State Highway Commission opposed section 655.703, since the section appeared to encourage motorist-aid systems while such systems are not economically feasible in all situations. The proposed regulation was changed to include language stating that there exists a need for such systems, and that FHWA is willing to assist in remedying that need.

Section 655.704(c) received the greatest number of comments. State agencies in Washington, Georgia, and Maryland as well as AASHTO and Solid State Technology Incorporated commented that States should be permitted to identify their needs more restrictively and to specify the type of system desired in terms of radio or wire transmission or in terms of battery powered operation or batteryless operation. The FHWA continues to believe that the choice of system types prior to bidding should be limited to a choice of functional services provided to the public, and that a further breakdown of types of systems would result in minimal competition. Section 655.704(c) is retained in the same form as found in the proposed regulation.

State agencies in New Jersey and Washington commented on § 655.704(e) which requires that the operational plan implementing the system include a statement of the cost of services provided. The agencies commented that it would be difficult to get private organizations to contract for providing road services at a specified rate so as to be included in the cost of services. Specified rates are needed, and they may be established either through agreements between the State and a private organization or through contracts entered after competitive bidding.

The New Jersey Department of Transportation commented that § 655.705 could be stated more clearly; the present statement appears to be sufficiently clear.

Several additional comments were received on matters which will not appear in the regulation but may be discussed in the Federal-Aid Highway Program Manual which is available at locations stated in 49 CFR Part 7, Appendix D.

These regulations are effective on date of issuance. Since the regulations relate to grants, benefits, and contracts, no waiting period is required prior to the effective date pursuant to 5 U.S.C., section 553(d).

Issued on May 1, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23, Code of Federal Regulations, is amended by adding subpart G to read as follows:

Subpart G—Motorist-Aid Systems

Sec.
655.701 Purpose.
655.702 Definitions.
655.703 Policy.
655.704 Procedures.
655.705 Design considerations.
655.706 Eligibility.
655.707 Evaluation.

AUTHORITY: 23 U.S.C. 104, 105, 307, 315; 23 CFR 1.32; 49 CFR 1.48.

Subpart G—Motorist-Aid Systems

§ 655.701 Purpose.

The purpose of this subpart is to provide policies and procedures relating to motorist-aid systems on Federal-aid highways and for Federal participation in the cost of these systems.

§ 655.702 Definitions.

(a) "Motorist-aid system" means an installation of devices along the right-of-way which identifies the location of a stranded motorist, provides communication of his needs to central control locations, and provides the appropriate response to his needs.

(b) "Coded-message system" is a system in which the communication of needs is accomplished entirley by coded signals without voice intervention.

(c) "Voice system" is a system in which the communication of needs is accomplished by conversation between the stranded motorist and a system operator.

(d) "Roadside call terminal" is a device installed along the highway right-of-way which provides the means of communication between the motorist and the system operator.

(e) "Automatic location identification" denotes the display of a suitable, identifying code to the system operator which positively identifies the location of the motorist. The identifying code is transmitted automatically when the motorist uses the roadside call terminal.

§ 655.703 Policy.

The need for provision of motorist-aid systems on some Federal-aid highways is recognized, and the Federal Highway Administration will participate with interested States in the development of such systems.

§ 655.704 Procedures.

(a) Federal-aid highway construction funds may participate in installations of motorist-aid systems either on an experimental-project basis in accordance with the provisions of the Federal-Aid Highway Program Manual, volume 6, chapter 4, section 2, subsection 4,[1] or on a normal Federal-aid basis. The following types of motorist-aid systems may be installed with regular Federal-aid construction funds participating.

(1) Coded-message systems (pushbutton or combined mechanical/pushbutton operation) having as a minimum, a "call confirmed" feature actuated at the receiving location, a call canceling feature at the roadside terminal (sending) location, automatic location identification, and served by responses which correspond to the coded messages sent from the sending location.

(2) Voice systems (wire and radio) having as a minimum, two-way communication, called party control, and automatic location identification.

All other systems are continued in an experimental status.

(b) All projects implemented under this subsection are subject to all normal Federal-aid procedures unless other procedures as approved by the Administrator are applicable.

(c) The State may select either voice operation or coded message operation for a project. The project specifications shall permit competition among all alternative types of equipment available for the operation selected; i.e., for voice operation, wire, radio, etc., equipment and for push-button operation, battery, batteryless, etc. Plans and specifications shall meet the requirements of Parts 633 and 635 of this chapter.

(d) The Plans, Specifications, and Estimate (PS&E) shall contain provisions to insure that all necessary operational materials, devices, and equipment have been adequately tested under environmental conditions with extremes equal to or greater than that expected under operational conditions, prior to their installation. Equipment used in the installation shall be operational; i.e., development of equipment is not to be a part of the project.

(e) To be eligible for Federal-aid funds every proposed system shall have a complete operational response plan. This operational plan shall include agreements in writing between all the operating organizations, specifically delineating the responsibilities of each of the parties to the agreement. Among items which are to be covered in the agreements are: Procedure for answering calls, costs of provided services, and maintenance. This operational plan shall be complete at the time of submittal and shall accompany the PS&E.

[1] The Federal-Aid Highway Program Manual may be examined at the location stated in 49 CFR Part 7, Appendix D.

(f) The collection, reporting, and analysis of data for experimental motorist-aid system projects installed under normal construction procedures are eligible for Highway Planning and Research (HP&R) funding when approved as an activity under the HP&R work program (Part 420, Subpart A, of this chapter).

(g) Active projects which incorporate the modes of operation released from experimental status under this policy issuance but which were approved under the provisions of prior directives shall be completed, including the required research, in accordance with the original directive.

§ 655.705 Design considerations.

(a) Physical design considerations for roadside call terminals. (1) Roadside call terminals including their supports shall meet all requirements for roadside appurtenances contained in the design standards referenced in the Federal-Aid Highway Program Manual, volume 6, chapter 2, section 3.

(2) The roadside call terminal shall not be located on the upstream side of its support where the user would have his back to traffic.

(b) Location design considerations for roadside call terminals. (1) Roadside call terminals shall be placed on both sides of a highway at each longitudinal location to discourage attempts by stranded motorists to cross the highway. Additional roadside call terminals may be installed in the median if the roadway has three or more lanes.

(2) The roadside call terminals shall be clearly identified, be visible, and not hidden by columns, signs, etc.

(3) Where conditions warrant, roadside call terminals should be placed at rest areas.

(4) Plans should not be approved prior to an appropriate field review of each proposed roadside call terminal site.

§ 655.706 Eligibility.

Evaluation of normal construction projects, in accordance with requirements outlined in § 655.707 is eligible for normal construction funding.

§ 655.707 Evaluation.

(a) The State shall evaluate all motorist-aid system projects installed under normal construction procedures within one year of project acceptance. The evaluation should be designed to determine:

(1) Mechanical Effectiveness.

(2) Operational Response Plan Effectiveness.

(3) Maintenance and Operation Costs.

(4) System Usage.

(b) Requirements for experimental projects:

(1) Experimental motorist-aid system projects shall be limited to a section of one highway covering a distance governed by the capacity and capability of one central control or dispatching agency to respond to the motorists' calls for assistance. This distance may vary but is not expected to exceed 40 miles.

(2) The experimental project evaluation shall include the following:

(i) Stopped vehicle survey.

(ii) Elapsed time required to service the stranded motorist.

(iii) Data on attempts by motorists to get help by means in addition to the roadside call terminals.

(iv) Cost of maintaining and operating the system.

[FR Doc.75-12136 Filed 5-7-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER I—OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-328]

EQUAL HOUSING OPPORTUNITY

Miscellaneous Amendments

The Housing and Community Development Act of 1974, (Pub. L. 93-383) which became effective on August 22, 1974, amended the provisions of §§ 804, 805 and 806 of Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284 (42 USC 3604, 3605 and 3606) by adding the word "sex" after the word "religion" in each place it appeared in the sections.

The Department of Housing and Urban Development is amending its regulations with respect to Equal Housing Opportunity to reflect the extended coverage of Title VIII of the Civil Rights Act of 1968, as amended, by the Housing and Community Development Act of 1974.

The Department has determined that comment and public procedure are impracticable and unnecessary since these amendments are merely editorial modifications to reflect the congressional mandate expressed in Title VIII as now amended.

Accordingly, these changes are being made effective as of the date of enactment, August 22, 1974.

PART 100—RACIAL, SEX, AND ETHNIC DATA

I. 24 CFR Part 100 is revised to read as follows:

Sec.
100.1 Purpose.
100.2 Minority-group and sex identification.

AUTHORITY: The provisions of this Part 100 issued under E.O. 11063, 27 F.R. 11527; sec. 602, 72 Stat. 252; 42 U.S.C. 2000d-1; sec. 808, 82 Stat. 84; 42 U.S.C. 3608; sec. 2, 48 Stat. 1246; 12 U.S.C. 1703; sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d).

§ 100.1 Purpose.

The purpose of this part is to enable the Secretary to carry out his responsibilities under the provisions of Executive Order 11063, dated November 20, 1962, Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, as amended, prohibiting discrimination and providing for fair housing and directing the Secretary to administer Housing and Urban Development programs and activities in a manner affirmatively to further these policies.

§ 100.2 Minority-group and sex identification.

Participants in Housing and Urban Development programs shall furnish such information as the Secretary may require concerning minority-group and sex identification to assist the Secretary in carrying out his responsibility for administering the national policies prohibiting discrimination and providing for fair housing.

PART 105—FAIR HOUSING

II. Part 105 is amended by:

A. Revising § 105.1(a) to read as follows:

§ 105.1 Purpose.

(a) The regulations set forth in this part contain the procedures established by the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development for carrying out his responsibility with respect to any complaint filed with him under section 810 of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3610.

* * * * *

B. Revising § 105.2(h) to read as follows:

§ 105.2 Definitions.

* * * * *

(h) "Title VIII" means Title VIII of the Civil Rights Act of 1968, as amended, Pub. L. 90-284, 42 U.S.C. 3601-3619.

* * * * *

C. Revising items IV and VI in the Appendix to Part 105 to read as follows:

* * * * * * *

IV.	1371 Peachtree Street, NE., Atlanta, Ga. 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
VI.	New Dallas Federal Building, 1100 Commerce Street, Dallas, Texas 75202.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

* * * * * * *

PART 106—FAIR HOUSING ADMINISTRATIVE

III. Part 106 is amended by:

A. Revising § 106.1 to read as follows:

§ 106.1 Purpose.

The purpose of this part is to establish procedures for public meetings or conferences that may be used to assist the Assistant Secretary in achieving the aims of Title VIII for the promotion and assurance of equal opportunity in housing with regard to race, color, religion, sex, or national origin, and, specifically, to carry out those responsibilities delegated to him by the Secretary of Housing and Urban Development under sections 808 (e)(1), (2), and (3), and 809 of Title VIII.

B. Revising § 106.2(c) to read as follows:

§ 106.2 Definitions.

* * * * *

(c) "Title VIII" means Title VIII of the Civil Rights Act of 1968, as amended, Pub. L. 90-284, 42 U.S.C. 3601-3619.

PART 110—FAIR HOUSING POSTER

IV. Part 110 is amended by:

A. Revising § 110.1 to read as follows:

§ 110.1 Purpose.

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804-806 of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3604-3606.

B. Revising § 110.5 (g) and (h) to read as follows:

§ 110.5 Definitions.

* * * * *

(g) "Fair housing poster" means the poster prescribed by the Secretary for display by persons subject to sections 804-806 of the Civil Rights Act of 1968, as amended.

(h) "The Act" means Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601 et seq.

* * * * *

C. Revising § 110.25(a) by adding the word "sex" after the word "religion" in line 12 of the text of the section. (line 9 of the text of the poster description)

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

V. Part 115 is amended by:

A. Revising § 115.1(a) to read as follows:

§ 115.1 Purpose.

(a) Section 810 of the Fair Housing Law (Title VIII, Civil Rights Act of 1968, as amended, hereinafter referred to as the "Act") provides in effect that wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in the Act, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall take no action upon a complaint pending an opportunity for the appropriate State or local government body to assume responsibility for the matter upon his reference of the complaint.

* * * * *

B. Revising § 115.3(e) to read as follows:

§ 115.3 Criteria.

* * * * *

(e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions, or privileges of sale or rental, or in the provisions of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

Provided, That a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts based on discrimination because of sex, or with respect to one or more of the cases described in paragraphs (e) (7), (8), and (9) of this section.

* * * * *

(Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. These amendments are effective August 22, 1974.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-12113 Filed 5-7-75;8:45 am]

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION)

[Docket No. R-75-327]

PART 200—INTRODUCTION

Affirmative Fair Housing Market Regulations Amended

The Housing and Community Development Act of 1974, (Pub. L. 93-383) which became effective on August 22, 1974, amended the provisions of §§ 804, 805 and 806 of Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284 (42 USC 3604, 3605 and 3606) by adding the word "sex" after the word "religion" in each place it appeared in the sections.

The Department of Housing and Urban Development is amending its regulations with respect to Equal Housing Opportunity to reflect the extended coverage of Title VIII of the Civil Rights Act of 1968, as amended, by the Housing and Community Development Act of 1974.

The Department has determined that comment and public procedure are impracticable and unnecessary since these amendments are merely editorial modifications to reflect the congressional mandate expressed in Title VIII as now amended.

Accordingly, these changes are being made effective as of the date of enactment, August 22, 1974.

I. Part 200 is amended by:

A. Revising § 200.605 to read as follows:

§ 200.605 Authority.

The regulations in this subpart are issued pursuant to the authority to issue regulations granted to the Secretary by section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d), and implement the functions, powers, and duties imposed on the Secretary by Executive Order 11063, 27 FR 11527, and Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3608.

B. Revising § 200.610 to read as follows:

§ 200.610 Policy.

It is the policy of the Department to administer its FHA housing programs affirmatively, as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex, or national origin. Each applicant for participation in FHA subsidized and unsubsidized housing programs shall pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.

C. Revising § 200.620 (a) and (b) to read as follows:

§ 200.620 Requirements.

* * * * *

(a) Carry out an affirmative program to attract buyers or tenants, regardless of sex, of all minority and majority groups to the housing for initial sale or rental. An affirmative marketing program shall be in effect for each multifamily project throughout the life of the mortgage. Such a person shall typically involve publicizing to minority persons the availability of housing opportunities regardless of race, color, religion, sex or national origin, through the type of media customarily utilized by the applicant, including minority publications or other minority outlets which are available in the housing market area. All advertising shall include either the Department-approved Equal Housing Opportunity logo or slogan or statement and all advertising depicting persons shall depict persons of majority and minority groups, including both sexes.

(b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority groups, including both sexes, for staff engaged in the sale or rental of properties.

* * * * *

D. Revising § 200.640 to read as follows:

§ 200.640 Effect on other requirements.

The requirement for compliance with this part is in addition to and not in substitution for any other requirements imposed by or under Executive Order 11063 or Title VIII of the Civil Rights Act of 1968, as amended.

E. Revising the Appendix to Subpart M by adding the word "sex" after the word "religion" in line 21 of the text of this section (line 15 of the logo description).

(Section 7(d) of the Department of Housing and Urban Development, 42 U.S.C. 3535(d))

Effective date. These amendments are effective August 22, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-12112 Filed 5-7-75;8:45 am]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-75-329]

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Expanded Eligibility Requirements

The following amendment is being made to § 221.510(b) in order to implement section 319(a) of the Housing and Community Development Act of 1974 which provides that public agencies receiving assistance under section 8 of the United States Housing Act of 1937 are eligible as mortgagors under section 221 (d)(3) of the National Housing Act. Inasmuch as the amendment implements a statutory requirement which merely expands existing eligibility requirements and will not, therefore, adversely affect any present participant in the section 221 program, the Secretary has determined that advance publication, notice and public procedure are impracticable and unnecessary and good cause exists for making this amendment effective upon publication. Accordingly, § 221.510(b) of Part 221 is amended as follows:

§ 221.510 Eligible mortgagors.

* * * * *

(b) *Public mortgagors.* A federal instrumentality, a state or political subdivision thereof, or an instrumentality of a state or of a political subdivision thereof, which cretifies that it is not receiving financial assistance from the United States exclusively pursuant to the United States Housing Act of 1937 (with the exception of projects assisted or to be assisted pursuant to section 8 of such Act) and which is acceptable to the Commissioner. Such a mortgagor shall be regulated or supervised as to rents, charges and methods of operation in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this subpart.

* * * * *

Effective date. This amendment will be effective as of May 8, 1975.

(Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d))

Issued at Washington, D.C., May 5, 1975.

SANFORD A. WITKOWSKI,
Acting Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.75-12114 Filed 5-7-75;8:45 am]

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—INSURED MULTIFAMILY HOUSING MANAGEMENT AND MORTGAGE SERVICING

[Docket No. R-75-331]

PART 403—LOCAL RENT CONTROL

Clarification of the Category "Subsidized Projects"; Interim Provision

The Department of Housing and Urban Development is amending Part 403, "Local Rent Control," to clarify that all of the units in a project with a mortgage insured or held by HUD will be exempt from local rent control if 10 percent or more of the units receive a subsidy in the form of rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 and/or housing assistance payments pursuant to section 8 of the United States Housing Act of 1937. If less than 10 percent of the units of such projects receive rent supplement and/or section 8 assistance, and the project does not receive an additional subsidy in the form of interest reduction payments pursuant to section 236 of the National Housing Act, below market interest rates pursuant to section 221(d) (3) and (5) of the National Housing Act, or direct loans at below market interest rates pursuant to section 202 of the Housing Act of 1959, then the project shall be treated as an unsubsidized project under Subpart A.

This regulation is being adopted as an interim rule to be effective upon publication, in that it is a clarification of an earlier interim rule that is presently in effect, and delay in this regulation becoming effective would be contrary to the public interest. However, the Department invites interested persons to submit data, views and suggestions with respect to this rule. All relevant material received on or before June 9, 1975 will be considered before a final rule is adopted. Filings should refer to the above Docket number and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, 451 Seventh Street, SW, Washington, D.C. 20410. Copies of the comments submitted will be available during business hours at the above address for examination by interested persons.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability is available for inspection at the above address.

Subpart B of Part 403 is revised to read as follows:

Subpart B—Subsidized Insured Projects

§ 403.5 Applicability.

This Subpart applies to all projects with mortgages insured or held by HUD, which receive a subsidy in the form of: (a) interest reduction payments pursuant to section 236 of the National Housing Act; (b) below-market interest rates pursuant to section 221(d) (3) and (5) of the National Housing Act; (c) direct loans at below-market interest rates pursuant to section 202 of the Housing Act of 1959; or (d) rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 and/or housing assistance payments pursuant to the United States Housing Act of 1937 with respect to 10 percent or more of the project's units.

§ 403.6 Rental charges.

The Department finds that it is in the national interest to assert exclusive jurisdiction over the regulation of the rents of subsidized projects with mortgages which it insures or holds. Therefore, the Department has determined to preempt the entire field of rent regulation by local rent control boards acting pursuant to state or local law as applied to all the units of subsidized projects with mortgages which are insured or held by HUD.

* * * * *

(Sec. 7(d), Housing and Urban Development Act (42 U.S.C. 3535(d); Sec. 211, 52 Stat. 23, as amended (12 U.S.C. 1715b)))

Effective date. This amendment is effective May 8, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-12115 Filed 5-7-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 220—DESIGN CRITERIA FOR DAM AND LAKE PROJECTS

Low Level Discharge Facilities for Drawdown of Impoundments

Notice is hereby given that the regulation set forth below by the Secretary of the Army, acting through the Chief of Engineers, prescribes policy, objectives, and procedures regarding facilities for drawdown of lakes to be impounded by Corps Civil Works projects.

Since this regulation prescribes a general statement of agency policy and procedures relating to reservoir regulation, notice of proposed rule making and the procedures thereto is considered unnecessary. Further information on this regulation may be obtained from Headquarters, Department of the Army, Office of the Chief of Engineers, ATTN: DAEN-CWE-B, Washington, D.C. 20314. This regulation is issued within the Corps of Engineers as ER 1110-2-50.

This regulation is effective May 8, 1975.

Dated: May 2, 1975.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

Title 33 of the Code of Federal Regulations is amended by adding Part 220 as set forth below:

Sec.
220.1 Low level discharge facilities for drawdown of impoundments.
220.2—220.9 [Reserved]

AUTHORITY: 49 Stat. 1571, 33 USC 701c.

(a) Purpose. This regulation states the policy, objectives, and procedures in regard to facilities for drawdown of lakes to be impounded by Civil Works projects.

(b) Applicability. This regulation is applicable to all Divisions and Districts having responsibility for design of Civil Works projects.

(c) Policy. It is the policy of the Chief of Engineers that all future lakes impounded by Civil Works projects be provided with low level discharge facilities to meet the criteria for drawdown set forth in this ER. Low level discharge facilities, capable of essentially emptying the lake, provide flexibility in future project operation for unanticipated needs, such as, major repair of the structure, environmental controls or changes in reservoir regulation. The criteria set forth in this ER will govern in the majority of impoundment projects. However, it may be impracticable to provide the drawdown capability to meet the criteria for certain projects because of their size (unusually small or large) or because of their unique function. Such projects may be exempt from the criteria upon presentation of information in accordance with paragraph (e) of this section.

(d) Design Criteria. Low level discharge facilities will be sized to achieve, within a period of four months, either of the following pool levels: (1) reduce the pool to within 20 feet of the pre-project "full channel" elevation, or (2) reduce the amount in storage to 10 percent of that at the beginning pool level. The beginning pool level for drawdown will be assigned at spillway crest for uncontrolled spillways and at top of spillway gates for controlled spillways. Inflow into the lake during the drawdown period will be developed by obtaining the average flow for each month of the year. The drawdown period inflow will then be assumed equivalent to the average flow of the highest consecutive four-month period.

(e) Design Study and Report Requirements. Feasibility (survey) reports and subsequent pertinent design memoranda should include the results of studies made to determine facilities required for drawdown of impoundments. The discharge capacity required to satisfy project purposes and diversion requirements during construction may be sufficient to meet the drawdown criteria set forth in paragraph (d) of this section. Where additional capacity is required, studies will be made to determine the most practical and economical means of increasing the capacity to meet the drawdown criteria. A synopsis of the alternatives considered and details of the recommended plan should be included in the Phase II General Design Memorandum or a feature design memorandum. The reporting should include the effects of the required discharge capacity on project costs, on

existing downstream projects, and on the potential for downstream damage. When, due to specific project conditions, a drawdown capacity is recommended which does not meet the criteria set forth in paragraph (d) of this section, the following information should be presented:

(1) The drawdown period using the maximum drawdown capability of the proposed project facilities, under the situation described in paragraph (d) of this section. Information should be included on the pool elevation and corresponding storage volume at end of the period.

(2) Information on facilities that would be required to meet the design criteria for drawdown, including the estimated first cost and annual cost of these facilities. If the estimated cost for such facilities is significantly greater than for the proposed project facilities, similar information on intermediate facilities should be provided.

Reporting subsequent to the Phase I General Design Memorandum should include related discharge rating curves; hydrographs with inflow, outflow and pool stage plots; lake regulation plans needed for project purposes and needed to satisfy the drawdown criteria; and other data essential in evaluating the study.

[FR Doc.75-12022 Filed 5-7-75;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments To Postal Contracting Manual

The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 19, dated April 18, 1975.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 1—GENERAL PROVISIONS

1. Paragraphs 1-109.2, 1-109.3, 1-201.5 and 1-407 have been revised to update provisions concerning deviations and delegations of authority and responsibility.

2. Paragraph 1-312(d) has been added to set forth documentation required from cognizant requirements personnel prior to issuance of solicitations for repairable equipment.

3. Paragraph 1-403.2(e) has been revised to require legal review of solicitations for offers on a construction contract estimated to exceed $10,000 vice $5,000.

SECTION 2—PURCHASE BY FORMAL ADVERTISING

4. Parts 3 and 4 have been revised to update provisions concerning opening of bids, late offers, modifications, and withdrawals.

5. Part 4 has been revised to update provisions concerning protests of award and dissemination of purchasing information.

6. Paragraph 2-407.5 has been revised to update provisions concerning use of evaluation factors in solicitations.

SECTION 3—PURCHASE BY NEGOTIATION

7. Part 1 has been revised to update provisions concerning opening of bids, late offers, modification, withdrawals, protests of award and dissemination of purchasing information.

8. Paragraph 3-404(a)(1) has been revised to allow procuring offices to use fixed-price incentive contracts, subject to approval by the head of procuring activity.

9. Paragraph 3-801.3(c) has been added to set forth additional responsibilities of technical personnel with regard to negotiated procurements.

10. Paragraph 3-802 has been revised to update provisions concerning use of evaluation factors in solicitations.

11. Paragraph 3-800(b)(1)(i) has been revised to require approval of the head of procuring activity prior to waiver of required audit of proposals which exceed $100,000.

SECTION 5—SPECIAL SOURCES OF SUPPLY

12. Paragraph 5-401 has been revised to reflect the new name for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

SECTION 6—INFORMAL PURCHASES

13. Paragraph 6-112.8 has been revised to clarify requirements applicable to purchases made using calls against blanket purchase arrangements.

SECTION 7—CONTRACT CLAUSES

14. Part 6 has been added to set forth uniform contract clauses for use in construction and architect-engineer contracts.

SECTION 9—PATENTS, DATA, AND COPYRIGHTS

15. Paragraph 9-105 has been added which establishes patent policy, procedures, and clauses for the Postal Service.

SECTION 14—PROCUREMENT QUALITY ASSURANCE

16. Paragraph 14-101 has been revised to provide for inspection to be performed by local Postal Service personnel when requested by Headquarters.

SECTION 16—PROCUREMENT FORMS

17. The following revised or replacement forms have been included in section 16 and shall be used immediately in lieu of the forms they revise or replace:

(a) Form 7382, July 1974—*Additional General Provisions for Service Contracts*

(b) Form 7342, May 1974—*Material Inspection and Shipping Report*

(c) Form 7373, July 1974—*Equipment Requisition*

(d) Form 7379, Feb. 1973—*Receiving Report*

(e) Form 7381, May 1973—*Requisition for Services, Supplies or Equipment*

SECTION 18—LEASING, CONSTRUCTION AND ARCHITECT-ENGINEER SERVICES

18. Paragraph 18-306 has been revised to require legal review of solicitations for offers on a construction contract estimated to exceed $10,000 vice $5,000.

19. Part 5 has been added to set forth contracting procedures and forms unique to construction contracts.

SECTION 19—MAIL TRANSPORTATION CONTRACTING

20. Parts 1, 3, 5, and 9 have been revised to update procedures for mail transportation contracting. Part 1 has also been revised to update provisions concerning opening of bids, late offers, modifications, and withdrawals.

21. The following revised forms have been included in part 13 of section 19 and shall be used immediately in lieu of the forms they revise:

(a) Form 7406, Mar. 1974, *Amendment to Transportation Services Contract*

(b) Form 7463, Sept. 1974, *Cost Statement-Highway Transportation Contracts*

(c) Form 7464, Sept. 1974, *Cost Statement (Short Form)—Highway Transportation Contracts*

(d) Form 7468-A, Oct. 1974, *Highway Transportation Contract-Bid or Renewal Worksheet*

(e) Form 7468, July 1974, *Transportation Services Bid or Proposal and Contract (with Bond)*

(f) Form 7469, May 1974, *Highway or Domestic Water Transportation Contract Information and Instructions*

The remainder of the changes are minor, technical, or editorial in nature.

In consideration of the foregoing 39 CFR 601.105 is amended by adding the following:

§ 601.105 Amendments to the Postal Contracting Manual.

Amendments to Postal Contracting Manual

Transmittal letter	Dated	FEDERAL REGISTER publication
Letter 19	Apr. 18, 1975	40 FR 20082

Except for paragraph 9-105, which was previously adopted and published in full text in the FEDERAL REGISTER on January 31, 1975 (40 FR 4653), these amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-12086 Filed 5-7-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 367-1]

GENERAL GRANT REGULATIONS

Technical Amendments to Chapter

Technical amendments are hereby promulgated to incorporate reference changes resulting from finalizing the Environmental Protection Agency General Grant Regulations (40 CFR Part 30) promulgated elsewhere in this issue. Pursuant to the authority of the Administrator of the Environmental Protection Agency, contained in 40 CFR 30.101, parts 35, 40, 45, and 46 are amended as follows:

PART 35—STATE AND LOCAL ASSISTANCE

§ 35.215 [Amended]

1. In § 35.215 delete the reference to 40 CFR 30.301 through 30.301-5 and substitute 40 CFR 30.315 through 30.315-5.

§ 35.315–2 [Amended]

2. In § 35.315–2 delete the reference to 40 CFR 30.301 through 30.301–5 and substitute 40 CFR 30.315 through 30.315–5.

§ 35.415 [Amended]

3. In § 35.415 delete the reference to § 30.602–1 and substitute § 30.615–3.

§ 35.420 [Amended]

4. In § 35.420 delete the reference to § 30.305 and substitute § 30.345.

§ 35.530 [Amended]

5. In § 35.530, paragraphs (d) and (e), delete reference to § 30.903 and substitute § 30.920.

§ 35.557 [Amended]

6. In § 35.557, paragraph (a), delete reference to § 30.305 and substitute § 30.345.

§ 35.559–7 [Amended]

7. In § 35.559, paragraphs (a) and (b), delete reference to § 30.903 and substitute § 30.920.

§ 35.815–2 [Amended]

8. In § 35.815–2, paragraph (b)(4), delete the parenthetical reference to (40 CFR 30.1001) and substitute (40 CFR 30.1000).

§ 35.840 [Amended]

9. In § 35.840, paragraph (j), delete the reference to 40 CFR 30.900–1 and substitute 40 CFR 30.900. In paragraph (k) delete the reference to 40 CFR 30.900–1 in the first sentence and substitute 40 CFR 30.900. In het second sentence delete the reference to 40 CFR 30.901 and substitute 40 CFR 30.900–1.

§ 35.903 [Amended]

10. In § 35.903, paragraph (o) delete the reference to § 30.1001 and substitute § 30.1000.

§ 35.920–3 [Amended]

11. In § 35.920–3, paragraph (b)(5), delete the reference to § 30.403(d) and substitute § 30.405–2.

§ 35.927–5 [Amended]

12. In § 35.927, paragraph (c), delete the reference to § 30.304 in the last sentence and substitute § 30.430.

§ 35.930 [Amended]

13. In § 35.930, delete the reference to § 30.305 in the first sentence and substitute § 30.345.

§ 35.930–3 [Amended]

14. In § 35.930–3, delete the reference to § 30.305–1 and substitute § 30.345–1.

§ 35.935–5 [Amended]

15. In § 35.935–5, delete the reference to § 30.403 (a), (b) and (c) of this chapter and substitute § 30.415–1 through § 30.415–4 of this chapter.

§ 35.935–10 [Amended]

16. In § 35.935–10, delete the reference to § 30.900–1 and substitute § 30.900.

§ 35.935–11 [Amended]

17. In § 35.935–11, delete the reference in the first sentence to § 30.900–1 and substitute § 30.900; and in the last sentence, delete the reference to § 30.901 and substitute § 30.900–1.

§ 35.935–13 [Amended]

18. In § 35.935–13(c), delete the reference to § 30.404 and substitute § 30.430.

§ 35.940 [Amended]

19. In § 35.940, delete the reference to § 30.701 and substitute § 30.705.

§ 35.940–1 [Amended]

20. In § 35.940–1, paragraph (p), delete the reference to § 30.604–4 and substitute § 30.625–3.

§ 35.940–5 [Amended]

21. In § 35.940–5, delete the end of the second sentence after "Disputes" and substitute "provisions of Part 30, Subpart J, of this subchapter."

§ 35.945 [Amended]

22. In § 35.945, paragraph (b), delete in the second sentence the reference to § 30.602–1 and substitute § 30.615–3.

§ 35.950 [Amended]

23. In § 35.950, in the first sentence delete the reference to "§ 30.902 of this Subchapter and Article 4 of the General Grant Conditions (Appendix A to this Subchapter)" and substitute § 30.915 and delete the reference to "§ 30.903 of this subchapter and Article 5 of the General Grant Conditions (Appendix A of this Subchapter)" and substitute § 30.920.

§ 30.955 [Amended]

24. In § 35.955 delete the reference to § 30.901 and substitute § 30.900–1.

§ 35.960 [Amended]

25. In § 35.960, delete the last thirteen words beginning with "article" and substitute "provisions of Part 30, Subpart J" of this subchapter."

§ 35.1059–3 [Amended]

26. In § 35.1059–3, delete the reference to § 30.602–1 and substitute § 30.615–3.

§ 35.1061 [Amended]

27. In § 35.1061, delete the reference to §§ 30.902 and 30.903 and substitute §§ 30.915 and 30.920.

§ 35.1062 [Amended]

28. In § 35.1062, delete the reference to § 30.701 and substitute § 30.705.

PART 40—RESEARCH AND DEVELOPMENT GRANTS

§ 40.125–2 [Amended]

29. In § 40.125–2, delete the reference to § 30.207 and substitute § 30.720.

§ 40.130 [Amended]

30. In § 40.130, in the first sentence, delete the reference to § 30.304 and substitute § 30.340.

§ 40.135–2 [Amended]

31. In § 40.135–2, in the first sentence, delete the reference to 40 CFR 30.301 through 30.301–4 and substitute § 30.315 through 30.315–3.

§ 40.145 [Amended]

32. In § 40.145, in the first sentence, delete "Appendix A to Subchapter B of 40 CFR and." In paragraph (b), the first sentence, delete the reference to 40 CFR 30.900–1 and substitute 40 CFR 30.900. In the second sentence delete the reference to 40 CFR 30.901 and substitute 40 CFR 30.900–1.

§ 40.145–3 [Amended]

33. In § 40.145–3, in paragraph (k), delete the reference to 40 CFR 30.900–1 and substitute 40 CFR 30.900.

§ 40.155 [Amended]

34. In § 40.155, delete the reference to § 30.1001 in paragraph (c) and substitute § 30.1000.

§ 40.160–3 [Amended]

35. In § 40.160–3, in the first sentence, delete "this subchapter" and substitute "40 CFR Part 30."

PART 45—TRAINING GRANTS AND MANPOWER FORECASTING

§ 45.135 [Amended]

36. In § 45.135, in the first sentence, delete "(Appendix A to Subchapter B of this title)", and in the last undesignated flush paragraph, delete the last sentence and substitute "Any sums received by the grantee shall be credited to the EPA grant payments or paid to the United States."

§ 45.145 [Amended]

37. In § 45.145, delete the reference to § 30.701 and substitute § 30.705.

PART 46—FELLOWSHIPS

§ 46.165 [Amended]

38. In § 46.165, delete the reference to § 30.1001 and substitute § 30.1000.

Subchapter B [Amended]

In Subchapter B, delete apppendices A, B and C.

Effective date. These amendments shall be effective on June 10, 1975.

JOHN QUARLES,
Acting Administrator.

MAY 2, 1975.

[FR Doc.75-12095 Filed 5-7-75;8:45 am]

[FRL 360-4]

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama: Approval of Plan Revisions

On July 25, 1974 (39 FR 27148), the Administrator announced a proposed revision in the Alabama implementation

plan. This consisted of changes in Part 4.10, Primary Aluminum Plants, of the State's air pollution control regulations, which provides emission limits for the reduction process of 15 pounds of solid particulate and 22 pounds of total particulate for each ton of aluminum produced. Because of differences in the processing techniques used by the two existing aluminum smelters in the State, Revere Copper and Brass, Inc., of Scottsboro, and Reynolds Metals Company of Listerhill, only the former must meet the 15-pound limit. Accordingly, Alabama proposed to revise section 4.10.2, Emission Limits, of its regulations by removing from it the specific limit for solid particulate and by making the remaining limit apply to combined emissions from the reduction process (potlines) and from the baking of carbon anodes. Both sources would then be subject to the same emission limit, 22 pounds of particulate for each ton of metal product. These changes had received public hearing and had been formally adopted by the Alabama Air Pollution Control Commission before being submitted to the Agency for its approval on May 27, 1974.

Copies of the proposed changes were made available for public inspection at the Agency's regional office in Atlanta, Georgia and at the office of the Division of Air Pollution Control of the Alabama Department of Public Health in Montgomery. Written comments were solicited from the public, but none were received.

After careful review of these proposed changes in emission limits and the associated control strategy information submitted with them, the Administrator has determined that the application of the State's revised limits on particulate emissions from primary aluminum plants will not interfere with or prevent the attainment and maintenance of the national ambient standards for this pollutant. Accordingly, this revision in the Alabama plan is hereby approved.

This action is effective June 9, 1975.

(Section 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: May 2, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart B—Alabama

§ 52.50 [Amended]

Section 52.50 is amended by inserting the date "May 27, 1974" in proper chronological order in paragraph (c)(2).

[FR Doc.75-12161 Filed 5-7-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5499; Idaho 5276]

IDAHO

Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The Secretarial Orders dated September 10, 1937, November 9, 1937, December 29, 1938, March 27, 1941, and April 21, 1942, withdrawing lands for general investigations and the Boise Project, are hereby revoked insofar as they affect the following described national forest lands:

BOISE MERIDIAN

T. 12 N., R. 8 E.,
secs. 1 thru 10.
T. 13 N., R. 8 E.,
secs. 22 thru 27, 31 thru 36.
T. 12 N., R. 9 E.,
secs. 1 thru 12, 15, 16, 17, 20.
T. 13 N., R. 9 E.,
secs. 13, 19 thru 36.
T. 12 N., R. 10 E.,
secs. 3 thru 9, 12, 13.
T. 13 N., R. 10 E.,
secs. 17 thru 36.
T. 12 N., R. 11 E.,
secs. 1 thru 4, 9 thru 16.
T. 10 N., R. 12 E.,
sec. 1.
T. 11 N., R. 12 E.,
sec. 11, Lots 1 thru 14, SW¼SW¼;
sec. 12, Lots 1 thru 8, NE¼, NE¼NW¼;
sec. 13, Lots 1 thru 8;
sec. 14, Lots 1 thru 6, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
sec. 23;
sec. 24, Lots 1 thru 12, SW¼NW¼, W½SW¼;
sec. 25, Lots 1 thru 11, SE¼NE¼, W½NW¼, NW¼SW¼, E½SE¼;
sec. 26;
sec. 36, Lots 1 thru 6, W½NW¼, SE¼NW¼, SW¼SW¼, N½SW¼, N½SE¼SW¼, SW¼SE¼SW¼, SE¼SE¼.
T. 5 N., R. 13 E.,
secs. 2, 3, 10, and 11.
T. 6 N., R. 13 E.,
secs. 34 and 35.
T. 7 N., R. 13 E.,
secs. 24, 25, 26, 35, 36.
T. 9 N., R. 13 E.,
secs. 1 thru 4, 9 thru 17, 20 thru 22.
T. 10 N., R. 13 E.,
secs. 2, E½, Lots 3, 4, S½NW¼, SW¼;
sec. 3, Lots 1, 3, 7 thru 11, SE¼NE¼, NW¼, NW¼SW¼, SW¼SE¼, E½SE¼, and that part of Stanley Townsite located within said section;
sec. 4, Lots 1 thru 4, S½NE¼, SW¼NW¼, SE¼NW¼, SW¼, S½SE¼, N½SE¼;
sec. 5, Lots 1 thru 4, S½N½, S½;
sec. 6, Lots 1 thru 7, SW¼NE¼, SE¼NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 8, E½, E½NW¼, W½NW¼, N½SW¼, SW¼SW¼, SE¼SW¼;
sec. 9, SE¼NE¼, N½NE¼, SW¼NE¼, W½, SE¼SE¼, N½SE¼, SW¼SE¼;
sec. 10, Lots 1 thru 8, NE¼, E½SE¼, W½SE¼;
sec. 17, W½NW¼, NW¼SW¼;
secs. 22, 23, 25 thru 27, 33 thru 35.
T. 11 N., R. 13 E.,
sec. 18, Lots 1, 2, 5, 6, E½W½, E½;
sec. 19, Lots 5 thru 9, NE¼, E½SE¼NE¼NW¼, N½NW¼NE¼NW¼, NE¼NE¼SE¼NW¼, NE¼NE¼NW¼NW¼, SE¼NW¼SE¼SW¼, S½NE¼SE¼SW¼, S½SE¼SW¼, E½S¼, N½NW¼SE¼, SE¼NW¼SE¼, E½SW¼NW¼SE¼, E½SW¼SE¼, SW¼SW¼SE¼, E½NW¼SW¼SE¼, SW¼NW¼SW¼SE¼;
sec. 20, 21, 28 thru 32.
T. 7 N., R. 14 E.,
sec. 8, Lots 1, 2, N½, SW¼, N½SE¼;
sec. 9, NW¼NE¼, S½NE¼, W½, SE¼;
sec. 16, W½;
secs. 17 thru 20, 29 thru 31.
T. 9 N., R. 14 E.,
sec. 6, Lots 1, 2, 6, 7, S½NE¼, E½SE¼;
sec. 7;
sec. 18, E½NE¼, W½NE¼, W½, SE¼;
sec. 19, E½, W½;
sec. 30, N½NE¼, SW¼NE¼, W½, W½SE¼, E½SE¼, SE¼NE¼;
sec. 31.
T. 10 N., R. 14 E.,
sec. 31.

The areas described aggregate 105,258.01 acres in Blaine, Boise, Camas, Custer, Elmore, and Valley Counties.

The lands are all located within either the Sawtooth National Recreation Area and/or the Boise, Challis, or Sawtooth National Forests.

2. At 10 a.m. on June 7, 1975, the lands described in paragraph 1 of this order, excepting the patented lands described in paragraph 3 below, shall be open to such forms of disposition as may by law be made of national forest and national recreation area lands.

3. The following described lands listed in paragraph 1 are patented:

BOISE MERIDIAN

T. 10 N., R. 13 E.,
sec. 2, Lots 3, 4, S½NW¼, SW¼;
sec. 3, Lots 1, 3, 7, 8, 10, 11, SE¼NE¼, SW¼SE¼, E½SE¼, and that part of Stanley Townsite located within said section;
sec. 4, SW¼NW¼, SW¼, S½SE¼;
sec. 5, Lots 1, 2, S½N½, S½;
sec. 6, SE¼NE¼;
sec. 8, E½, E½NW¼, N½SW¼, SE¼SW¼;
sec. 9, N½NE¼, SW¼NE¼, W½, N½SE¼, SW¼SE¼;
sec. 10, Lots 1 thru 6, 8, W½SE¼.
T. 9 N., R. 14 E.,
sec. 18, W½NE¼, SE¼;
sec. 19, E½;
sec. 30, N½NE¼, SE¼NE¼, E½SE¼.

The areas described aggregate 3,789.64 acres in Custer County.

JACK O. HORTON,
Assistant Secretary of the Interior.

MAY 1, 1975.

[FR Doc.75-12127 Filed 5-7-75;8:45 am]

Title 45—Public Welfare

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

PART 151—RIGHT TO READ PROGRAM

State Grants

Notice of proposed rule making was published in the FEDERAL REGISTER on December 27, 1974 at 39 FR 44774 setting forth proposed regulations for carrying out statewide reading activities designed to assist school administrators responsible for the development and carrying out of reading programs in local educational agencies. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on January 27, 1975, in Washington, D.C. on the proposed regulations.

A. *Summary of comments.* 1. One oral comment was submitted to the Office of

Education in regard to the proposed regulations. The commenter suggested that funds granted pursuant to this Subpart D of 45 CFR Part 151 be made available for reading improvement programs in large cities for functionally illiterate adults, particularly so that reading programs might help to alleviate drug abuse problems. As proposed, this Subpart has the purpose of supporting statewide reading activities involving training, technical assistance, and dissemination of information. These activities would benefit reading programs in urban areas. Specific reading projects for functionally illiterate adults will be covered in a separate subpart to be added to 45 CFR Part 151. No change in the regulations is deemed appropriate.

2. A written comment was submitted endorsing Subpart D and requesting technical assistance as needed in connection with projects assisted under this Subpart. This comment is well taken and the Commissioner intends to provide technical assistance and information to assist applicants and grantees under the Subpart, particularly in connection with the development and application of standards of excellence provided for in § 151.41(b)(5). No change is made in the regulations.

B. *Changes in the regulations.* 1. The cross-reference in § 151.42(a)(2), concerning funding criteria for continuation awards, is altered to refer to all of the funding requirements in § 151.41.

2. A funding criterion is added for continuation awards in § 151.42(a) relating to the quality of the proposed project in satisfying funding requirements.

3. A point system has been added to reflect the relative weight of the evaluation criteria in § 151.42.

4. Proposed § 151.44 is redesignated as § 151.43.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions contained therein concerning Congressional action and adjournment.

These regulations were previously transmitted in proposed form to the Congress. They are being retransmitted to the Congress under section 431(d) in final form because they contain a substantive change from the proposed regulations.

(Catalog of Federal Domestic Assistance Number 13.333—Right to Read)

Dated: April 10, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: May 1, 1975.

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

Subpart D—Right to Read State Grants

§ 151.40 Scope and purpose.

(a) This subpart governs applications from State educational agencies (and other eligible applicants) for the purpose of carrying out statewide reading activities designed to assist school administrators responsible for the development and carrying out of reading programs in local educational agencies.

(b)(1) Although it is expected that grants pursuant to this subpart will ordinarily be awarded to State educational agencies because they are uniquely situated to carry out the activities described in this subpart, other eligible applicants under section 2 of the Act may also apply, and their applications will be reviewed on the basis of the funding requirements and criteria in this subpart.

(2) As used in this subpart, the term "State educational agency" shall include all eligible institutions, agencies, and organizations under the Act, and requirements or criteria referring to the "State educational agency" shall be applied with relationship to the applicant or grantee, as appropriate.

(20 U.S.C. 331a(a))

§ 151.41 Funding requirements.

(a) Projects assisted under this subpart must be designed to prevent and eliminate illiteracy through the following activities, and each application for assistance under this subpart must set forth a comprehensive plan which provides for the carrying out and integration of these activities:

(1) Statewide surveys and needs assessments to determine the state of the art in reading and reading instruction and to validate promising reading practices within the State. Activities conducted pursuant to this subparagraph must include an examination of the appropriateness of requirements and opportunities for preparation and certification of teachers, administrators, and other educational personnel in relationship to reading problems.

(2)(i) An exemplary training program for administrators responsible for reading programs in selected local educational agencies within the State, including training in (A) the teaching of basic reading skills, (B) organizational and administration skills, (C) interpersonal relations skills directed toward community involvement and the change process, (D) planning strategies, (E) the preparation of administrative support materials for reading programs, (F) the development and carrying out of tutoring projects in reading and the preparation of tutors for such projects, and (G) approaches to the provision of effective reading instruction for various target populations.

(ii) Administrators of reading programs in nonprofit private elementary and secondary schools may also receive training provided by the State educational agency pursuant to this subparagraph.

(3) The provision of technical assistance of an exemplary nature and the dissemination of information in support of the development, organization, and administration of reading programs in local educational agencies and other elementary and secondary schools. Activities conducted pursuant to this subparagraph must include: (i) the distribution of Right to Read materials and other information made available by the Commissioner; (ii) the provision of technical assistance, upon request and to the extent feasible, related to the use and application of such Right to Read materials and other information; (iii) the provision of follow-up technical assistance, upon request, to training program participants related to the specific areas in which training was offered, as described in subparagraph (2) of this paragraph; and (iv) the provision of information on effective and validated reading programs and specific approaches to the teaching and learning of reading skills.

(b) Assistance under this subpart shall be subject to the following requirements, and each application for assistance under this subpart must provide information adequate to establish that these requirements will be met:

(1) Activities described in paragraph (a) of this section must (i) relate to the reading problems of both children and adults and (ii) address administrative, systemic problems, as well as learning problems at the classroom or individual learner level, related to the development and carrying out of effective reading programs.

(2) With respect to each of the activities described in paragraph (a) of this section, an application submitted under this subpart must set forth: (i) Specific and measurable objectives which will contribute to the elimination of illiteracy within the State; (ii) a proposed timeframe for accomplishing such objectives; (iii) an explanation of proposed procedures and strategies for accomplishing such objectives; and (iv) an evaluation component providing for the collection, verification, and analysis of data to measure the extent to which such objectives are accomplished by the project.

(3)(i) The grantee shall establish a State agency task force consisting of representatives of all programs within the State educational agency involving or related to reading activities.

(ii) The task force shall serve as a means of securing collaboration, with respect to the planning and implementation of the project assisted pursuant to this subpart, among representatives of different programs within the State agency involving or related to reading activities and also as a means for insuring that the project is effectively coordinated with other reading activities of the State educational agency.

(4)(i) The grantee shall appoint an advisory council consisting of representatives of the following institutions, groups, or interests within the State:

(A) Reading programs of local educational agencies; (B) professional educational organizations; (C) the State legislature; (D) the Governor's Office; (E) business and industry; and (F) other public and private educational service and cultural associations.

(ii) The advisory council must be equitably representative of women and of racial and ethnic minority groups within the State.

(iii) The advisory council shall serve as an advisory body in planning, implementing, and evaluating the project and in providing for its coordination with other reading activities of local educational agencies and other schools within the State.

(5) (i) The grantee shall, with the advice of the advisory council established pursuant to paragraph (b)(4) of this section, develop standards of excellence defining the elements which ought to be involved in successful reading programs in the State.

(ii) Once they are developed, the standards of excellence shall be utilized in training activities conducted pursuant to paragraph (a)(2) of this section and as a measurement instrument in carrying out any continuing survey activities pursuant to paragraph (a)(1) of this section.

(20 U.S.C. 331a(a))

§ 151.42 Evaluation criteria.

(a) *Continuation awards.* The Commissioner will evaluate Right to Read State projects according to: (1) Criteria set forth in § 100a.26(b) of this chapter (general provisions regulations applicable to discretionary project awards funded by the Commissioner); (2) the effectiveness of the existing project in carrying out the comprehensive plan described in § 151.41; (3) the overall quality of the proposed project in meeting each of the requirements specified in § 151.41; and (4) the extent to which continuation of the project is indicated in order to avoid losing the potential benefits of prior Federal investments in the project.

(b) *New project awards.* The Commissioner will evaluate applications for new projects under this subpart in accordance with:

(1) Criteria set forth in § 100a.26(b) of this Chapter weighted as follows:

(i) (2 points) The need for the proposed activity in the area served or to be served by the applicant;

(ii) (2 points) Relevance to priority areas of concern as reflected in provisions contained in the applicable Federal statutes and regulations;

(iii) (2 points) Adequacy of qualifications and experience of personnel designated to carry out the proposed project;

(iv) (2 points) Adequacy of facilities and other resources;

(v) (4 points) Reasonableness of estimated cost in relation to anticipated results;

(vi) (8 points) Expected potential for utilizing the results of the proposed project in other projects or programs for similar educational purposes;

(vii) (18 points) Sufficiency of size, scope, and duration of the project so as to secure productive results; and

(viii) Soundness of the proposed plan of operation, including consideration of the extent to which:

(A) (32 points) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(B) (5 points) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(C) (20 points) Where appropriate provision is made for satisfactory inservice training connected with project services; and

(D) (5 points) Provision is made for disseminating the results of the project and for making materials, techniques, and other outputs resulting therefrom available to the general public and specifically to those concerned with the area of education with which the project is itself concerned.

(20 U.S.C. 1221c(b)(1).)

(2) The following criteria weighted as indicated:

(i) (20 points) The extent to which the State educational agency demonstrates a commitment to the elimination of illiteracy as evidenced by factors such as the following:

(A) The existing or planned organizational status within the State educational agency of personnel with administrative responsibilities related to reading programs.

(B) The extent to which the applicant has initiated exemplary reading activities, including comprehensive planning, organizational development, exemplary reading projects, statewide needs assessment, and evaluation.

(C) The extent to which visibility is given to the priority of reading through public announcements, State Board resolutions, and other efforts initiated by the State educational agency.

(ii) (20 points) The capability of the applicant to carry out effectively activities provided for in this subpart, as evidenced by factors such as the following:

(A) The extent to which the applicant has developed effective communications and delivery systems with local educational agencies and other schools and educational resources within the State for assisting in the provision of reading programs.

(B) The extent to which the applicant has already engaged in comprehensive planning related to reading needs within the State.

(iii) (20 points) The overall quality of the proposed project in providing for and integrating all of the activities described in § 151.41(a) of this part to achieve maximum impact on the elimination of illiteracy within the State.

(iv) (15 points) The extent to which training and technical assistance activities involve, are related to, or hold promise of generating, innovative approaches, techniques or other activities worthy of replication in other States or by other public or private agencies and institutions within the State.

(v) (10 points) The extent to which the application reflects knowledge of recent research and development in the area of reading.

(vi) (15 points) The extent to which the statewide program is based on a systematic assessment of the State's needs related to reading.

(20 U.S.C. 331a(a))

§ 151.43 Allowable costs.

Allowable costs under grants awarded pursuant to this subpart shall be determined in accordance with applicable cost principles set forth in the Appendixes to Subchapter A of this chapter, subject to the restriction that not in excess of five percent of the funds supplied under the grant may be used for evaluation purposes.

(20 U.S.C. 331a(a))

[FR Doc.75-12087 Filed 5-7-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 294—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN CARRYING BULK RAW AND PROCESSED AGRICULTURAL COMMODITIES FROM THE UNITED STATES TO THE UNION OF SOVIET SOCIALIST REPUBLICS

Miscellaneous Amendments

Part 294 of Title 46, Code of Federal Regulations, which prescribes regulations governing the payment of operating-differential subsidy to operators of bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics, is hereby amended.

The amendments provide for (1) recent cost data to be submitted to the Maritime Subsidy Board by subsidized operators that will more accurately reflect per diem costs of maintenance and repairs, vessel insurance and stores, supplies and expendable equipment for each subsidized vessel; (2) the segregation of the cost of protection and indemnity insurance premium initial calls for purposes of determining a final per diem rate; and (3) the statement of the protection and indemnity insurance per diem rate as a differential percentage which may be used by the subsidized operator to bill supplemental premium calls for such insurance received and paid within three years following the termination of a subsidized voyage commenced on or after September 17, 1974.

These amendments affect operators of subsidized vessels, and are adopted without notice of proposed rulemaking under the exemption stated in 5 U.S.C. 553(a)(2), relating to public grants.

Part 294 of Title 46, Code of Federal Regulations, is hereby amended as follows:

1. By revising § 294.7(b)(3)(i), (b)(4)(i) and (iii) and (b)(5)(i) to read as follows:

§ 294.7 Determination of subsidy.

* * * * *

(b) * * *

(3) *Maintenance and repairs.* The cost of maintenance and repairs attributable to the subsidized voyage shall be:

(i) The average cost per operating day of maintenance and repair expenses for the subsidized vessel, including costs of drydocking and special surveys, but excluding costs which are reimbursed by third parties (e.g., insurance underwriters) and costs ineligible for subsidy pursuant to Part 272 of this chapter (except for the costs identified in § 272.11(c)), for the five-year period preceding the current year for vessels that have been owned or leased by the operator, or a holding company, affiliate, subsidiary, or associate, for five years preceding the current year. For voyages commenced prior to August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily costs of maintenance and repair. For voyages commenced on and after August 1, 1973, and prior to August 1, 1974, cost data for the five-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For voyages commenced on or after August 1, 1974, cost data for the five-year period ending at the close of the operator's fiscal year in 1973 shall be utilized. For all voyages terminating in 1973, the cost data will be adjusted by the Board to January 1, 1973, and for all voyages terminating in 1974, adjusted to January 1, 1974, by application of survey reports of the U.S. Salvage Association, Inc., and the U.S. Monthly Index of Wages (Hourly Earnings in Manufacturing) published by the U.S. Bureau of Labor Statistics).

* * * * *

(4) *Vessel Insurance.* Vessel insurance shall include the following costs:

(i) The fair and reasonable net insurance premium costs, after brokerage and owner's adjustments, including foreign stamp taxes, in effect for the subsidized voyage. In determining fair and reasonable costs, effect shall be given to the deductible or franchise provisions included in the policies in effect during the three years preceding the current year (or such lesser period as the vessel has been in operation) for protection and indemnity insurance, and the five years preceding the current year (or such lesser period as the vessel has been in operation) for hull and machinery insurance, if the deductible or franchise provisions of current insurance policies differ from those in effect during such prior periods. With respect to fair and reasonable insurance costs for protection and indemnity insurance, there shall be included that portion of such actual supplemental premium assessments or refunds applicable to a subsidized voyage paid or received by the subsidized operator within three years following the termination of the subsidized voyage that commenced on or after September 17, 1974.

* * * * *

(iii) For purposes of the three-year and five-year period cost data referred to in paragraphs (b)(4)(i) and (ii) of this section, for voyages commenced prior to August 1, 1973, the data submitted to and accepted by the Board in connection with an original application shall be utilized; for voyages commenced on or after August 1, 1973, and prior to August 1, 1974, cost data for the three and five-year periods ending at the close of the operator's fiscal year in 1972 shall be utilized; and for voyages commenced on or after August 1, 1974, cost data for the applicable period ending at the close of the operator's fiscal year in 1973 shall be utilized.

(5) *Stores, supplies, and expendable equipment.* The cost of stores, supplies and expendable equipment attributable to the subsidized voyage shall be:

(i) The average cost per operating day of stores, supplies and expendable equipment expenses for the subsidized vessel for the three-year period preceding the current year, for vessels that have been owned or leased by the operator, or a holding company, affiliate, subsidiary, or associate, for three years preceding the current year. For voyages commenced prior to August 1, 1973, costs previously submitted to and accepted by the Board in connection with an original application shall be utilized in determining the daily cost of stores, supplies and expandable equipment. For voyages commenced on or after August 1, 1973, and prior to August 1, 1974, cost data for the three-year period ending at the close of the operator's fiscal year in 1972 shall be utilized. For voyages commenced on or after August 1, 1974, cost data for the three-year period ending at the close of the operator's fiscal year in 1973 shall be utilized. For all voyages terminating in 1973, the cost data (for the three-year period) will be adjusted by the Board to January 1, 1973, and for all voyages terminating in 1974, adjusted to January 1, 1974, by application of the U.S. Wholesale Price Index of Total Manufacturers; or

* * * * *

2. By amending § 294.10 by deleting the word "and" at the end of paragraph (b)(2)(i); substituting a comma for the period at the end of paragraph (b)(2)(ii) and inserting the word "and"; and by revising paragraph (b)(1) and adding paragraph (b)(7)(iii) to read as follows:

§ 294.10 Payment of subsidy.

* * * * *

(b) *Final per diem subsidy.* (1) *In General.* As soon as practical after termination of an approved voyage, and after verification of historical cost data and expenses attributable to the approved voyage, a final per diem subsidy amount (rounded to the nearest dollar) for the vessel will be incorporated in the operating-differential subsidy contract for wages of officers and crew, subsistence of officers and crew, vessel insurance (other than protection and indemnity insurance), fuel, other vessel expenses, vessel depreciation, interest expense attributable to vessel indebtedness, maintenance and repairs, stores, supplies and expendable equipment, and protection and indemnity insurance. Such final subsidy amounts for maintenance and repairs, stores, supplies and expendable equipment, and protection and indemnity insurance also will be stated as differential percentages (rounded to two decimal places).

* * * * *

(2) * * *

(iii) The amount due for supplemental protection and indemnity insurance premium assessments received and paid by the subsidized operators within three years following termination of a subsidized voyage commenced on or after September 17, 1974, determined by applying the differential percentage for protection and indemnity premiums to the actual cost of such supplemental assessments.

3. By amending § 294.13(c) Schedule A and adding Schedule A-2(a) as follows:

§ 294.13 Partial payment billing procedure.

* * * * *

(c) *Forms.* * * *

SCHEDULE A

..... MA/MSB.....
(Company)

Calculation of operating-differential subsidy due for operations in connection with the carriage of bulk agricultural commodities from the United States to the Union of Soviet Socialist Republics[1]

Vessel name			
Voyage number			
Voyage dates from ..... to			
Total voyage days			_____
Nonsubsidized voyage days:			
Deviation in excess of 3½ days		_____	_____
Idle and delays		_____	_____
Other (describe)		_____	_____
Subsidized voyage days		_____	_____

Tentative ( ) Final ( ) *Subsidy payable*	Per diem	Subsidized voyage days	Total subsidy
Wages	$_____	_____	$_____
Subsistence	_____	_____	_____
Vessel insurance	_____	_____	_____
Fuel:			
At sea	_____	_____	_____
In port	_____	_____	_____
Other vessel expenses	_____	_____	_____
Vessel depreciation	_____	_____	_____
Interest expense on vessel indebtedness	_____	_____	_____
1. Gross subsidy before M. & R., S.S. & E. and supplemental P. & I. premium subsidy			$_____
2. Partial payment—90 percent of item 1			_____
Final payment—100 percent of item 1			_____
3. Add:			
a. Maintenance and repairs subsidy (schedule A-1)			_____
b. Stores, supplies, and expendable equipment subsidy (schedule A-2)			_____
c. Supplemental protection and indemnity insurance premiums (schedule A-2a)			_____
4. Subsidy payable before deductions			_____
5. Deductions:			
a. Abatement (schedule A-3 or A-3a)			_____
b. Crew reduction (schedule A-4)			_____
Total deductions			_____
6. Subsidy payable after deductions			_____
7. Less subsidy previously paid for this voyage			_____
8. Subsidy payable this voucher			$_____

(Show negative amounts in brackets)

* * * * * * *

SCHEDULE A-2a

.....
(Company)

Computation of supplemental protection and indemnity insurance premium assessments/(refunds):

Vessel ..... Voyage	_____
Total supplemental P. & I. insurance premium assessment/(refund)	$_____
P. & I. insurance subsidy percentage	_____
Supplemental P. & I. insurance premium subsidy accrual/(refund)	[1] _____

[1] Enter on line 3c schedule A.

* * * * * * *

4. By amending § 294.14 by:

a. Deleting the word "and" at the end of paragraph (b)(1)(iii).

b. Substituting a semicolon for a period at the end of paragraph (b)(1)(iv) and inserting the word "and".

c. Adding new paragraphs (b)(1)(v) and (2)(v) and revising paragraph (d) to read as follows:

§ 294.14 Final payment billing procedure.

* * * * *

(b) * * *

(1) * * *

(v) Actual costs of supplemental protection and indemnity insurance premium assessments incurred or refunds received within three years following termination of a subsidized voyage that commenced on or after September 17, 1974.

(2) * * *

(v) Actual costs of supplemental protection and indemnity insurance premium assessments or refunds as shown by premium invoices and other applicable records.

* * * * *

(d) *Supplemental final payment billings.* (1) *In general.* Subsidy on M&R and SS&E provided for under paragraph (b)(2)(ii) of § 294.10, is not paid until (i) the operator makes actual expenditures for such items in any of the United States or the Commonwealth of Puerto Rico within a five-year period from the date that the subsidized voyage commenced and (ii) such expenditures are audited by the Maritime Administration. Within that five-year period, billings may be made subject to the rules in this paragraph. Subsidy for supplemental protection and indemnity insurance premium assessments provided for under paragraph (b)(2)(iii) of § 294.10, are not paid until (i) the assessments are received and paid by the subsidized operator within three years following termination of a subsidized voyage that commenced on or after September 17, 1974, and (ii) such expenses are audited by the Maritime Administration.

(2) *Rules for supplemental billings.* Supplemental final payment billings may be made when the applicable per diem subsidy amount and differential percentage for M&R, SS&E or protection and indemnity insurance is positive.

(3) *Frequency of supplemental billings.* Supplemental final payment billings may not be made more often than once each 30 days. Each billing shall include the cumulative costs of M&R, SS&E or protection and indemnity insurance supplemental assessments on which subsidy is payable to the date of such billing.

Effective date: These amendments shall become effective on September 17, 1974.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (49 Stat. 1987, 46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-11991 Filed 5-7-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-109]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions Under the Deepwater Port Act of 1974

The purpose of this amendment is to delegate to the Commandant of the Coast Guard all functions vested in the Secretary by the Deepwater Port Act of 1974 (January 3, 1975; Pub. L. 93-627, 88 Stat. 2126; 33 U.S.C. 1501-1524) except those reserved to the Secretary or delegated to the Assistant Secretary for Environment, Safety, and Consumer Affairs.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.44, a new paragraph (o) is added, to read as follows:

§ 1.44 Reservations of authority.

* * * * *

(o) *Deepwater ports.* The following powers and duties relating to the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524)—

(1) The authority to issue, transfer, amend, or renew a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)).

(2) Approval of fees charged by adjacent coastal States for use of a deepwater port and directly related land based facilities (33 U.S.C. 1504(h)(2)).

(3) Consultation with the Secretary of State relating to international actions and cooperation in the economic, trade, and general transportation policy aspects of the ownership and operation of deepwater ports (33 U.S.C. 1510).

(4) The prescribing of regulations for the submission of notice of the commencement of a civil suit (33 U.S.C. 1515(b)(2)).

(5) Intervention in any civil action to which the Secretary is not a party (33 U.S.C. 1515(c)).

(6) Authority to recover for damages to natural resources (33 U.S.C. 1517(i)(3)).

(7) Authority to request the Attorney General to seek the suspension or termination of a deepwater port license and to initiate a proceeding before the Interstate Commerce Commission (33 U.S.C. 1507, 1511).

2. In § 1.46, a new paragraph (t) is added, to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(t) Carry out the functions and responsibilities vested in the Secretary by the Deepwater Port Act of 1974 (33 U.S.C. 1501–1524) except as reserved by §§ 1.44(o) and 1.58(d)(4) of this title.

3. In § 1.58, a new paragraph (d)(4) is added to read as follows:

§ 1.58 Delegations to Assistant Secretary for Environment, Safety, and Consumer Affairs.

* * * * *

(d) * * *

(4) Authorities under the Deepwater Port Act of 1974 (Pub. L. 93–627) relating to the establishment, enforcement, and review of regulations concerning the safe construction, operation, or maintenance of pipelines on Federal lands and the Outer Continental Shelf (33 U.S.C. 1520).

Effective date: This amendment is effective April 25, 1975.

(Sec. 9(e) Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on April 25, 1975.

JOHN W. BARNUM,
Acting Secretary of Transportation.

[FR Doc.75-12274 Filed 5-7-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

QUALIFIED JOINT BIDDERS

Notice of Proposed Rulemaking

The FEDERAL REGISTER notice of February 21, 1975, which asked all interested parties to comment on proposed regulations to enhance competitive bidding for oil and gas leases under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) indicated that any person who submits a joint bid must file a report of production no later than May 16, 1975. This is to notify all interested parties that the regulations published were only proposed rulemaking and not binding on any person. Accordingly, it is not necessary for a prospective joint bidder to file a report by May 16, 1975.

Comments are being carefully analyzed by the Department. If a decision is made to issue regulations on joint bidding as final rulemaking, a notice will be published in the FEDERAL REGISER giving the specific dates which will be applicable. If such regulations are issued as final rulemaking, those regulations will not be applicable to bidding at either Sale #38 or Sale #38A which are scheduled to be held on May 28 and July 29, 1975, respectively.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: May 2, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-12023 Filed 5-7-75;8:45 am]

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This notice is the second in a series of proposed rule making notices relating to the establishment of migratory bird hunting regulations for the United States for the 1975–76 season, and deals specifically with amendments affecting continental United States and Hawaii. The first notice, dealing specifically with amendments affecting Puerto Rico and the Virgin Islands, was published in the FEDERAL REGISTER on April 18, 1975 (40 FR 17263) with a comment period ending May 18, 1975. Additional proposals will be published in the FEDERAL REGISTER for other migratory game bird hunting regulations as information becomes available, and public comment will be solicited. However, because of the late date at which necessary data becomes available, it is anticipated that the comment periods on hunting regulation frameworks pertaining to shore and upland migratory game birds and waterfowl will necessarily be abbreviated.

Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, the amendments appearing in this proposal would specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; and certain sea ducks in coastal waters of certain eastern States.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. In this connection, the draft enviromental impact statement (EIS) titled The Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds has been available since February 11, 1975 (40 FR 6381, February 11, 1975) with a comment period ending April 14, 1975. Public hearings for comments on the draft EIS were also held during March in accordance with the published schedule (40 FR 6516, February 12, 1975). The EIS is scheduled to be published in final form on or about June 1, 1975.

The final promulgation of migratory bird hunting regulations for the continental United States and Hawaii for the 1975–76 season will take into consideration the comments and testimony received. Comments, testimony, and any additional information received may lead to the adoption of final regulations that differ from the proposals contained herein.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than June 7, 1975, will be considered.

Proposed 1975–76 Migratory Game Bird Hunting Regulations (Part). Under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), the Fish and Wildlife Service proposes the following general frameworks and guidelines for hunting certain waterfowl, swans, cranes, mourning doves, white-winged doves, band-tailed pigeons, gallinules, rails, coots, common (Wilson's) snipe and woodcock during the 1975–76 season:

1. *Shooting hours.* Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that States may select a later opening time within this framework.

2. *Framework dates for ducks and geese.* To be generally the same as during the 1974–75 season. From October 1, 1975, to January 20, 1976, for the Atlantic and Mississippi Flyways, and from October 4, 1975, through January 18, 1976, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 1, 1975, through January 20, 1976.

(b) September teal season framework: September 1 through September 30, 1975, in specified areas.

(c) Special scaup season framework: October 1, 1975, through January 31, 1976, in specified areas.

(d) Pacific Flyway brant season framework: October 30, 1975, through February 20, 1976.

(e) Alaska waterfowl: September 1, 1975, through January 26, 1976.

3. *Sea ducks.* (No change.) During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species. In addition, an open season for taking scoter, eider and oldsquaw ducks may be selected within the framework in 2(a) above in designated sea duck hunting areas described in the 1974–75 Regulatory Announcement No. 93, in the following States of the Atlantic Flyway: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, *provided*, That such designated areas have been described and delineated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily bag limit in these designated areas is 7 and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

4. *September teal season.* (No change.) An open season for taking all species of teal may be designated within the framework in 2(b) by the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations. The season may not exceed 9 consecutive days. A bag limit of 4 teal daily and 8 in possession is prescribed.

5. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi and Central Flyways not permitted or not selecting a September teal season may permit the taking of 2 *blue-winged* teal daily and 4 in possession as an addition to the regular duck bag limit for 9 consecutive days during the regular duck season, *except* That States selecting a point system limit may not take extra teal during the regular season. States selecting this option will identify the season dates when they select regular duck season dates.

6. *Special scaup season.* (No change.) An open season for taking scaup may be selected within the framework in 2(c) for all States in areas mutually agreed upon by the Service and the State and delineated by State hunting regulations. The season may not exceed 16 consecutive days and must not overlap with the regular duck season. In these delineated areas, bag limits are 5 scaup daily and 10 in possession. States must identify special scaup season dates when they select their regular duck seasons.

7. *Extra scaup option.* (No change.) States not selecting a special scaup season may permit the taking of 2 scaup daily and 4 in possession as an addition to the regular duck bag limits during the regular duck season in areas mutually agreed upon by the Service and the State and delineated by State hunting regulations, *except* States selecting a point system limit may not take extra scaup during the regular season. States selecting this option must do so at the time they select regular duck season dates. Unless otherwise specified, this addition to the regular bag limit may be taken throughout the regular duck season.

8. *Mergansers.* It is proposed that all species of mergansers be included in the regular duck bag limit under conventional regulations as is now done under point system regulations. In recent years, the bag limit for mergansers has been separate and in addition to the regular bag limit for ducks. This change is proposed in the belief that hunting specifically for mergansers is seldom done in conjunction with the hunting of other ducks. Thus, separate bag limits for mergansers do not appear necessary in order to provide an opportunity for harvest. The restriction on hooded mergansers to 1 daily and 2 in possession is continued.

9. *Canvasback/Redhead ducks.* (No change.) Hunting restrictions essentially similar to those in effect in the 1974–75 season to be continued—i.e., Flyway Councils to have the option of either Flywaywide closure or special area closures within the Flyway.

10. *Goose and brant seasons—Atlantic Flyway.* (No change.) Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the Flyway Council. That is, an open season on geese not to exceed 70 days in Virginia (except Back Bay) and States to the north with bag limits on Canada geese of 3 daily and 6 in possession, and not to exceed 50 days in States to the south of Virginia and in Back Bay, Virginia, with bag limits on Canada geese of 1 daily and 2 in possession, *except* no open season on geese in Georgia and Florida. Closed season to continue for blue and snow geese and brant pending further evaluation of the status of these species.

Mississippi Flyway. (No change.) Seasons and bag limits to be generally the same as last year for Canada geese. That is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and Flyway Council recommendations. Seasons and bag limits for specific populations of Canada geese and for blue, snow and white-fronted geese to be determined later when more information is available.

Central Flyway (No change.) Seasons and bag limits to be generally the same as last year. That is, not to exceed 72 days with a daily bag and possession limit of 2 Canada and white-fronted geese singly or in the aggregate in the eastern tier of States (North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas), and not to exceed 93 days with bag limits of 2 daily and 4 in possession for Canada and white-fronted geese singly or in the aggregate in the remainder of the Flyway. In all States in the Flyway, the bag and possession limit may not include more than 1 Ross' goose. Seasons and bag limits for specific populations of Canada geese, and for blue and snow geese are deferred pending additional information and Council recommendations.

Pacific Flyway. (Change—bag limit for white geese.) Seasons and bag limits to be generally the same as last year. That is, not to exceed 93 days with bag limits not to exceed 6 daily and in possession, including no more than 3 dark geese daily nor more than 3 white geese daily, including not more than 1 Ross' goose daily and in possession. Seasons and bag limits for brant and specific populations of Canada geese are deferred pending additional information and Flyway Council recommendations. Pacific Flyway lesser snow geese are derived from two principal sources—Wrangel Island off the Siberian arctic coast and the islands and coast of the western Canadian arctic. On Wrangel Island, 1974 marked the fourth year of poor production and birds from the Canadian arctic colonies also experienced poor production last summer. A decrease in the daily bag limit for white geese is proposed to aid in permitting these populations to rebuild to more desirable numbers.

11. *Alaska waterfowl, coots, lesser sandhill (little brown) cranes, and common (Wilson's) snipe.* No changes are proposed now in seasons, limits and shooting hours for these species.

12. *Whistling swans.* (No change.) An open season for taking a limited number of whistling swans in Utah, Nevada and Montana may be selected subject to the following conditions: (a) hunting by special permit only, authorizing each permittee to take one swan; (b) the swan season to run concurrently with the duck season; (c) no more than 2,500 permits to be issued in Utah, 500 in Nevada (for hunting in Churchill County only), and 500 in Montana (for hunting in Teton County only); (d) serially numbered permits and metal locking seals furnished by the Service to be issued free by the appropriate State game department on an equitable basis.

13. *Lesser sandhill (little brown) cranes.* (No change.) Seasons for hunting lesser sandhill cranes may be selected within specified dates and hunting areas in Colorado, New Mexico/Texas, Texas/Oklahoma, North Dakota, South Dakota, Montana, and Wyoming, as defined in the 1974–75 Regulatory Announcement No. 94, with a daily bag limit of 3 and a possession limit of 6 lesser sandhill cranes.

14. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

15. *Gallinules.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select a gallinule season of not more than 70 days from September 1, 1975, through the last day of the 1975–76 regular waterfowl season framework, with a daily bag limit of 15 and a possession limit of 30. Seasons may be split without penalty. They may be selected in July when dove seasons are selected or deferred until waterfowl seasons are selected. If the selection is deferred, shooting hours must conform with those for waterfowl, and the season length will be the same as for waterfowl or 70 days, whichever is the shorter period. A gallinule season selected by any State in the Pacific Flyway must conform to its waterfowl season, and the daily bag and possession limit will be 25 gallinules singly or in the aggregate with coots.

16. *Rails.* (No change.) From September 1, 1975, through the last day of the 1975–76 regular waterfowl season framework, an open season of not more than 70 consecutive days for taking sora and Virginia rails may be selected by States in the Atlantic, Mississippi and Central Flyways. Daily bag and possession limits are 25 birds singly or in the aggregate of these species. In addition, king and clapper rails in these States will be esrail seasons in the following States: (a) Connecticut, Delaware, Maryland, Rhode Island, New Jersey, and New York. Daily bag and possession limits for kings and clapper rails in these Staes will be estabtablished in June. (b) In the States of Texas, Louisiana, Mississippi, Alabama,

Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag limit may be 15 and the possession limit 30 king and clapper rails, singly or in the aggregate.

17. *Common (Wilson's) snipe.* (No change.) Atlantic, Mississippi, and Central Flyway States, except Florida, may select an open season of 65 days from September 1, 1975, through February 28, 1976, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia, the season must close by January 31, 1976. Florida may select a snipe season of not more than 107 days within this framework. In the Pacific Flyway, snipe seasons must run concurrently with regular duck seasons. In all States, the daily bag limit is 8 and the possession limit is 16 snipe. States may select a snipe season at the time they select the waterfowl season, and the snipe season may be split without penalty.

18. *Woodcock.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in woodcock regulations.

19. *Band-tailed pigeons.* (No change.) An open season of 30 consecutive days from September 1, 1975, through January 15, 1976, may be selected in Washington, Oregon and in each of two areas in California described as (1) the counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama and Trinity; and (2) the rest of California. In these three States, the daily bag and possession limit is 8 band-tailed pigeons.

The open season for band-tailed pigeons in Arizona, Colorado, New Mexico and Utah is subject to the following conditions: between September 1 and October 31, 1975, each State may select an open season of 30 consecutive days with a daily bag limit of 5 and possession limit of 10 band-tailed pigeons, *provided*, That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State game department, and such permit will be valid in that State only; and *provided further*, That this season shall be open only in the areas delineated by the respective States in their hunting regulations. *New Mexico* may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and thence south along Interstate Highway 25 to the Texas State line. Between September 1, 1975, and November 30, 1975, in the northern zone, and October 12, 1975, and November 30, 1975, in the southern zone, New Mexico may select open seasons of 20 consecutive days.

20. *Mourning doves.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in mourning dove regulations.

21. *White-winged doves.* Although subject to modification pending receipt of data from ongoing surveys, no changes are proposed now in white-winged dove regulations.

The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunter. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of 50 CFR Part 20.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

MAY 5, 1975.

[FR Doc.75-12078 Filed 5-7-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

Proposed Procedures

Notice is hereby given that the Department of Commerce proposes to issue procedures for a voluntary laboratory accreditation program.

For several years, representatives of the public and private sectors have urged the Department to exert leadership in the area of testing laboratory accreditation. Responding to these requests, the Department is announcing the following program which is designed to establish a background of experience necessary to the orderly evolution of an accreditation system to serve national needs as they develop. In implementing this program, the Department of Commerce, to the extent that its legislative authority permits, will consult with and seek the recommendations of the appropriate National Laboratory Accreditation Advisory Committee in the preparation of both general and specific criteria.

The goal of this program is to provide in cooperation with the private sector a national voluntary system to examine upon request the technical competence of private and public testing laboratories that serve regulatory and nonregulatory product eyaluation and certification needs. The program is also intended to accredit those laboratories that meet the qualifications established under the proposed procedures which are set out at the end of this notice and to require those laboratories that are accredited to maintain an acceptable level of competence. The program will be carried out by establishing for each selected class of technology a National Laboratory Accreditation Board and simultaneously appointing a corresponding National Laboratory Accreditation Advisory Commitee. Such a program is needed to supplement regional, national and international certification programs.

Certification systems are accelerating in this country and abroad because of an increasing need for determining that a given product meets a required standard. The standard may be regulatory or nonregulatory and may have a commercial, safety, or health emphasis.

While, the private and Government sectors can establish effective product and related test method standards and other elements of certification systems to determine if a product conforms to a designated standard, essential to such systems is that laboratories participating in certification programs be accredited by a nationally recognized institutional body competent to perform the technical evaluation of laboratories. The proposed voluntary laboratory accreditation program is intended to provide such a body.

Interested persons are invited to participate in the proposed rulemaking by submitting written comments or suggestions in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230, on or before July 7, 1975.

A public docket will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Additionally, the Department will also hold two informal hearings on the proposed procedures. The first hearing will be held on June 17, 1975, at 9:30 a.m. Pacific Daylight Saving Time in the El Dorado Room, Jack Tar Hotel, Van Ness at Geary, San Francisco, California 94102. The second hearing will be held on June 24, 1975, at 10 a.m. Eastern Daylight Saving Time in the Departmental Auditorium, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Persons desiring to testify at such hearings should notify the Assistant Secretary for Science and Technology, Department of Commerce, Room 3862, Main Commerce Building, Washington, D.C. 20230, as promptly as possible, and in any event prior to the hearing dates, in order to accommodate every person who desires to appear. Persons desiring to testify should submit to the Assistant Secretary for Science and Technology four copies of their statement 48 hours prior to the hearing at which they will testify.

The following procedures are established for the informal hearings:

I. *Purpose.* The purpose of the informal hearings on the proposed procedures for a voluntary laboratory accreditation program is to provide all interested segments of the public with an opportunity to comment thereon.

II. *Conduct of hearings.* (a) These hearings shall be informal, nonadversary proceedings at which there will be no formal pleadings or adverse parties.

(b) The presiding officer shall have the right to apportion the time of persons making presentations at the hearings in an equitable manner. Witnesses may submit a written presentation of their views for the record.

(c) The presiding officer and other Department representatives shall have the right to question witnesses appearing at these hearings as to their testimony and other matters relating to the proposed specifications.

(d) The presiding officer shall have the right to terminate or shorten the presentation of any party appearing at these hearings when, in the opinion of said presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearings.

(e) The presiding officer has the right to exercise authority necessary to contribute to the equitable and efficient conduct of these hearings and to maintain order at the hearings.

III. *General provisions.* (a) The informal hearings shall be open to the members of the public whether or not such members desire to testify at the hearings.

(b) A transcript will be made of the informal hearings.

(c) Copies of the transcript and all materials presented by the witnesses at the hearings as well as all written comments received, shall be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

PROPOSED PROCEDURES

PROCEDURES FOR A NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM

1. *Purpose.* The purpose of the procedures set forth below for a National Voluntary Laboratory Accreditation Program is to serve, on a timely basis, immediate needs, and also to establish a background of experience necessary to the orderly evolution of an accreditation system to serve national needs as they develop.

2. *Goal of Program.* The goal of this program is to provide a national voluntary system to examine the technical competence of private and public testing laboratories that serve regulatory and non-regulatory product evaluation and certification needs, and to accredit those laboratories that meet the qualifications established pursuant to these procedures. This program will also require those laboratories that are accredited to maintain an acceptable level of competence and thus assure national interests that such capability is available. The program will be carried out by establishing for each selected class of technology a National Laboratory Accrediation Board and simultaneously appointing a corresponding National Laboratory Accreditation Advisory Committee.

3. *Definitions.* (a) The term "Secretary" means the Secretary of Commerce or his designee.

(b) The term "Product" means a type or a category of manufactured goods, constructions, installations and natural and processed materials or those associated services whose characterization, classification or functional performance determination is specified by standards important to commerce, consumer well-being or the public health and safety.

(c) The term "Board" means a National Laboratory Accreditation Board appointed by the Secretary according to these Procedures.

(d) The term "Advisory Committee" means a National Laboratory Accerditation Advisory Committee appointed by the Secretary according to these Procedures.

(e) The term "testing laboratory" means any organization whose primary function is to test, analyze or inspect "products" as defined above, and/or to evaluate the designs or specifications of such "products," according to requirements of applicable standards.

(f) The term "class of technology" means a set of economically related technical activities, including, but not limited to, those activities such as construction, electrical-mechanical, electronic, and environmental measurement technologies which are distinguishable as a class because they employ similar materials and technical processes to serve common needs.

(g) The term "general criteria" means those characteristics of a testing laboratory commonly found in, and generally expected of, such a laboratory working in the class of technology under consideration and should include factors such as physical plant, organization, staff, and quality assurance and control mechanisms.

(h) The term "specific criteria" means those detailed requirements deemed essential to assuring an acceptable examination and evaluation of the testing function performed by a testing laboratory in performing specific tests related to standards identified in the class of technology under consideration and should include such factors as examination and audit procedures, qualifications of examiners, requirements applicable to proficiency sample programs, and qualifications of testing laboratory personnel and equipment.

4. *Establishment of a National Laboratory Accreditation Board for a class of Technology.* (a) The Secretary may establish a National Laboratory Accreditation Board and appoint the members thereto for each class of technology for which he determines a need exists.

(b) Upon a determination by the Secretary under subsection 4(a) that there is a need to establish a Board for a class of technology, he will publish a notice in the FEDERAL REGISTER stating that such a Board is needed. The notice will include a concise statement of the basis for his determination and proposed policy guidelines under which the Board will function. The notice will provide a 60-day period for public comment. Interested persons wanting to express their views in an informal hearing may do so within 30-days after the notice is published in the FEDERAL REGISTER. Upon receipt by the Secretary of such a request, informal public hearings will be held at two locations, one of which shall be east of the Mississippi River and the other west thereof, so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentation. All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7043, Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230, and will be available for public inspection at that location. After evaluating the comments received the Secretary will publish a notice in the FEDERAL REGISTER either establishing a Board for that class of technology or withdrawing his initial determination to establish such a Board. If the Board is established, the Secretary's notice shall also contain instructions for making application by public or private organizations seeking the establishment of accreditation criteria for specific products.

(c) Membership in each Board established under this section will be composed of employees from the Department of Commerce and other Federal agencies. The Secretary will designate an employee of the Department of Commerce to serve as chairman of each Board. (Each Board will function in accordance with these procedures.)

5. *Establishment of a National Laboratory Accreditation Advisory Committee.* (a) For each Board established under section 4 the Secretary will also establish a National Laboratory Accreditation Advisory Committee for the same class of technology and appoint the members thereto, under the Federal Advisory Committee Act except that the Chairman of such committee shall not be a Federal employee.

(b) Membership on the Advisory Committee will include qualified representatives of producers, distributors, consumers, testing laboratories and general interest groups affected by the class of technology under which the testing laboratories will be accredited.

(c) The charter and bylaws governing the functions of each Advisory Committee established under this section shall require the approval of the Secretary and be in compliance with the appropriate provisions of the Federal Advisory Committee Act, Pub. L. 92-463 dated October 6, 1972.

6. *Development of Criteria for Accrediting Testing Laboratories.* (a) Each Board will consult with and seek recommendations of its Advisory Committee for the same class of technology in developing proposed general and specific criteria to accredit testing laboratories to test products within that class of technology. When developing general or specific criteria, the Board and its Advisory Committee may also, where

deemed to be appropriate, consult with other interested public and private parties, including Federal, State and local agencies and private standards bodies. Such consultation will be made a matter of public record.

(b) A Board, after consulting with and seeking the recommendations of its Advisory Committee, will undertake to develop general and specific criteria to accredit testing laboratories to test products within a class of technology, if:

(1) There is a written request made under section 4(b) by a public or private organization that general or specific criteria for accrediting testing laboratories to test a product within the class of technology be developed;

(2) There is in existence a standard for the product concerned. The Board and its Advisory Committee, when developing general and specific criteria under paragraph (a) of this section will not undertake to develop or modify such product standards;

(3) There is in existence a valid testing methodology for determining conformity of the products to the standard. The Board and its Advisory Committee, when developing general and specific criteria under subsection (a) of this section will not undertake to develop or modify such test methods;

(4) It is technologically feasible and practicable to accredit testing laboratories to test the products concerned; and,

(5) Establishment of a general or specific criteria for accrediting a testing laboratory to test the products concerned would benefit the public interest.

(c)(1) If a Board in reviewing a request submitted under subsection (b) of this section, and after consulting with its Advisory Committee, concludes that the conditions set out therein have been met, it will undertake the development of general and specific criteria and will so notify the requestor.

(2) If a Board, after consultation with its Advisory Committee, concludes that a particular request submitted under paragraph (b) of this section does not meet the conditions set out therein, it will so notify the requestor. Such notification to the requestor shall set forth the reasons why the request did not meet the above referenced conditions and shall advise the requestor that he may appeal the Board's decision to the Secretary.

(3) Upon receipt of a notification from the Board under subparagraph (c)(2) of this section, the requestor shall have 30 days from the date of receipt of such notification to request a hearing under the provisions of 5 USC 558. The Board's decision shall become final in the event that the requestor does not appeal such decision by the end of that 30 day period.

(d) General criteria should as a minimum pertain to a testing laboratory's:

(1) Organization;
(2) Staff;
(3) Physical Plant;
(4) Operational Processes;
(5) Control Procedures; and
(6) Quality Assurance.

(e) Specific criteria for accrediting testing laboratories should as a minimum include:

(1) Examination and audit procedures;
(2) Qualifications of examiners;
(3) Requirements applicable to proficiency sample programs;
(4) Personnel and equipment qualifications required of the testing laboratory function; and
(5) Application requirements.

(f) The general and specific criteria for accrediting testing laboratories developed under paragraph (a) of this section will, where it is appropriate to do so, be based upon criteria found in existing national standards. Where appropriate criteria cannot be found, they will be developed by the Board as prescribed under paragraph (a) of this section.

(g) Upon development of the proposed general and specific criteria for accrediting testing laboratories, the Board shall forward its final recommendations for such proposed criteria to the Secretary for his approval. The Secretary upon approval will publish in the FEDERAL REGISTER a notice giving the complete text of the proposed general and specific criteria, and inviting any interested person to submit written comments on such proposed criteria within 30 days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary. Interested persons wanting to express their views in an informal hearing may do so within 15 days after such proposed criteria are published in the FEDERAL REGISTER. Upon receipt by the Secretary of such a request, informal public oral hearings will be held at two locations, one of which shall be east of the Mississippi River and the other west thereof so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentation. All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7043, Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230, and will be available for public inspection at that location.

(h) The Secretary upon receipt of all written and oral comments will return them to the Board which with the assistance of the Advisory Committee will conduct a written evaluation of all comments. After considering the Board's and the Advisory Committee's evaluation and recommendations, the Secretary will publish in the FEDERAL REGISTER a notice:

(1) Announcing the final general and specific criteria that testing laboratories must meet in order to be accredited and the date when such final criteria shall go into effect. The notice shall also contain instructions for making application by testing laboratories seeking accreditation for testing the specific products identified in the specific criteria;

(2) Stating that the proposed final general and specific criteria will be further developed before final publication; or

(3) Withdrawing the proposed final general and specific criteria from further consideration.

7. *Establishment of fees and charges.* Upon recommendation of each Board, the Secretary will establish fees and charges to be made by that Board for examining, accrediting and auditing testing laboratories. The fees and charges established by the Secretary shall be, insofar as practicable to do so, in amounts calculated to maximize the self-sufficiency of this program.

8. *Accreditation of testing laboratories testing in specific product areas.* (a) The conditions for accrediting a testing laboratory will be set out in the specific criteria promulgated by the Secretary and will, as a minimum, require agreement of the testing laboratory to:

(1) Be examined and audited, initially and on a continuing basis;

(2) Meet all applicable general and specific criteria promulgated by the Secretary;

(3) Pay accreditation fees and charges; and

(4) Avoid reference by itself and forbid others using the accredited testing laboratory from referencing its accredited status in product advertising or on product labels, containers and packaging or the contents therein.

(b) Testing laboratories testing products for which specific criteria have been established, and desiring to be accredited, will notify the Board that developed such criteria of its desire pursuant to the procedures set out in section 6(h)(1).

(c) After receipt and evaluation of the testing laboratory's application and information contained therein, the Board will, upon the acceptance thereof, notify the applicant testing laboratory and the National Bureau of Standards in writing of the specific applicable examination requirements for accreditation and the fees for such examination and accreditation. If the application is not accepted, the Board will notify the applicant testing laboratory of the reasons for rejection of its application and the testing laboratory may reapply.

(d) Upon receipt by the National Bureau of Standards of the applicant testing laboratory's written request for examination and of the fees specified in paragraph (c) of this section, the National Bureau of Standards, on behalf of the Board, will arrange for by contract or conduct, the examination in accordance with the examination requirements of the Board. The resultant examination report will be forwarded to the Board. In cases where the examination report was prepared by a contractor, the National Bureau of Standards, before making payment thereunder or forwarding the report to the Board, will review the report to assure that the contract terms have been fulfilled.

(e) The Board, after review of the examination report, will recommend to the secretary accreditation or denial of accreditation of the applicant testing laboratory. Upon consideration of the Board's recommendation, the Secretary

will notify the testing laboratory of its accreditation status.

(f) If an applicant testing laboratory is notified by the Secretary that accreditation is denied, the testing laboratory shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 USC 558. The Secretary's decision shall become final in the event that the requestor does not appeal such decision by the end of that thirty (30) day period.

9. *Reference to accredited status.* Except as limited under section 8(a), a testing laboratory accredited under this program may use the following statement on its letterheads and in advertisements and publications: "Accredited by the Department of Commerce, National Laboratory Accreditation Program for technical competence in (appropriate wording as authorized by the Secretary's notification under section 8(e))."

10. *Revocation or termination of accreditation of a testing laboratory.* (a) The Board for a class of technology upon a finding that a testing laboratory which the Secretary has accredited is not complying with the general or specific criteria promulgated by the Secretary under section 6, the conditions of the agreement entered into under section 8(a), or the provisions of section 9 may recommend to the Secretary that he terminate the laboratory's accreditation. Upon receipt of a notice from the Secretary of proposed revocation, the testing laboratory shall have thirty (30) days from the date of receipt of such notification to request a hearing under the provisions of 5 USC 558. The Secretary's proposed revocation shall become final in the event that the accredited testing laboratory does not appeal the proposed revocation within that thirty (30) day period. In the event, however, that the accredited testing laboratory requests a hearing within that thirty (30) day period, the Secretary's proposed revocation shall be stayed until the matter is resolved by the hearing held pursuant to 5 USC 558.

(b) A testing laboratory may at any time terminate its participation and responsibilities under this program by giving written notice to the Board. Upon receipt by the Board of such notice it shall terminate further processing of the testing laboratory's application for accreditation. If such testing laboratory has been accredited, the Board shall recommend to the Secretary that he withdraw that testing laboratory's accreditation. The Secretary shall notify the testing laboratory that its accreditation is withdrawn pursuant to its request.

(c) A testing laboratory whose accreditation has been revoked or withdrawn or has terminated its participation prior to being accredited may reapply for and be accredited if it meets the applicable general and specific criteria promulgated by the Secretary under section 6, under section 8(a), and agrees to abide by the provisions of section 9.

(d) The Secretary may terminate any Board whose existence is no longer deemed necessary by him. The accreditation status of any testing laboratory previously accredited under a Board whose existence has been terminated under this section shall be determined by the Secretary, and if appropriate, transferred by him to the jurisdiction of another Board. If transfer to another Board is not appropriate, the accreditation status of any testing laboratory previously accredited under a Board which has been terminated by the Secretary shall be withdrawn and such testing laboratory will be refunded its original accreditation fee plus the most recent examination fees paid within twelve months by such testing laboratory to maintain its accredited status under this program.

11. *Amendment or revision of criteria.* A Board may undertake the development of amendments or revisions of any applicable general or specific criteria promulgated by the Secretary by following the same procedures pertaining to the original development of such criteria.

12. *User education.* Each Board will publish a quarterly report noting all actions taken regarding accreditations, revocations, criteria development and changes to such criteria. Such publications shall clearly state the actions of the Board as being limited to the testing of laboratory's technical competence.

13. *Coordination.* To assure effective coordination in carrying out this program, the Secretary shall make provisions for administrative and technical support and staff services as may be needed.

14. *Annual report.* The Secretary will prepare an annual report of the activities of each Board and Advisory Committee and will also include in such report a list of all testing laboratories accredited under this program.

(Sec. 2, 31 Stat. 1449, as amended, sec. 1, 64 Stat. 371; (15 USC 272), Reorganization Plan No. 3 of 1946, Part VI.)

[FR Doc.75-12080 Filed 5-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1011, 1033, 1090, 1101]

[Docket Nos. AO-251-A19; AO-266-A21; AO-195-A25; AO-166-A48]

MILK IN THE APPALACHIAN; CHATTANOOGA, TENNESSEE; KNOXVILLE, TENNESSEE; AND OHIO VALLEY MARKETING AREAS

Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

A notice was issued on April 25, 1975 (40 FR 18945) giving notice of a public hearing to be held at the Sheraton Inn, Executive Park (Interstate 40 and Interstate 75 at Cedar Bluff) Knoxville, Tennessee, beginning at 1:30 p.m., on June 9, 1975, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; Knoxville, Tennessee; and Ohio Valley marketing areas.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Holiday Inn-Northeast, 4625 Asheville Highway, Knoxville, Tennessee, beginning at 1:30 p.m., on June 23, 1975.

Signed at Washington, D.C., on: May 5, 1975.

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

[FR Doc.75-12147 Filed 5-7-75;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 726]

TRANSFER OF BURLEY TOBACCO QUOTAS

Notice of Proposed Rulemaking

The Agricultural Stabilization and Conservation Service is considering amending Part 726 to permit the transfer of burley tobacco quotas to any farm within a county without regard to whether the receiving farm has a burley tobacco quota.

Currently, transfers of burley tobacco quotas may be made between farms within the same county if each farm has a burley tobacco quota. The proposal will remove the requirement that the lessee farm have a basic quota.

Interested persons are invited to participate in the making of the proposed rule by submitting views or arguments (pro or con) as they may desire. Comments should be submitted to Director, Program Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All comments received on or before May 23, 1975, will be considered. The comment period is being limited to 15 days because the period for planting burley tobacco is nearing and affected persons need to know the final decision before the normal planting period has passed. All comments will be made available, both before and after the closing date for comments, for examination by interested persons.

These amendments are proposed under the authority of sections 318 and 319 of the Agricultural Adjustment Act of 1938, as amended. In consideration of the foregoing, it is proposed to amend 7 CFR Part 726 as follows:

1. Section 726.68 is amended by revising paragraph (b)(1) and adding new paragraph (y) to read as follows:

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

* * * * *

(b) *Persons eligible—(1) Lease.* Effective beginning with the 1975 crop, the owner and operator (acting together if different persons) of any old farm for which a burley tobacco farm marketing quota is or will be established for the year in which a transfer by lease is to take effect may transfer all or any part of the farm marketing quota established for such farm to any other owner or

operator of a farm in the same county. The quota established for a farm as pooled quota under Part 719 of this chapter may be transferred during the 3-year life of the pooled quota.

* * * * *

(y) *Establishing farm yield.* Prior to approval of a transfer agreement, the county committee shall establish a farm yield as instructed by the Deputy Administrator, Programs for the farm to which the quota is to be transferred unless a farm yield has been established previously for the farm.

2. Section 726.81(f)(1) is amended to read as follows:

§ 726.81 Issuance of marketing cards.

* * * * *

(f)(1) *Farm quota data entered on marketing card and supplemental card.* Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That where a farm marketing quota is transferred by lease to a farm having no farm marketing quota (basic quota), such entry shall be limited to the effective farm marketing quota.

Signed at Washington, D.C., on May 1, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-12148 Filed 5-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Support Enforcement

[45 CFR Parts 301, 302]

GRANTS TO STATES FOR THE CHILD SUPPORT ENFORCEMENT PROGRAM STATE PLAN PROVISIONS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service (as the Secretary's designee to implement and administer the new title IV-D of the Social Security Act as amended by Part B of Pub. L. 93-647) with the approval of the Secretary of Health, Education, and Welfare. The regulations would be located in a new Chapter III of Title 45 of the Code of Federal Regulations. The proposed regulations would:

1. Establish a new Part 301 which defines the requirements and procedures for submission of the State title IV-D plan, approval of the plan, and review when approval is denied; and, for obtaining grants for expenditures under the plan once the plan is approved;

2. Establish a new Part 302 which implements the provisions contained in Section 454 of title IV-D of the Act, which are effective July 1, 1975, by including the specific State Plan requirements contained in section 454 and imposing additional administrative requirements.

These new Parts would:

1. Provide a general description of the State Plan and prescribe its format;

2. Require that the Governor have an opportunity to review the State plan prior to its submission;

3. Prescribe the procedures that must be followed when State plans and State plan amendments are submitted for approval; the steps that will be taken by the regional office and the Regional Commissioner in reviewing and acting on this material; and the effective date of any approved plan material;

4. Provide for administrative review of disapprovals of State plans and State plan amendments and prescribe the procedures to be followed for obtaining such review;

5. Prescribe the procedures to be followed by the States to obtain Federal funds for the program and how these funds will be made available to the States;

6. Require that the State plan be in operation on a Statewide basis;

7. Require the State to participate financially in the program;

8. Provide for the designation or establishment of a single and separate organizational unit to administer the title IV-D plan, which is referred to as the IV-D agency;

9. Require the State to amend its State plan whenever necessary and define the effect of the State's failure to do so on Federal financial participation;

10. Require the State to maintain an adequate accounting and reporting system to substantiate claims for Federal funds;

11. Describe the report and records the State must maintain and the retention period required for these records and the conditions under which such records may be microfilmed;

12. Require a State and the IV-D agency to have cost allocation systems and establish requirements for these systems;

13. Require the State to meet certain standards of personnel administration;

14. Require a complete listing of State statutes or regulations that provide procedures to be used in determining paternity and receiving support.

15. Require the IV-D agency to determine paternity and secure support for all individuals for whom an assignment is effective under 45 CFR 232.11;

16. Require that all support payments by individuals affected by such an assignment will be made directly to the State except when the amount of the monthly child support payment is sufficient to make the family ineligible under the State title IV-A plan;

17. Require that the State must make all paternity determination and support collection services available to any individual in the State upon application to the IV-D agency and permit the State to charge a reasonable fee for these services;

18. Require that the IV-D agency enter into written agreements for cooperative arrangements with courts and law-enforcement officials to assure optimum results under the program;

19. Require that the IV-D agency establish a parent locator service which will attempt to locate absent parents utilizing both State and Federal informational resources, and will transmit all requests to the Federal PLS after first exhausting State and local location resources;

20. Require that the IV-D agency cooperate with any other State IV-D agency to establish paternity, if necessary; to locate an absent parent in the State; and, to secure support from such absent parent;

21. Require that amounts collected by the IV-D agency must be distributed as provided in section 457 of the Social Security Act;

22. Require that payments made pursuant to Sections 455 and 457 be made to the resident parent, legal guardian or caretaker relative having custody of or responsibility for the child or children.

Section 301.15 is proposed based on the assumption that 45 CFR Part 74 Subparts G and I, which impose regulatory requirements on Matching and Cost Sharing and Financial Reporting, do not apply in the administration of the IV-D program. These provisions currently do not apply to the programs administered under Title IV-A of the Act. This section will remain as proposed pending the clarification of the applicability of 45 CFR Part 74 to the IV-D program.

Good cause exists for shortening the period for public comment in view of the overriding legal necessity for having final regulations implementing Part B of Pub. L. 93-647 in effect as of July 1, 1975.

Proposals to implement the remaining provisions of title IV-D of the Act will be published in the FEDERAL REGISTER in the near future.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, by June 2, 1975.

Comments received will be available for public inspection in Room 5326 of the Department's office at 330 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

Dated: May 1, 1975.

JAMES S. DWIGHT, Jr.,
Administrator.

Approved: May 2, 1975.

STEPHEN KURZMAN,
Acting Secretary.

Title 45 of the Code of Federal Regulations is amended by establishing a new Chapter III consisting of Parts 301 and 302 as set forth below:

CHAPTER III—GRANTS TO STATES FOR THE CHILD SUPPORT ENFORCEMENT PROGRAM

PART 301—STATE PLAN APPROVAL AND GRANT PROCEDURES

Sec.
301.0 Scope and applicability of this part.
301.1 General definitions.
301.10 State plan.
301.11 State plan; format.
301.12 Submittal of State plan for Governor's review.
301.13 Approval of State plans and amendments.
301.14 Administrative review of certain administrative decisions.
301.15 Grants.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 301.0 Scope and applicability of this part.

This part deals with the administration of title IV–D of the Social Security Act by the Federal Government including actions on the State plan and amendments thereto and review of such actions; grants under the approved plan; merit system requirements; review and audit of State and local expenditures; and reconsideration of disallowances of expenditures for Federal financial participation.

§ 301.1 General definitions.

When used in this chapter, unless the context otherwise indicates:

(a) "Act" means the Social Security Act, and the title referred to is title IV–D of that Act;

(b) "Department" means the Department of Health, Education, and Welfare;

(c) "Administrator" means the Administrator, Social and Rehabilitation Service, who is the Secretary's designee to administer the Child Support Enforcement program under the title IV–D;

(d) "Secretary" means the Secretary of Health, Education, and Welfare;

(e) "Office" means the Office of Child Support Enforcement which is the separate organizational unit within the Department under the direction of the Administrator with the responsibility for the administration of the program under this title;

(f) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

(g) "IV–D Agency" means the single and separate organizational unit in the State that has the responsibility for administering or supervising the administration of the State plan under title IV–D of the Act;

(h) The terms "regional office" and "central office" refer to the regional offices and the central office of the Social and Rehabilitation Service, respectively;

(i) "Regional Commissioner" means the Regional Commissioner of the Social and Rehabilitation Service who has responsibility for administering, under the direction of the Administrator, the separate organizational unit for child support enforcement in each regional office;

(j) The "State plan" means the State plan for child support under section 454 of the Act;

(k) "Federal PLS" means the Parent Locator Service operated by the Office of Child Support Enforcement pursuant to section 452(a)(9) of the Act.

(l) "State PLS" means the service established by the IV–D agency pursuant to section 454(8) of the Act to locate absent parents.

§ 301.10 State plan.

The State plan is a comprehensive statement submitted by the IV–D agency describing the nature and scope of its program and giving assurance that it will be administered in conformity with the specific requirements stipulated in title IV–D, the regulations in Subtitle A and this chapter of this title, and other applicable official issuances of the Department. The State plan contains all information necessary for the Office to determine whether the plan can be approved, as a basis for Federal financial participation in the State program.

§ 301.11 State plan; format.

The State plan must be submitted to the Office in the format and containing the information prescribed by the Office, and within time limits set in implementing instructions issued by the Office. Such time limits will be adequate for proper preparation of plans and submittal in accordance with the requirements for State Governors' review (see section 301.12 of this chapter).

§ 301.12 Submittal of State plan for Governor's review.

The State plan must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon. This requirement does not apply to periodic statistical or budget and other fiscal reports. Under this requirement, the Office of the Governor will be afforded a specified period in which to review the material. Any comments made will be transmitted to the Office with the documents.

§ 301.13 Approval of State plans and amendments.

The State plan consists of written documents furnished by the State to cover its Child Support Enforcement program under title IV–D of the Act. After approval of the original plan by the Office, all relevant changes, required by new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that the Office may determine whether the plan continues to meet Federal requirements and policies.

(a) *Submittal.* State plans and revisions of the plans are submitted first to the State governor or his designee for review in accordance with § 301.4, and then to the regional office. The States are encouraged to obtain consultation of the regional staff when a plan is in process of preparation or revision.

(b) *Review.* The Office of Child Support Enforcement in the regional offices is responsible for review of State plans and amendments. It also initiates discussion with the IV–D agency on clarification of significant aspects of the plan which come to its attention in the course of this review. State plan material on which the regional staff has questions concerning the application of Federal policy is referred with recommendations as required to the Office of Child Support Enforcement in the central office for technical assistance. Comments and suggestions, including those of consultants in specified areas, may be prepared by the central office for use by the regional staff in negotiations with the IV–D agency.

(c) *Action.* The Regional Commissioner exercises delegated authority to take affirmative action on the State plan and amendments thereto on the basis of policy statements or precedents previously approved by the Administrator. The Administrator retains authority for determining that proposed plan material is not approvable, or that a previously approved plan no longer meets the requirements for approval, except that a final determination of disapproval may not be made without prior consultation and discussion by the Administrator with the Secretary. The Regional Commissioner or the Administrator formally notifies the IV–D agency of the actions taken on the State plan or revisions thereto.

(d) *Basis for approval.* Determinations as to whether the State plan (including plan amendments and administrative practice under the plan) originally meets or continues to meet the requirements for approval are based on relevant Federal statutes and regulations. Guidelines are furnished to assist in the interpretation of the regulations.

(e) *Prompt approval of the State plan.* The determination as to whether the State plan submitted for approval conforms to the requirements for approval under the Act and regulations issued pursuant thereto shall be made promptly and not later than the 90th day following the date on which the plan submittal is received in the regional office, unless the Regional Commissioner has secured from the IV–D agency a written agreement to extend that period.

(f) *Prompt approval of plan amendments.* Any amendment of an approved State plan may, at the option of the State, be considered as a submission of a new State plan. If the State requests that such amendments be so considered, the determination as to its conformity with the requirements for approval shall be made promptly and not later than the 90th day following the date on which such a request is received in the regional office with respect to an amendment that has been received in such office, unless the Regional Commissioner has secured from the State agency a written agreement to extend that period.

(g) *Effective date.* The effective date of a new plan may not be earlier than the first day of the calendar quarter in which

an approvable plan is submitted, and, with respect to expenditures for assistance under such plan, may not be earlier than the first day on which the plan is in operation on a statewide basis.

§ 301.14 Administrative review of certain administrative decisions.

Any State dissatisfied with a determination of the Administrator pursuant to § 301.13 (e) or (f) with respect to any plan or amendment may, within 60 days after the date of receipt of notification of such determination, file a petition with the Regional Commissioner asking the Administrator for reconsideration of the issue of whether such plan or amendment conforms to the requirements for approval under the Act and pertinent Federal requirements. Within 30 days after receipt of such a petition, the Administrator shall notify the State of the time and place at which the hearing for the purpose of reconsidering such issue will be held. Such hearing shall be held not less than 30 days nor more than 60 days after the date notice of such hearing is furnished to the State, unless the Administrator and the State agree in writing on another time. The hearing procedures contained in 45 CFR Part 213 applicable to § 201.4 of this title shall apply to reconsiderations brought under this section. A determination affirming, modifying, or reversing the Administrator's original decision will be made within 60 days of the conclusion of the hearing. Action pursuant to an initial determination by the Administrator described in such § 301.1 (e) or (f) that a plan or amendment is not approvable shall not be stayed pending the reconsideration, but in the event that the Administrator subsequently determines that his original decision was incorrect he shall certify restitution forthwith in a lump sum of any funds incorrectly withheld or otherwise denied.

§ 301.15 Grants.

To States with approved plans, a grant is made each quarter for expenditures under the plan for the administration of the Child Support Enforcement program. The determination as to the amount of a grant to be made to a State is based upon documents submitted by the IV–D agency containing information required under the Act and such other pertinent facts as may be found necessary.

(a) *Form and manner of submittal.* (1) Time and place: An estimate for a grant for each quarterly period must be forwarded to the regional office 45 days prior to the period of the estimate. It includes a certification of State funds and a justification statement in support of the estimate. A statement of quarterly expenditures and any necessary supporting schedules must be forwarded to the Department of Health, Education, and Welfare, Social and Rehabilitation Service, Attention: Finance Division, Washington, D.C. 20201, not later than 30 days after the end of the quarter.

(2) *Description of forms:* "State Agency Expenditure Projection—Quarterly Projection by Program" represents the IV–D agency's estimate of the total amount and the Federal share of expenditures for the administration of the title IV–D program for the quarter. From this estimate the State and Federal shares of the total expenditures are computed. The State's computed share of total estimated expenditures is the amount of State and local funds necessary for the quarter. The Federal share is the basis for the funds to be advanced for the quarter. The agency must also certify, on this form or otherwise, the amount of State funds (exclusive of any balance of advances received from the Federal Government) actually on hand and available for expenditure; this certification must be signed by the executive officer of the IV–D agency submitting the estimate or a person officially designated by him, or by a fiscal officer of the State if required by State law or regulation. (A form "Certificate of Availability of State Funds for Assistance and Administration during Quarter" is available for submitting this information, but its use is optional.) If the amount of State funds (or State and local funds if localities participate in the program), shown as available for expenditures is not sufficient to cover the State's proportionate share of the amount estimated to be expended, the certification must contain a statement showing the source from which the amount of the deficiency is expected to be derived and the time when this amount is expected to be made available.

(3) The IV-D agency must also submit a quarterly statement of expenditures for the title IV-D program. This is an accounting statement of the disposition of the Federal funds granted for past periods and provides the basis for making the adjustments necessary when the State's estimate for any prior quarter was greater or less than the amount the State actually expended in that quarter. The statement of expenditures also shows the share of the Federal Government in any recoupment, from whatever source, of expenditures claimed in any prior period, and also in expenditures not properly subject to Federal financial participation which are acknowledged by the IV-D agency or have been revealed in the course of an audit.

(b) *Review.* The State's estimate is analyzed by the regional office and is forwarded with recommendations as required to the central office. The central office reviews the State's estimate, other relevant information, and any adjustments to be made for prior periods, and computes the grant.

(c) *Grant award.* The grant award computation form shows the amount of the estimate for the ensuing quarter, and the amounts by which the estimate is reduced or increased because of over- or under-estimate for the prior quarter and for other adjustments. This form is transmitted to the IV-D agency to draw the amount of the grant award as needed, to meet the Federal share of disbursements. The draw is through a commercial bank and the Federal Reserve system against a continuing letter of credit certified to the Secretary of the Treasury in favor of the State payee. A notice of the amount of the grant award is sent to the State Central Information Reception Agency in accord with section 201 of the Intergovernmental Cooperation Act of 1968.

(d) *Letter of credit payment system.* The letter of credit system for payment of advances of Federal funds was established pursuant to Treasury Department regulations (Circular No. 1075), published in the FEDERAL REGISTER on July 11, 1967 (32 FR 10201). The HEW "Instructions to Recipient Organizations for Use of Letter of Credit" was transmitted to all grantees by memorandum from the Assistant Secretary-Comptroller on January 15, 1968.

(e) *General administrative requirements.* With the following exceptions, the provisions of Part 74 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants made to States under this part:

45 CFR Part 74

Subpart G Matching and Cost Sharing.
Subpart I Financial Reporting Requirements.

PART 302—STATE PLAN REQUIREMENTS

Sec.

302.0 Scope of this part.
302.1 Definitions.
302.10 Statewide operations.
302.11 State financial participation.
302.12 Single and separate organizational unit.
302.13 Plan amendments.
302.14 Fiscal policies and accountability.
302.15 Reports and maintenance of records.
302.16 Cost allocation.
302.17 Standards of personnel administration.
302.18 Inclusion of State statutes.
302.31 Establishing paternity and securing support.
302.32 Child support payments to the IV-D agency.
302.33 Individuals not otherwise eligible.
302.34 Cooperative arrangements.
302.35 State parent locator service.
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302.37 Distribution of child support payments.
302.38 Payments to the family.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

§ 302.0 Scope of this part.

This part defines the State plan provisions required for an approved plan under title IV–D of the Act.

§ 302.1 Definitions.

The definitions found in section 301.1 of this Chapter also are applicable to this part.

§ 302.10 Statewide operations.

The State plan shall provide that:

(a) It will be in operation on a statewide basis in accordance with equitable standards for administration that are mandatory throughout the State;

(b) If administered by political subdivisions of the State, the plan will be mandatory on such political subdivisions;

(c) The IV–D agency will assure that the plan is continuously in operation in

all appropriate offices or agencies through:

(1) Methods for informing staff of State policies, standards, procedures and instructions; and

(2) Regular planned examination and evaluation of operations in local offices by regularly assigned State staff, including regular visits by such staff; and through reports, controls, or other necessary methods.

§ 302.11 State financial participation.

The State plan shall provide that the State will participate financially in the program.

§ 302.12 Single and separate organizational unit.

(a) The State plan shall provide for the establishment or designation of a single and separate organizational unit to administer the IV–D plan. Such unit is referred to as the IV–D agency. Under this requirement:

(1) The IV–D agency may be:

(i) Located in the single State agency designated pursuant to § 205.100 to administer title IV–A of the Act;

(ii) Located in any other agency of the State; or,

(iii) Established as a new agency of the State.

(2) The IV–D agency shall be responsible and accountable for the operation of the IV–D program. The agency need not perform all the functions of the IV–D program so long as it insures that all these functions are being carried out properly, efficiently, and effectively;

(3) If the IV–D agency delegates any of the functions of the IV–D program to any other State or local agency or official, or any official with whom a cooperative agreement as described in § 302.34 has been entered into, the IV–D agency shall have responsibility for securing compliance with the requirements of the State plan by such agency or officials.

(b) The State plan shall describe the structure of the IV–D agency and the distribution of responsibilities among the major divisions within the unit, and if it is located within another agency, show its place in such agency. If any of the IV–D program functions are to be performed outside of the IV–D agency then these functions shall be listed with the name of the organization responsible for performing them.

§ 302.13 Plan amendments.

(a) The State plan shall provide that the plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy or IV–D agency operation.

(b) *Federal financial participation.* Except where otherwise provided, Federal financial participation is available in the additional expenditures resulting from an amended provision of the State plan as of the first day of the calendar quarter in which an approvable amendment is submitted or the date on which the amended provision becomes effective in the State, whichever is later.

§ 302.14 Fiscal policies and accountability.

The State plan shall provide that the IV–D agency, in discharging its fiscal accountability, will maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements. The retention and custodial requirements for these records are prescribed in 45 CFR Part 74.

§ 302.15 Reports and maintenance of records.

(a) The State plan shall provide that:

(1) The IV–D agency will maintain records necessary for the proper and efficient operation of the plan, including records regarding:

(i) Applications for services available under the State plan;

(ii) Location of absent parents, actions to establish paternity and obtain and enforce child support, and the costs incurred in such actions;

(iii) Amount and sources of child support collections and the distribution of these collections;

(iv) Any fees charged or paid for child support enforcement services;

(v) Any other administrative costs;

(vi) Any other information required by the Office; and,

(vii) Statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary.

The retention and custodial requirements for these records are prescribed in 45 CFR Part 74.

(2) The IV–D agency will make such reports in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

(b) *Conditions for optional use of microfilm copies.* Certified microfilm copies of the substantiating documents required for Federal audit and review purposes may be substituted for the originals (i.e., the originals may be destroyed), provided that:

(1) The IV–D agency can show, on the basis of a study of its record storage situation, that the use of microfilm copies is in the interest of efficiency and economy;

(2) The proposed microfilm system is adequate:

(i) To enable the IV–D agency to discharge its own audit responsibility for propriety of expenditures for which Federal financial participation is claimed and in no way hinders the IV–D agency's supervision and control of the programs; and

(ii) To enable the HEW Audit Agency and the Office to properly discharge their respective responsibilities for reviewing the manner in which all aspects of the Child Support Enforcement program are being administered in the State; and

(3) Prior approval is obtained from the regional office indicating that the system meets the conditions in paragraph (b)(2) of this section and that the proposed microfilming procedures are reliable and are supported by an adequate retrieval system.

§ 302.16 Cost allocation.

(a) The State plan shall provide that:

(1) The IV–D agency has an approved cost allocation plan on file with the Regional Commissioner which identifies and describes the methods and procedures the State has established for properly charging the costs of administration, services, and training activities under the plan in accordance with the Federal requirements set out in 45 CFR Part 74, Appendix C, and in Department and Office regulations and instructions.

(2) The cost allocation plan includes description of the functions and activities by organizational units or other cost centers prescribed in the State plan; estimated costs for an annual period by organizational units or other cost centers (unless specifically waived by the Regional Commissioner); and the basis used for allocating the various pools of costs to programs and activities (with justification for each).

(3) The cost allocation plan contains such other information as is necessary to document the validity of the cost allocation methods and procedures and must include methods and procedures for:

(i) Allocating all such administrative costs of the State Department in which the IV–D agency is located between Federal and non-Federal programs;

(ii) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(iii) Segregating costs in paragraph (a)(3)(ii) of this section by classifications as are found necessary by the Secretary.

(4) The estimated costs are included solely to permit evaluation of the methods of allocation, and therefore approval of the cost allocation plan shall not constitute approval of these estimated costs for use in calculating claims for Federal financial participation.

(5) A State shall revise its cost allocation plan when the allocation method shown in the existing plan is outdated due to organizational changes within the IV–D agency, changes in Federal law or regulations, or other similar changes.

(b) *Federal financial participation.* (1) As a condition for receipt of Federal financial participation in administration of the IV–D program for any quarterly period, a IV–D agency's claim for such expenditures must be in accord with a cost allocation plan on file with and approved by the Regional Commissioner for that period.

(2) If a IV–D agency fails to revise its cost allocation plan as required by paragraph (a)(2) of this section within the quarter that such changes are effective, the Regional Commissioner will defer payment of any overstated portions of

expenditures which he determines to result from the IV–D agency using an outdated cost allocation method until the IV–D agency has submitted a revised cost allocation plan which is approved by him and the IV–D agency has revised its claim accordingly.

(3) If a IV–D agency does not have any cost allocation plan on file with the Regional Commissioner, payment will not be made for those costs of administration which require an allocation method. Such payments will be deferred until such time as a cost allocation plan has been submitted and is approved by the Regional Commissioner.

§ 302.17 Standards of personnel Administration.

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the IV–D agency administering the State plan in conformity with the standards for a Merit System of Personnel Administration, 45 CFR Part 70 and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Where applicable, statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assume compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 must be submited to the Department of Health, Education, and Welfare for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) The Secretary of Health, Education, and Welfare shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods.

(c) The State plan must provide that the IV–D agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure such equal opportunity. The plan shall be made available for review upon request.

§ 302.18 Inclusion of State statutes.

The State plan shall provide a complete listing of State statutes, or regulations promulgated pursuant to such statutes and having the force of law (including citations of such statutes and regulations), that provide procedures to be used in the determination of paternity of a child born out of wedlock, and to establish the child support obligation of a responsible parent, and to enforce such child support obligations.

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that the IV–D agency will undertake:

(a) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(b) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate.

§ 302.32 Child support payments to the IV–D agency.

The State plan shall provide that in any case in which child support payments are collected for a recipient of AFDC with respect to whom an assignment under section 323.11 is effective, such payments shall be made to the IV–D agency for distribution pursuant to section 457 of the Act and shall not be paid directly to the family. This requirement will not be applicable when the amount of any collection of a support obligation which represents the child support payment for the month of the collection is sufficient to make the family ineligible for assistance under the State IV–A plan. In this situation, the State may continue to collect current support payments in accordance with the requirements of section 457(c) of the Act, and unpaid support obligations owed under section 456(a) of the Act.

§ 302.33 Individuals not otherwise eligible.

The State plan shall provide that the child support collection or paternity determination services established under the plan shall be made available to any individual not otherwise eligible for such services upon application filed by such individual with the IV–D agency. Under this requirement:

(a) The State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:

(1) A flat dollar amount not to exceed $20 to be charged each applicant; or,

(2) A fee schedule to be used to determine the fee to be charged each applicant. Such fee schedule will be based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.

(b) The State plan may provide for recovery of any actual costs incurred in excess of the application fee in collection of child support in a particular case. If the State elects to recover such costs they shall be deducted from the amount of such recovery.

§ 302.34 Cooperative arrangements.

The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law-enforcement officials. Such agreements shall contain provisions for providing courts and law-enforcement officials with pertinent information needed in locating putative or deserting fathers, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to the court or law-enforcement official. They shall also provide for assistance to the IV–D agency in carrying out the program, and may relate to any other matters of common concern. Under this requirement such agreements may include provisions:

(a) For the investigation and prosecution of fraud directly related to paternity and child support;

(b) To reimburse courts and law-enforcement officials for their assistance.

§ 302.35 State parent locator service.

The State plan shall provide that:

(a) The IV–D agency will establish a parent locator service utilizing:

(1) All sources of information and records available in the State, and in other States as appropriate; and

(2) The Federal PLS of the Department of Health, Education, and Welfare.

(b) The State PLS will have a central State office and may also establish or designate offices at the local level.

(c) The IV–D agency will accept applications to utilize the Federal PLS from:

(1) Any State or local agency or official seeking to collect child support obligations pursuant to the State plan;

(2) A court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agency of such court; or

(3) The resident parent, legal guardian, attorney, or agent of a child who is not receiving aid under title IV–A of the Act.

However, prior to the submission of any request to the Federal PLS, the State PLS must first exhaust the State and local parent locator resources;

(d) Any requests to the Federal PLS under section 453 of the Act will be submitted by the central State office in accordance with the manner and form prescribed by the Secretary.

(e) The IV–D agency will collect the fee which is required by section 453(e)(2) of the Act to be charged the individuals described in paragraph (c)(3) of this section.

§ 302.36 Cooperation with other States.

The State plan shall provide that the State will cooperate with any other State:

(a) In establishing paternity, if necessary;

(b) In locating an absent parent who is present in the State and against whom any action is being taken under a IV–D program in any other State;

(c) In securing compliance by an absent parent who is present in the State with an order issued by a court of competent jurisdiction against such parent with respect to whom aid is being provided under the plan approved under title IV-A of the Social Security Act in any other State; and,

(d) In carrying out any other function required under a plan approved under title IV-D.

§ 302.37 Distribution of child support payments.

The State plan shall provide that amounts collected as child support will be distributed as provided in section 457 of the Act.

§ 302.38 Payments to the family.

The State plan shall provide that any payment required to be made under section 456 or 457 of the Act to a family will be made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children.

[FR Doc.75-12090 Filed 5-7-75;8:45 am]

[45 CFR Parts 302 and 303]

STATE PLAN PROVISIONS AND STANDARDS FOR AN EFFECTIVE PROGRAM

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator of the Social and Rehabilitation Service (as the Secretary's designee to implement and administer the new title IV-D of the Social Security Act as amended by Part B of Pub. L. 93-647) with the approval of the Secretary of Health, Education, and Welfare. The regulations would be located in a new Chapter III of Title 45 of the Code of Federal Regulations. The proposed regulations would:

1. Add additional State plan requirements relating to child support obligations, distribution of child support collections, incentive payments and access to Federal services required by the statute.

2. Establish a new Part 303 which prescribes the minimum organizational and staffing requirements and the standards for an effective program which the Department is required to establish pursuant to section 452(a) (1) and (2) of the Act.

These provisions would:

1. Require the State IV-D agency to meet the standards for an effective program prescribed in Part 303 pursuant to the State plan provision in section 454 (13) of the Act. (§ 302.39)

2. Define the support right assigned pursuant to 45 CFR 232.11, prescribe the basis and amount of the support right, and otherwise implement section 456 of the Act. (§ 302.50)

3. Prescribe the manner in which sums collected as child support are to be distributed as required by section 457 of the Act. (§ 302.51)

4. Prescribe the manner in which the incentive payments required by section 458 of the Act are to be made to States and political subdivisions. (§ 302.52)

5. Define the formula that the IV-D agency would utilize to determine the amount of the support obligation in the absence of a court order. (§ 302.53)

6. Prescribe the procedures the IV-D agency must follow in order to utilize the Federal Parent Locator Service. (§ 302.70)

7. Prescribe, pursuant to section 452 (b) of the Act, the requirements and procedures the IV-D agency must follow in order to obtain a certification of an amount of a delinquent child support order for collection by the Department of the Treasury pursuant to section 6305 of the Internal Revenue Code of 1954. (§ 302.71)

8. Prescribe, pursuant to section 452 (a) (8) of the Act, the requirements and procedures the IV-D agency must follow to obtain a certification to utilize the courts of the United States to enforce court orders of support in interstate child support cases. (§ 302.72)

9. Specify the time periods within which the States must meet the requirements for organization and staffing and the standards for an effective program. (§ 303.0)

10. Prescribe the information that must be maintained in child support case records. (§ 303.2)

11. Prescribe standards for locating absent parents. (§ 303.3)

12. Require the standards which the IV-D agency must follow in establishing a support obligation and determining paternity when necessary. (§§ 303.4 and 303.5)

13. Prescribe the standards for enforcing support obligations. (§ 303.6)

14. Prescribe standards for State IV-D agencies to follow in cooperating with any other State in locating an absent parent, establishing paternity and securing support. (§ 303.7)

15. Prescribe the minimum organizational and staffing requirements for the IV-D agency. These are viewed as interim requirements which will be superseded at such time as experience and knowledge relating to child support enforcement on a nationwide basis is sufficient to prescribe more detailed requirements. (§ 303.20)

The Department will publish proposals relating to Federal financial participation for State expenditures under the title IV-D program in the near future.

Good cause exists for shortening the period for public comment in view of the overriding legal necessity for having final regulations implementing Part B of Pub. L. 93-647 in effect as of July 1, 1975.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, by June 2, 1975.

Comments received will be available for public inspection in Room 5326 of the Department's office at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

Dated: May 1, 1975.

JAMES S. DWIGHT, JR.,
Administrator.

Approved: May 2, 1975.

STEPHEN KURZMAN,
Acting Secretary.

Title 45, Chapter III of the Code of Federal Regulations is amended by adding new sections to Part 302 and establishing a new Part 303 as set forth below:

PART 302—STATE PLAN REQUIREMENTS

Sec.

302.39 Standards for an effective program.
302.50 Support obligations.
302.51 Distribution of child support collections.
302.52 Incentive payments to States and political subdivisions.
302.53 Formula for determining the amount of the obligation.
302.70 Requests for information from the Federal Parent Locator Service (PLS).
302.71 Requests for collection by the Secretary of the Treasury.
302.72 Applications to use the courts of the United States to enforce court orders.

§ 302.39 Standards for an effective program.

The State plan shall provide that the IV-D agency will comply with the standards for an effective program and the organizational and staffing requirements prescribed by Part 303 of this Chapter.

§ 302.50 Support obligations.

The State plan shall provide as follows:

(a) The support rights assigned to the IV-D agency pursuant to § 232.11 of this title constitute an obligation owed to the State by the individual responsible for providing such support. Such obligation shall be established by:

(1) Order of a court of competent jurisdiction,

(2) Other legal process as established by State laws; or,

(3) For cases receiving child support services under the provisions of section 402(a) (17) and (18) of the Act prior to July 1, 1975, the obligation may be that established by an agreement which was entered into prior to July 1, 1975 which does not meet the requirement of paragraph (a) (2) of this section. In the event of a breach of the obligation, such agreement must be superseded pursuant to paragraph (a) (1) or (2) of this section. All agreements not meeting the requirements of paragraph (a) (2) of this section must be superseded pursuant to paragraph (a) (1) or (2) of this section no later than January 1, 1977;

(b) The amount of the obligation described in paragraph (a) of this section shall be:

(1) The amount specified in the order of a court of competent jurisdiction which covers the assigned support rights; or

(2) If there is no court order, an amount determined by the IV-D agency in accordance with a formula which meets the criteria prescribed in § 302.53.

(c) The obligation described in paragraph (a) of this section shall be deemed for collection purposes to be collectible under all applicable State and local processes.

(d) The assignment of support rights under section 402(a)(26) of the Act terminates when a family ceases receiving assistance under the State's title IV–A plan. However, the total amount of any obligation that has accrued under such assignment, prior to the family's cessation of receipt of assistance, is not terminated. From this accrued amount, the IV–D agency shall attempt to collect amounts of past assistance paid to the family that have not been reimbursed under § 302.51(b)(4). Of the amount collected, the State shall reimburse the Federal Government to the extent of its participation in the financing of the payments. From the Federal Government's share the State shall deduct and pay the incentive payment, if any, precribed in § 302.52.

(e) Any amounts collected from an individual responsible for providing support under the State plan shall reduce, dollar for dollar, the amount of his obligation under this section.

§ 302.51 Distribution of child support collections.

The State plan shall provide as follows:

(a) For the purposes of distribution under this section, amounts collected which are paid in frequencies other than monthly shall be converted to an amount which represents payment on the required support obligation for the current month, and if any amounts are collected which are in excess of such amount, these excess amounts shall be converted into amounts which represent the required support obligation for previous months. (The IV–D agency may if it so desires round off the converted amount to whole dollar amounts for the purposes of distribution under this section and § 302.52). The date of collection shall be the date on which the payment is received by the IV–D agency or the legal entity of the State or political subdivision actually making the collection on behalf of the IV–D agency.

(b) The amounts collected as support for children who are current recipients of aid under the State's title IV–A plan by the IV–D agency pursuant to the State plan shall be distributed as follows:

(1) Of any amount that is collected in the current month which represents payment on the required support obligation for the current month, 40 percent of the first $50 of such amount shall be paid to the family. This payment may not be used in determining the amount paid, if any, to the family in paragraph (b)(3) of this section. If the amount collected includes payment on the required support obligation for a previous month or months, the family shall only receive 40 percent of the first $50 of the amount which represents the required support obligation for the current month. If amounts are collected for one family which represent support payments from two or more absent parents, only 40 percent of the first $50 of the amount collected which represents the total required support obligation for the current month shall be paid to the family under this paragraph. The requirements of this paragraph shall not be applicable after September 30, 1976.

(2) Any amount that is collected in the current month which represents payment on the required support obligation for the current month (and, prior to October 1, 1976, is in excess of the amount paid to the family under paragraph (b)(1) of this section) shall be retained by the State to reimburse, in whole or in part, the current month's assistance payment to the family. Of the amount retained by the State as reimbursement for the current month's assistance payment, the IV–D agency shall reimburse the Federal government to the extent of its participation in the financing of the payment. From the Federal government's share, the IV–D agency shall deduct and pay the incentive payments, if any, prescribed in §302.52. If the amount collected represents more than payment on the required support obligation for the current month, such as a partial or complete payment of the required support obligation for a previous month or months no reimbursment to the State shall be made for past assistance payments until the amount, if any, is paid to the family, in accordance with paragraph (b)(3) of this section.

(3) If the amount collected is in excess of the amount required to be distributed under paragraphs (b)(1) and (2) of this section, the family shall be paid such excess up to the difference between the assistance payment for the current month and the court ordered amount for the current month. If such court ordered amount is less than such assistance payment, no amount shall be paid to the family under this paragraph. In cases in which there is no court order, the family shall not be paid any amount under this paragraph.

(4) If the amount collected is in excess of the amounts required to be distributed under paragraphs (b)(1)–(3) of this section, any such excess shall be retained by the State as reimbursement for past assistance payments made to the family for which the State has not been reimbursed. The State may apply the amount retained to any sequence of months for which it has not yet been reimbursed. Of the amount retained by the State as reimbursement of past assistance payments, the IV-D agency shall reimburse the Federal government to the extent of its participation in the financing of the payments. From the Federal government's share, the IV–D agency shall deduct and pay the incentive payment, if any, prescribed in § 302.52. If the assistance payment for any month is greater than the support obligation for that month, the maximum amount the State may retain as reimbursement for the assistance payment in such month is the amount of the obligation for that month, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance under the State's title IV-A plan, in which case such amounts may be retained by the State to reimburse the difference between the support obligation for such month and the assistance payment for that month.

(5) If the amount collected is in excess of the amounts required to be distributed under paragraphs (b)(1)–(4) of this section, such excess shall be paid to the family.

(c) If an amount collected as child support represents payment on the required support obligation for future months, the amount shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned under section 402(a)(26) of the Act for the current month and all past months.

(d) There must be sufficient communication between the IV–D agency and the agency administering the State's title IV–A plan so that in any month in which the amount collected which represents payment on the required support obligation for that month is equal to or in excess of the amount which would make the family ineligible for assistance under the title IV–A State plan, the IV–A agency will be aware of such fact in order to remove such family from assistance.

(e) Whenever a family for whom child support payments have been collected and distributed under the title IV-D State plan ceases to receive assistance under the title IV–A State plan, the IV-D agency may:

(1) Continue to collect current support payments from the absent parent for a period of not to exceed three months from the month following the month in which such family ceased to receive assistance under the title IV–A State plan, and pay all amounts so collected to the family; and,

(2) At the end of such three month period, if the IV–D agency is authorized to do so by the individual on whose behalf the collection will be made, continue to collect such support payments from the absent parent and pay the net amount of any amount so collected to the family after deducting any costs incurred in making the collection from the amount of any recovery made.

§ 302.52 Incentive payments to States and political subdivisions.

The State plan shall provide as follows:

(a) When, pursuant to the State plan, a political subdivision of the State (or a legal entity of the political subdivision, such as a Prosecuting or District Attorney or a Friend of the Court) makes, for the State of which it is a political subdivision, or one State makes, for another State, the enforcement and collection of

the support rights assigned under § 232.11 of this title (either within or outside of the State making the enforcement or collection), the IV–D agency making the distribution pursuant to § 302.51 of the Chapter of the amounts collected shall pay to the political subdivision or State making the enforcement and collection from the amounts which would otherwise represent the Federal share of the assistance payments to the family of the absent parent:

(1) An amount equal to 25 percent of any amount collected (and required to be retained by the State to reduce or repay assistance payments in accordance with § 302.51(b) (2) or (4)) which represents payment on the required support obligation owed for 12 months; and

(2) An amount equal to 10 percent of any amount collected (and required to be retained by the State to reduce or repay assistance payments in accordance with § 302.51(b) (2) or (4)) which is attributable to the support obligation owed for any month after the first 12 months for which collections are made.

(b) The 25 percent incentive described in paragraph (a)(1) of this section shall be paid for the first month in which amounts are collected (pursuant to an assignment under section 402(a)(26) of the Act) which represent payment on the required monthly support obligation and shall continue to be paid for such amounts that are collected for a total of 12 months, even if these months are not consecutive. In the case of a family who ceases receiving aid under the State's title IV–A plan, if such family begins receiving such aid again at a later date, a new 12 month period for payment of the 25 percent incentive shall commence.

(c) Where more than one jurisdiction within the State is involved in the enforcement or collection, or more than one State is involved in the enforcement or collection, the amount of the incentive payment determined in paragraph (a) of this section shall be allocated among such jurisdictions in a manner prescribed by instructions issued by the Office.

§ 302.53 Formula for determining the amount of the obligation.

The State plan shall provide as follows:

(a) There shall be a formula to be utilized by the IV–D agency in determining the amount of the support obligation pursuant to § 302.50 when there is no court order covering the obligation. Such formula must be based upon the following criteria:

(1) All income and resources of the absent parent including real and personal property;

(2) The earnings potential of the absent parent;

(3) The reasonable necessities of the absent parent;

(4) The ability of the absent parent to borrow;

(5) The needs of the child for whom the support is sought;

(6) The amount of assistance paid to the child under the State's IV–A plan; and

(7) Other reasonable criteria which the State may choose to incorporate.

(b) The formula described in paragraph (a) of this section must be designed to insure, as a minimum, that the child for whom support is sought benefits from the income and resources of the absent parent on an equitable basis in comparison with any other dependent of the absent parent.

(c) The formula described in paragraph (a) of this section shall be utilized to determine the required monthly support obligation, the amount of support obligation arrearage, if any, and the amount to be paid periodically against such arrearage.

§ 302.70 Requests for information from the Federal Parent Locator Service (PLS).

The State plan shall provide as follows:

(a) All requests for information from the Federal PLS will originate from the central office of the State PLS.

(b) Diligent and reasonable efforts to exhaust all appropriate State and local locate sources will be made prior to requesting information from the Federal PLS.

(c) All requests will be on such forms and in such format as may be prescribed by the Office.

(d) Each request to the Federal PLS must contain the following information:

(1) The absent parent's name;

(2) The absent parent's social security account number (SSN). If the SSN is unknown, the IV–D agency must make every reasonable effort to ascertain the individual's SSN before submitting the request to the Federal PLS;

(3) Whether the individual is or has been a member of the armed services, if known;

(4) Whether the individual is receiving, or has received, any Federal compensation or benefits, if known; and,

(5) Any other information prescribed by the Office.

(e) All requests to the Federal PLS will be accompanied by a statement, signed by the head of the IV–D agency or his designee, attesting to the following:

(1) The request is being made to locate an individual for the purpose of establishing paternity or securing child support, and for no other purpose.

(2) That any information obtained through the Federal PLS shall be treated as confidential and shall be safeguarded pursuant to the requirements of § 205.50 of this title.

(3) That the IV–D agency will take protective measures to safeguard personal information transmitted and received through use of the Federal PLS.

(f) The State PLS shall collect such fee as the Office may from time to time establish for each request to the Federal PLS pursuant to § 302.35(c)(3). This fee will be collected by the Office from the IV–D agency by an offset of the quarterly awards.

§ 302.71 Requests for collection by the Secretary of the Treasury

(a) The State plan shall provide that the IV–D agency may request the Secretary to certify the amount of any child support obligation assigned to the IV–D agency to the Secretary of the Treasury or his delegate for collection pursuant to the provisions of section 6305 of the Internal Revenue Code of 1954. Such requests shall be submitted to the Regional Child Support Office, using such forms as may be prescribed by the Office of Child Support Enforcement, signed by the head of the IV–D agency or his designee, attesting to the following:

(1) The amount of the delinquency under a court order for support, which shall not be less than $75, and whether such amount is in lieu of, or in addition to, any previous amounts which have been certified.

(2) There has not been a request for certification to the Secretary of the Treasury or his delegate in the case during the previous 3 months. If there has been a request for certification in the case prior to such 3 month period, the date of such request must be specified.

(3) The IV–D agency agrees to reimburse the United States for costs involved in making the collection.

(4) The IV–D agency has made diligent and reasonable efforts to collect such amounts utilizing its own collection mechanisms as set forth in the State plan. Under this requirement, the following must be provided:

(i) A certified copy of the court order for support;

(ii) A description of action taken under any collection mechanisms described in the State plan, including certified copies of court orders if applicable;

(iii) An explanation as to why the State collection mechanisms were not utilized, or why such mechanisms failed to collect the amount of the delinquency and why further State action would be unproductive.

(5) The reasonable belief that the delinquent support obligee possesses assets which could be garnished or attached by the Secretary of the Treasury or his delegate to collect the delinquency, the nature of such assets and their location, if known.

(6) Sufficient information to enable the Secretary of the Treasury or his delegate to identify and locate the delinquent support obligee including:

(i) The individual's name and social security number; and,

(ii) The individual's last known address and place of employment.

(b) The Regional Child Support Office will review each request for certification to determine if the request meets the requirements of paragraph (a) of this section.

(1) If the request meets such requirements it will promptly be certified and transmitted together with a copy of the documents submitted by the State under paragraph (a) of this section, to the Secretary of the Treasury or his delegate.

The IV–D agency will then be notified of such action.

(2) If the request does not meet such requirements, it will be returned to the IV–D agency with an explanation of the refusal to certify.

(c) The State plan shall provide that after a case has been certified under this section, and prior to a distribution of the delinquent amount to the State by the Secretary of the Treasury or his delegate, any change in the status of the case that would affect the amount of the delinquency, or a change in the location or nature of the assets or address of the delinquent support obligee, shall be reported by the IV–D agency to the Regional Child Support Office. (Such information will be transmitted to the Secretary of the Treasury or his delegate by the Regional Child Support Office.)

§ 302.72 Applications to use the courts of the United States to enforce court orders.

(a) The State plan shall provide that the IV–D agency may apply to the Secretary for permission to utilize a United States district court to enforce a child support order of a court of competent jurisdiction against an absent parent who is present in another State when the IV–D agency can furnish evidence to demonstrate that:

(1) The State in which the absent parent is present has not undertaken to enforce such order against such parent within 60 days of the receipt of a request by the originating State under uniform reciprocal enforcement of support procedures; and,

(2) utilization of the United States district court is the only reasonable method of enforcing such order.

(b) The State plan shall provide that such applications will be submitted to the Regional Child Support Office, using such forms as may be prescribed, signed by the head of the IV–D agency or his designee, attesting to the following:

(1) The requesting IV–D agency has undertaken to obtain the assistance of such other State to enforce such order;

(2) Such other State has failed to secure compliance with such order;

(3) At the time of the request for such assistance, the IV–D agency notified the IV–D agency of such other State that it would request the Secretary to certify the case for use of a United States district court if such other State did not respond to the request for assistance within 75 days of the request, and that an unsatisfactory response would not preclude a request to the Secretary. Copies of the request and any response thereto shall be furnished with the application.

(c) The Regional Child Support Office will review each application to determine if it meets the requirements of paragraphs (a) and (b) of this section. If a request meets such requirements, the case will promptly be certified for enforcement in the United States district court. If the request fails to meet such requirements, the application shall be denied and returned to the IV–D agency with an explanation of the refusal to certify.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

PART 303—STANDARDS FOR AN EFFECTIVE PROGRAM

Sec.

303.0 Scope and applicability of this part.
303.1 Definitions.
303.2 Maintenance of case files.
303.3 Location of absent parents.
303.4 Establishment of support obligation.
303.5 Establishment of paternity.
303.6 Enforcement of support obligatons.
303.7 Cooperation with other States.
303.20 Minimum organizational and staffing requirements.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 303.0 Scope and applicability of this part.

This part prescribes:

(a) The minimum organizational and staffing requirements the State IV–D agency must meet in carrying out the IV–D program, effective July 1, 1975; and,

(b) The standards which the IV–D agency must meet to be determined by the Office to have an effective program. These standards must be met:

(1) By July 1, 1976, for all cases in which action has been taken prior to July 1, 1975 on behalf of individuals receiving assistance under the State IV–A plan or other individuals to either determine paternity or establish and enforce a support obligation by the State agency designated under Title IV–A of the Act or some other public agency such as a district attorney, State's attorney or other entity providing such services.

(2) Within 90 days for all cases referred to the IV–D agency pursuant to § 235.70 of this title or applying under § 302.33 of this Chapter between July 1 and September 30, 1975;

(3) Within 60 days for all such cases referred or applying between October 1 and December 31, 1975;

(4) Within 30 days for all such cases referred or applying between January 1 and March 31, 1976;

(5) Within 15 days for all cases referred or applying between April 1 and June 30, 1976;

(6) Within 10 days for all such cases referred or applying between July 1 and September 30, 1976;

(7) Immediately for all such cases referred or applying after September 30, 1976.

§ 303.1 Definitions.

The definitions found in section 301.1 of this Chapter also are applicable to this part.

§ 303.2 Maintenance of case records.

For all cases referred to the IV–D agency pursuant to § 235.70 of this title or applying under § 302.33 of this Chapter, the IV–D agency must immediately establish a case record which will contain all information collected pertaining to the case. When applicable, such information will include, but not be limited to the following:

(a) The referral document or documents received from the IV–A agency or the application for IV–D services of any other individual;

(b) A record of any contacts with an applicant or recipient of assistance under Title IV–A who is required to cooperate pursuant to § 232.11 of this title, the date and reason therefor and the results of such contact;

(c) A record of any contacts with an individual who has applied for services under § 302.33, the date and reason therefor and the results of such contact;

(d) A record of any contacts with the absent parent, the date and reason therefor and the results of such contact;

(e) A record of efforts to utilize local locate resources and the dates and the results of these efforts;

(f) A record of efforts to utilize State locate resources and the dates and the results of these efforts;

(g) A record identifying the court order or, if there is no court order, the calculation of the amount of the obligation utilizing the formula prescribed in the State plan pursuant to § 302.53 of this Chapter.

(h) A record of any actions taken under § 303.3–303.6, and the dates and results thereof;

(i) A record of communications with the State or local agency administering the State's title IV–A plan;

(j) A record of communications with any other IV–D agencies; and,

(k) A notation in the case record of the closing of the case, the date thereof, and the reason for taking the action.

§ 303.3 Location of absent parents.

For all cases referred to the IV–D agency pursuant to § 235.70 of this title or applying under § 302.33 of this Chapter, the IV–D agency must attempt to locate all absent parents when their location is unknown. Under this standard, the IV–D agency must:

(a) Use appropriate local locate sources such as relatives and friends of the absent parent, current or past employers, the local telephone company, the U.S. Postal Service, financial references, unions, fraternal organizations, and police, parole, and probation records if appropriate;

(b) Establish working relationships with all appropriate local agencies in order to utilize local locate resources effectively;

(c) Utilize all appropriate local locate sources within 30 days of referral of the case pursuant to § 235.70 of this title or application under § 302.33;

(d) If the local location effort has failed, use appropriate State agencies and departments, which as a minimum must include those departments which maintain records of unemployment insurance, income taxation, driver's licenses, vehicle registration, and criminal records.

(e) Utilize all appropriate State locate sources within 60 days of referral of the case pursuant to § 235.70 of this title or application under § 302.33;

(f) Transmit cases to the Federal PLS if a bona fide State and local locate effort has failed to locate the absent parent;

(g) Refer cases to the IV–D agency of any other State if there is reasonable belief that the absent parent may be present in such State. The IV–D agency of such other State shall follow the procedures prescribed in paragraphs (a)–(e) of this section for such cases.

§ 303.4 Establishment of support obligations.

For all cases referred to the IV–D agency pursuant to § 235.70 of this title or applying under § 302.33 of this Chapter, the IV–D Agency must:

(a) When necessary, establish paternity pursuant to the standards of § 303.5;

(b) Utilize appropriate State statutes and legal processes in establishing the support obligation pursuant to § 302.50 of this chapter.

§ 303.5 Establishment of paternity.

(a) For all cases referred to the IV–D agency pursuant to § 235.70 of this title or applying under § 302.33 of this chapter in which paternity has not yet been established, the IV–D agency must:

(1) Attempt to establish paternity by court order or other legal process established under State law; or

(2) Establish paternity by acknowledgment if under the State law such acknowledgment has the same legal effect as court-ordered paternity.

(b) The IV–D agency shall identify laboratories within the State which have the capability of performing legally and medically acceptable tests, including blood tests, which tend to identify the father or exclude the alleged father from paternity. A list of such laboratories shall be available to appropriate courts and law enforcement officials, and to the public upon request.

§ 303.6 Enforcement of support obligations.

For all cases under the State plan in which the obligation to support and the amount of the obligation have been established, the IV–D agency must maintain an effective system for identifying, within 30 days, those cases in which there is a failure to comply with the support obligation and to contact such delinquent payees in order to enforce the obligation and obtain the current support obligation and any arrearages. Such attempts to collect support must include the institution of the following procedures as applicable and necessary:

(a) Contempt proceedings to enforce an extant court order;

(b) Garnishment or similar proceedings if the State's statutes and constitution permit such a procedure and the individual can be brought under the jurisdiction of the courts of the State;

(c) Proceedings to attach real or personal property if the State's law provides for such a procedure and the individual is subject to such procedure;

(d) Any other collection or enforcement procedure described in the State plant pursuant to § 302.18 of this chapter

(e) Applications to utilize the courts of the United States pursuant to § 302.72 of this chapter, and proceedings to enforce an order in the courts of the United States if such application is certified; and,

(f) Applications for collection of the delinquent child support obligation by the Secretary of the Treasury pursuant to § 302.71 of this chapter.

§ 303.7 Cooperation with other States.

(a) For all cases referred to the IV–D agency under the State plan of another State, the IV–D agency must assist the other State in any manner possible in locating an absent parent, establishing paternity, or securing support for a child in the other State. Under this standard, the IV–D agency must:

(1) When necessary, locate the putative father or absent parent utilizing the standards prescribed in § 303.3;

(2) When necessary, establish paternity or assist the other State in establishing paternity;

(3) Process and enforce all court orders referred by another State, whether pursuant to the Uniform Reciprocal Enforcement of Support Act or otherwise. The IV–D agency shall utilize the same remedies normally applied to its own cases.

(4) Collect any support payments from the absent parent and forward them to the State to whom they are owed; and,

(5) Inform the State which initiated the action of the status of the case on request.

(b) For all cases referred for securing support by the IV–D agency under the State plan to the IV–D agency of another State, the IV–D agency must provide the IV–D agency of the other State sufficient information to act on the case, including but not limited to the following:

(1) Whether the case involves a recipient of aid under the State's title IV–A plan;

(2) The amount of the current assistance payment, if any;

(3) The amount of the unpaid support obligation, if any;

(4) The amount of unreimbursed past assistance, if any; and,

(5) Any other information prescribed by instructions of the Office.

(c) For all cases referred by the IV–D agency under the State plan to the IV–D agency of another State which require location activities, the IV–D agency shall provide sufficient information to assist the IV–D agency of the other State, such as the absent parent's social security account number and other identifying information.

§ 303.20 Minimum organizational and staffing requirements.

The State plan shall provide as follows:

(a) The organizational structure of the IV–D agency (See § 302.12) provides for administration or supervision of all the functions for which it is responsible under the State plan, is appropriate to the size and scope of the program in the State, and contains clearly established lines for administrative and supervisory authority

(b) There is an organizational structure and sufficient staff to fulfill the following required State level functions:

(1) The establishment and administration of the State plan.

(2) Formal evaluation of the quality, efficiency, effectiveness, and scope of services provided under the plan.

(3) Coordination of activities pursuant to, and assurance of compliance with, the requirements of the State's Reciprocal Enforcement of Support Act for cases pursuant to a State plan.

(4) Liaison with the DHEW Office of Child Support Enforcement for use of the Federal Parent Locator Service, the U.S. District Courts, and IRS collection procedures.

(5) Preparation and submission of reports required by the Office.

(6) Financial control of the operation of the plan including the disbursement of reimbursements to and from the Federal Government.

(7) Operation of the State Parent Locator Service as required under § 302.35 of this chapter.

(c) There is an organizational structure and sufficient staff, at the State or local level, to provide for the administration or supervision of the following child support enforcement functions:

(1) *Intake.* activities associated with initial child support case opening.

(2) *Establishing the legal obligation to support.* activities related to determining the absent parent's legal obligation to support his or her dependent children, including paternity determination when necessary.

(3) *Locate.* activities associated with locating an absent parent.

(4) *Financial assessment.* activities related to determining an absent parent's ability to provide support.

(5) *Establishment of the amount of support.* activities related to determining an absent parent's support obligation, including methods and terms of payment.

(6) *Collection.* activities related to monitoring payment activities and processing cash flow.

(7) *Enforcement.* activities to enforce collection of support, including but not limited to criminal prosecution, probation, contempt proceedings, obtaining garnishment orders, attaching real and personal property, and otherwise executing judgments.

(8) *Investigation.* activities related to investigation necessary to accomplish the functions of this paragraph.

(d) There are the following types of staff in sufficient numbers to achieve the standards for an effective program prescribed in this Part:

(1) Attorneys or prosecutors to represent the agency in court or administrative proceedings with respect to the establishment and enforcement of orders of paternity and support, and

(2) Other personnel such as legal, interviewer, investigative, accounting, clerical, and other supportive staff.

[FR Doc.75-12089 Filed 5-7-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-561]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination; City of Bethel, Alaska

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Published at 39 FR 26905, July 24, 1974; § 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Bethel, Alaska.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Bethel, Alaska.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Andy Edge, City Manager, City Hall, Bethel, Alaska. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 6, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

§ 1917.4 Proposed flood elevation determination.

Source of flooding and location	Elevation feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
		Left	Right
* * *	*	*	*
Kuskokwim River: Browns Slough...	32	Study boundary.	4,150 to study boundary.
Intersection Main St. and 1st Ave.	32	50.....	5,000 to study boundary.
Browns Slough: Prospect Rd.....	32	1,350.....	1,850.
* * *	*	*	*

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; (42 U.S.C. 4001-4128), Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969, as amended by 39 FR 2787, Jan. 24, 1974))

Issued: April 8, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-11878 Filed 5-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 370-4; PP3E1360/P1]

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

2,4-Dinitro-6-Octylphenyl Crotonate and 2,6-Dinitro-4-Octylphenyl Crotonate; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, submitted a pesticide petition (PP 3E1360) to the Environmental Protection Agency on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington. This petition proposed establishment of a tolerance for combined negligible residues of a fungicide and insecticide that is a mixture of 2,4dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate and related nitrooctylphenols (principally dinitro, calculated as the ester) in or on the raw agricultural commodities caneberries (blackberries, boysenberries, dewberries, loganberries, respberries) and gooseberries at 0.15 part per million.

The data submitted in the petition and other relevant material have been evaluated. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and Section 180.6(a)(3) applies. The tolerance established by amending Section 180.341 will protect the public health.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this notice in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with Section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M Street, S.W., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the document. The comments must be received on or before June 9, 1975, and should bear a notation indicating the subject [PP3E1360/P1]. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 1, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

It is proposed that Part 180, Subpart C, be amended by revising § 180.341 to read as follows.

§ 180.341 2,4 - Dinitro - 6 - octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate; tolerances for residues.

Tolerances are established for combined negligible residues of a fungicide and insecticide that is a mixture of 2,4-dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate in or on raw agricultural commodities as follows:

0.15 part per million in or caneberries (blackberries, boysenberries, dewberries, loganberries, raspberries) and gooseberries.

0.1 part per million in or on apples, apricots, cantaloupes, cucumbers, grapes, honeydew melons, muskmelons, nectarines, peaches, pears, pumpkins, summer squash, watermelons and winter squash.

[FR Doc.75-12011 Filed 5-7-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-CE-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wichita, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before before June 9, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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 the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Wichita, Kansas, a new public-use instrument approach procedure is being established for Comotara Airpark (formerly Piper Airpark Airport), Wichita, Kansas. Accordingly, it is necessary to alter the Wichita 700 foot transition area to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

WICHITA, KANSAS

That airspace extending upward from 700 feet above the surface within 8.5 mile radius of the Wichita, Kansas Municipal Airport (latitude 37°39'09" N., longitude 95°25'47" W.); and from 9.5 miles west of the LOC (BC) to Runway 1L, extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to Runway 1R to 6.5 miles east of the 176° radial of the Wichita, Kansas VORTAC facility, extending from the 8.5 mile radius to 15 miles south of the airport; within 8.5 radius of the McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5 mile radius to 8 miles south of the OM; within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N., longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5-mile radius to 6 miles north and within 3 miles each side of the 083° bearing from the Comotara Airpark extending from the 5-mile radius to 5.5 miles east of the Comotara Airpark; within a 5-mile radius of the Augusta, Kansas Airport (latitude 37°40'21" N., longitude 97°04'38" W.)

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

Issued in Kansas City, Missouri, on April 14, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-12046 Filed 5-7-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-40]

TRANSITION AREA

Proposed Designation

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

Interested persons may submit such written data, views or arguments as they may 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 June 9, 1975, 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 Georgetown transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Georgetown County Airport (latitude 33°19'00" N., longitude 78°19'00" W.); within 3 miles each side of the 213° bearing from Georgetown RBN (latitude 33°18'38" N., longitude 79°19'03" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Georgetown County Airport. A prescribed instrument approach procedure to this airport, utilizing the Georgetown (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on April 30, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-12045 Filed 5-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20350, RM-2345; FCC 75-483]

NEW JERSEY TELEVISION SERVICE

Inquiry Petitions; Order Changing Dates for Filing Comments and Reply Comments

In the matter of petition for inquiry into the need for adequate television service for the State of New Jersey.

1. Recently, the closing dates for filing comments and reply comments in this proceeding were changed from those specified in the Notice of Inquiry and Notice of Proposed Rule Making which commenced the proceeding.[1] The change was from April 14, 1975, to June 13, 1975, for initial comments and from May 14, 1975, to July 11, 1975, for reply comments. The extension (60 days for comments) was made by our Order Extending Time for Filing Comments and Reply Comments, adopted March 26, released March 28, 1975, and published in the Federal Register on April 3, 1975, at 40 FR 14947, in response to a request of Metromedia, Inc. From its showing, it appeared that the time period prescribed by the Notice for comments was inadequate for its preparation of the factual data and comments it was planning to file and that, in view of the number of fundamental and complex issues raised by the Notice upon which meaningful data and comments were desired, Metromedia's requested 60-day extension of the closing date for initial comments was warranted.

2. On March 28, 1975—the day the Order Extending Time for Filing Comments and Reply Comments was released—two pleadings directed to the Metromedia request were received. One was a "Request for Limitation of Extension of Time" to 30 days in lieu of the 60-day extension requested by Metromedia, filed by the New Jersey Coalition for Fair Broadcasting (Coalition), in response to whose petition (RM-2345), Docket No. 20350 was instituted. The other, a motion in support of the Metromedia 60-day extension request, was filed by CBS, Inc. Subsequently, on April 3, 1975, the Coalition filed an additional pleading, entitled "Request for Reconsideration of Order

[1] The Notice, adopted January 30 and released February 6, 1975, was published in the FEDERAL REGISTER on February 12, 1975, at 40 FR 6513.

Extending Time," in which it again requested that the extended time provided for initial comments be limited to 30 days (to and including May 14, 1975) and that our Order of March 26, 1975, granting a 60-day extension for initial comments herein be set aside. An opposition to this Coalition request was filed by Metromedia on April 14, 1975.

3. Having considered the above-mentioned pleadings of Coaliiton, CBS and Metromedia, we are disposed to modify the 60-day extension of time ordered for initial comments to some extent, although not to the extent that the Coalition requests. This action is taken in the belief that the public interest will be served thereby and that the lesser time provided for initial comments will still provide reasonable and sufficient time for their preparation and filing without undue hardship on Coalition, Metromedia, CBS or other parties desiring to file comments in response to the Notice herein.

4. We reach this decision, on balance, in light of the fact that had we not acted with such dispatch upon the Metromedia request for a 60-day extension (within 6 days after its request was filed, consistent with § 1.45(e) of our rules) we would have been aware of Coalition's requested for only a 30-day extension and its reasons therefor, for its March 28, 1975, pleading was timely filed for consideration with Metromedia's request and would have been considered with it in deciding what, if any, extension of time for comments should be granted; that Coalition urges that a 60-day extension would work a hardship upon it since its economic consultant will be unavailable after July 1, 1975, and if initial comments are not due until the middle of June, the time (two weeks) for review of them by its consultant will not be adequate and his replacement would not be feasible at this late date; and that it appears that if the closing date for comments were to be reset as May 30, 1975, instead of June 13, 1975, reducing the extended time ordered for initial comments from 60 to 46 days, it is reasonable to expect that Coalition's economic consultant will have adequate time (a month) for study of the comments filed and that, at the same time, Metromedia, CBS and other parties desiring to file comments herein will not find this shortening of the time for comments any real obstacle to their preparation and filing of meaningful and timely comments.

5. In addition to modifying the date for filing comments we have decided to give a full six weeks for filing reply comments to assure that all parties are afforded adequate time in which to prepare such pleadings.

6. Accordingly, *It is ordered*, That our Order Extending Time for Filing Comments and Reply Comments herein, adopted March 26, 1975, and released March 28, 1975, is set aside, and that the closing date for filing comments is changed from June 13, 1975, to and including May 30, 1975, and the date for filing reply comments is changed from July 11, 1975, to and including July 15, 1975; and that the New Jersey Coalition for Fair Broadcasting's Request for Reconsideration of Order Extending Time and the Metromedia Request for Extension of Time are granted insofar as they are consistent with the action taken herein and in other respects are denied.

7. This action is taken pursuant to authority found in section 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended.

Adopted: April 23, 1975.

Released: May 1, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-12101 Filed 5-7-75;8:45 am]

[47 CFR Part 76]

[Docket No. 20363]

MAJOR MARKET CABLE TELEVISION SYSTEMS

Postponement of Compliance Date; Extension of Time for Comments

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to postponing or cancelling the March 31, 1977 date by which major market cable television systems existing prior to March 31, 1972, must be in compliance with § 76.251(a)(1)–(a)(8).

1. On April 1, 1975, the National Black Media Coalition filed a request under the Freedom of Information Act to inspect certain copies of FCC Form 326 (Cable Television Annual Financial Reports) to aid it in preparing comments on the issues raised. Having agreed to an extension of time for the Commission to respond to this inspection request, the National Black Media Coalition requested an extension of time in which to file its reply comments in this proceeding. This request was granted on April 11, 1975,[1] and the date for filing reply comments was extended until May 1, 1975.

2. We have now acted upon the Coalition's inspection request in a manner designed to protect the confidentiality of the data supplied by system operators. In view of the time required by the staff to assemble the data and the time required by the Coalition to analyze the data and formulate its comments, we feel that it is appropriate to further extend the deadline for filing replies in this proceeding.

Accordingly, *It is ordered*, That the date for filing reply comments in the above-captioned proceeding is extended to June 9, 1975.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

Adopted: April 29, 1925.

Released: April 30, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-12102 Filed 5-7-75;8:45 am]

[1] 40 FR 16683, Apr. 14, 1975.

FEDERAL POWER COMMISSION

[18 CFR Parts 3, 141]

ELECTRIC UTILITIES REPORTING OF PROJECTED GENERATION AND FUEL PLANNING

[Docket No. RM74-7]

FPC Forms 23 and 23A; and Proposed FPC Form 23B; Notice of Proposed Rulemaking

MAY 6, 1975.

Notice is hereby given, pursuant to 5 U.S.C. 553 and sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 of the Federal Power Act (41 Stat. 1068–1070, 1073, 1074; 49 Stat. 842–844, 848, 849, 851–853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c, 825h, 825j) that the Commission proposes to revise its regulations to modify the reporting of electric utility projected generation and fuel planning, now accomplished by the monthly FPC Form No. 23 and the quarterly FPC Form No. 23A. The changed reporting is intended to reduce the work requirements for both the responding utilities and the government agencies concerned, while continuing to provide an adequate information base for the allocation of fuel oil to electric utilities by the Federal Energy Administration, under the conditions expected to prevail over the foreseeable future.

The proposed rulemaking discontinues the monthly Form No. 23 and eliminates the collection of certain data no longer needed. It consolidates other data from the present monthly Form No. 23, and from the present quarterly Form No. 23A into a revised quarterly report designated as Form No. 23B, Quarterly Electric Utility Generation and Fuel Planning Report. Form 23B meets the current data requirements of both the Federal Energy Administration and the Federal Power Commission relating to projected electric utility generation and fuel requirements.

Form 23 was originally adopted by the Commission on December 7, 1973 and promulgated by Order 497, 38 FR 34138, which prescribed emergency actions for the reporting of data relative to electric utility fuel requirements and Federal allocation procedures. On April 5, 1974, the Commission revised Form 23 and adopted Form 23A to more effectively accomplish the reporting objectives sought by Order 497 and enable the Commission to more efficiently discharge its

statutory duties and responsibilities, particularly those relating to electric utility information used in on-going programs of the Federal Energy Administration. Form 23 is next-month projection of fuel consumption and energy requirements and sources, whereas, Form 23A provides a 12-month projection of loads, generation plans, and fuel requirements, up-dated quarterly.

Experience with the Form 23 and 23A data shows that under current conditions of petroleum supply, utility fuel oil requirements and allocations can be adequately determined from the quarterly projections and that the additional benefits of monthly reporting are not commensurate with the costs. Consequently, the proposed order will concentrate the reporting on a single Form 23B to be filed quarterly and organized to simplify the evaluation of utility petroleum fuel requirements.

Specifically, the new Form 23B reflects editorial rearrangement, clarification of schedules, expanded schedules and the addition of new schedules. Page one has minor editorial and instruction changes and a change in the mailing time from 30 days prior to the reporting cycle to approximately 40 days. Schedule 1, pages 2 and 3, will have the month and year preprinted in the appropriate column for the projection period. Schedule 1A is a new schedule and requests actual electric production data for three specific months prior to the reporting period. These data are in more detail than provided on FPC Form No. 4 or Form No. 12-E and, grouped with the projections, will assist the analysis of fuel requirements.

Schedule 2, items 1, 2, 4, and 5, are expanded to more clearly indicate the details of fuel use. Footnotes below schedule 2 are added to explain reporting requirements. Schedule 2A is a new schedule and requests actual fuel consumption for three specific months to correspond to the electric production data in Schedule 1A.

Schedule 3 has a minor editorial change.

The former Schedule 4, Form 23 is modified and expanded in the new Form 23B to state useable fuel inventories corresponding to the same months covered by the new Schedules 1A and 2A. Schedule 5, has been modified and expanded to Schedules 5A, 5B, and 5C which cover actual data for fuel deliveries and inventories for the same past three months utilized in Schedules 1A, 2A and 4. The former Schedule 5, Form 23 was completed only by utilities that were users of heavy oil. The new Schedules 5A, 5B and 5C are to be completed by utilities that burn distillate (Nos 1, 2 and kerosene) and/or heavy oil (Nos. 4, 5, 6 and crude). Additional oil delivery data have been requested on the new Form 23B, Schedules 5A, 5B and 5C, to show the average percentage of sulfur content in the oil delivered.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than May 22, 1975, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commisison's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendments. The Staff, in its discretion, may grant or deny requests for conference.

The proposed revisions to Part 3 of the Commission's general rules and Part 141 of the Approved Forms under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 10, 19, 20, 202, 205, 206, 207, 304, 309 and 311 (41 Stat. 1068–1070, 1073, 1074; 49 Stat. 842–844, 848, 849, 851–853, 855, 856, 858, 859; 67 Stat. 461; 82 Stat. 617; 16 U.S.C. 803, 812, 813, 824a, 824d, 824e, 824f, 825c, 825h, 825j).

Accordingly, it is proposed to amend Parts 3 and 141, Chapter I, Title 18 of the Code of Federal Regulations as follows:

1. In § 3.142, paragraph (a) (48) is deleted and paragraph (a) (42) (prescribing new FPC Form No. 23B, Quarterly Electric Utility Generation and Fuel Planning Report, in the form set out in Attachment A[1]) is revised as follows:

§ 3.142 Approved forms, etc.

(a) * * *

(42) Form No. 23B, Quarterly Electric Utility generation and Fuel Planning Report (§ 141.300 of this chapter).

* * * * *

2. § 141.300 is rveised to read as follows:

§ 141.300 Form 23B, Quarterly Electric Utility Generation and Fuel Planning Report.

This Form, comprised of nine schedules, as identified hereinafter, is designed to secure information from electric utilities on a quarterly basis covering projected energy requirements and production, fuel requirements and consumption, and fuel inventories and deliveries. The report covers four quarters: January–March, April–June, July–September, October–December. Each submittal revises previously reported data for the next three quarters and extends the projections through the succeeding quarterly period. It is designed to serve analytical, fuel allocation and other regulatory purposes.

§ 141.301 [Deleted]

3. Section 141.301, Form No. 23A is deleted.

The Form, properly completed, shall be mailed in quadruplicate to the Federal Power Commission, commencing with the report for October 1975–September 1976, which report shall be mailed by August 20, 1975, by all electric generating utilities which are required to file Federal Power Commission Form No. 4, Monthly Power Plant Report, except for consolidated reporting of some Federal power projects (by Bonneville Power Administration, Southeastern Power Administration, and Southwestern Power Administration), all such reporting entities being identified specifically in the List of Electric Utility Systems (Appendix A) attached to Federal Power Commission Order 497–B.

An additional conformed copy of the Quarterly Electric Utility Generation and Fuel Planning Report Form is to be mailed on the same date to: Data Collection — Federal Energy Administration — Electric Utilities Reports — Code 47—Washington, D.C. 20461.

Each reporting electric utility shall file one conformed copy of the Quarterly Electric Utility Generation and Fuel Planning Report Form with each of the respective state public service commissions (or Governors in states where there is no established state public service commission with public utility regulatory jurisdiction over the reporting utility) of the state or states which are partly or wholly within the geographic boundaries of the electric reliability council or councils in which the reporting utility participates or is located.

The Quarterly Electric Utility Generation and Fuel Planning Report is comprised of:

Schedule 1, *Projected Energy Requirements and Sources.*
Schedule 2, *Projected Fuel Requirements for Generation.*
Schedule 1A, *Actual Energy Projection and Sources.*
Schedule 2A, *Actual Fuel Consumption for Generation.*
Schedule 3, *Effects on System Requirements Due to Scheduled Changes in System Generating Plants During the Projected Period.*
Schedule 4, *Useable Fuel Inventories.*
Schedules 5A, B, & C, *Oil Deliveries.*

The Secretary shall cause prompt publication of the notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12279 Filed 5-6-75;2:53 pm]

[1] Attachment A filed as part of the original document.

FEDERAL TRADE COMMISSION

[16 CFR Part 1]

TRADE REGULATIONS RULEMAKING PROCEDURES

Notice of Proposed Rulemaking; Extension of Time To File Comments

Notice is hereby given that the time in which to file written comments on the

foregoing proposed revisions of the Federal Trade Commission's rules of practice and procedures which were published in 40 FR 15237–15239 (April 4, 1975) has been extended for a period of 15 days until May 20, 1975.

By direction of the Commission dated May 5, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-12322 Filed 5-7-75;9:18 am]

[16 CFR Parts 3 and 4]

RULES GOVERNING DISCOVERY AND COMPULSORY PROCESS IN ADJUDICATIVE PROCEEDINGS

Proposed Rule Changes; Extension of Time to file Comments

Notice is hereby given that the time in which to file written comments on the foregoing proposed revisions of the Federal Trade Commission's rules of practice and procedures which were published in 40 FR 15239–15245 (April 4, 1975) has been extended for a period of 30 days until June 4, 1975.

By direction of the Commission dated May 5, 1975.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-12323 Filed 5-7-75;9:18 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 2, 21, 31, 35, and 40]

REPORTS TO THE COMMISSION CONCERNING DEFECTS AND NONCOMPLIANCE

Proposed Requirements; Extension of Comment Period

This notice extends the period for comments to the notice published March 3, 1975 (40 FR 8832), proposing amendments to 10 CFR, Chapter I, Parts 2, 31, 35, and 40 of the Commission's regulations and the addition of a new Part 21 to its regulations which would be entitled "Reporting of Defects and Noncompliance."

Several requests for an extension of time have been received. After consideration of the various factors involved, the requests for extension of time are granted and, pursuant to 10 CFR 2.808, the comment period is hereby extended to May 19, 1975.

Dated at Washington, D.C. this 2nd day of May 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-12020 Filed 5-5-75;10:16 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 271]

[IC Release No. 8757]

VALUATION OF SHORT TERM DEBT INSTRUMENTS OWNED BY REGISTERED INVESTMENT COMPANIES INCLUDING MONEY MARKET FUNDS

Notice of Proposed Interpretation

Correction

In FR Doc. 75–10982, appearing at page 18467 in the issue of Monday, April 28, 1975, in footnote 1, line 17, the figure reading "$2,434" should read "$2.434".

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Petroleum Refiner; Extension of Comments Period

On March 17, 1975, there was published in the FEDERAL REGISTER (40 FR 12125) a notice that the Small Business Administration proposed to increase the small business size standards for petroleum refiners for the purpose of Government procurements and sales of Government property. Interested parties were given 30 days to comment on such proposal. Interest in the proposal has been substantial. A number of concerns have asked that they be allowed to review the comments received and to make comments in addition to those already submitted. Several concerns have requested that the SBA hold public hearings before taking action on the proposal.

Under all of the circumstances, we have decided to extend the date for submitting comments until June 1, 1975. All correspondence and other relevant material concerning the proposal are available for review in the Small Business Administration Reference Library (Room 218), 1441 L Street, N.W., Washington, D.C. After we have had an opportunity to evaluate all comments, a decision will be made as to whether a public hearing should be held.

(Catalog of Federal Domestic Assistance Program No. 59.002, Economic Injury Disaster Loans; 59009, Procurement Assistance to Small Businesses; and 59.012, Small Business Loans)

Dated: May 1, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-12062 Filed 5-7-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public notice 448]

ARCHAEOLOGICAL FINDS OF PEOPLE'S REPUBLIC OF CHINA; CULTURALLY SIGNIFICANT OBJECTS

Temporary Exhibition Within United States

Pursuant to the authority vested in me by Pub. L. 89-259 of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and Delegation of Authority No. 113 of December 23, 1966 (32 FR 58 January 5, 1967), Public notice no. 435, published in the FEDERAL REGISTER on November 6, 1974 (39 FR 39297), is amended by adding to the places of exhibition or display: Asian Art Museum of San Francisco, California, on or about June 28 to August 28, 1975.

Notice of this amendment of the determination is ordered to be published in the FEDERAL REGISTER.

Dated: April 30, 1975.

[SEAL] JOHN RICHARDSON, Jr.,
Assistant Secretary for Educational and Cultural Affairs.

[FR Doc.75-12135 Filed 5-7-75;8:45 am]

[Public Notice CM-5/45]

U.S. NATIONAL COMMITTEE FOR INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT); STUDY GROUP 1

Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on May 21 and May 22, 1975 at 10:00 a.m. in room 752 of the Federal Communications Commission, 1919 M Street, NW, Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the May 21 meeting will include continued consideration and development of positions the United States should take at international CCITT meetings on a variety of questions left unresolved following the last meeting of this Group. Included will be a further review of developments which have occurred at international CCITT meetings during 1974 and 1975 concerning general tariff principles covering the lease of telecommunication circuits.

The agenda of the May 22 meeting will include a review and discussion of developments which have occurred at international CCITT meetings during 1975 concerning telegraph and operation and tariff problems (including telex).

These meetings will be open to the public and comments will be entertained in accordance with instructions of the Chairman. Members of the general public who desire to attend the meeting on May 21 and 22 will be admitted up to the limits of the capacity of the meeting room.

Dated: May 5, 1975.

GORDON L. HUFFCUTT,
Acting Chairman,
U.S. National Committee.

[FR Doc.75-12194 Filed 5-7-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ.; Public Debt Series—No. 13-75]

TREASURY NOTES OF SERIES E-1978

Dated and Bearing Interest From May 15, 1975; Due August 15, 1978

MAY 2, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,750,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series E-1978. The interest rate for the notes will be determined as set forth in section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 6, 1975, under competitive and noncompetitive bidding, as set forth in section III hereof. The 6 percent Treasury Notes of Series B-1975 and 5⅞ percent Treasury Notes of Series F-1975, maturing May 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated May 15, 1975, and will bear interest from that date, payable on a semiannual basis on February 15 and August 15, 1976, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 6, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment

(in cash or the notes referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of 1 percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,750,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive enders.

IV. Payment for and Delivery of Notes

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before May 15, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated May 15, 1975, should be detached), in other funds immediately available to the Treasury by May 15, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such bank or at the Treasury no later than: (1) Monday, May 12, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Friday, May 9, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

2. Delivery of notes in bearer form will be made on or about May 27, 1975. Purchasers of bearer notes may elect to receive interim certificates on May 15, 1975, which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. Assignment of Registered Notes

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series E–1978 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series E–1978 to be delivered to _____" Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. General Provisions

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

William F. Simon,
Secretary of the Treasury.

[FR Doc.75–12074 Filed 5–5–75;1:58 pm]

TREASURY NOTES OF SERIES A–1982

Dated and Bearing Interest From May 15, 1975; Due May 15, 1982

[Dept. Circ.; Public Debt Series—No. 14-75]

May 2, 1975.

I. Invitation For Tenders

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series A–1982. The interest rate for the notes will be determined as set forth in section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 7, 1975, under competitive and noncompetitive bidding, as set forth in section III hereof. The 6 percent Treasury Notes of Series B–1975 and 5⅞ percent Treasury Notes of Series F–1975, maturing May 15, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. Description of Notes

1. The notes will be dated May 15, 1975, and will bear interest from that date, payable semiannually on November 15, 1975, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1982, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 7, 1975. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,500,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT FOR AND DELIVERY OF NOTES

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before May 15, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated May 15, 1975, should be detached), in other funds immediately available to the Treasury by May 15, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such bank or at the Treasury no later than: (1) Monday, May 12, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Friday, May 9, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

2. Delivery of notes in bearer form will be made on or about May 28, 1975. Purchasers of bearer notes may elect to receive interim certificates on May 15, 1975, which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series A–1982 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series A–1982 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-12075 Filed 5-5-75;2:07 pm]

TREASURY BONDS OF 2000–05 REDEEMABLE ON AND AFTER MAY 15, 2000

Dated and Bearing Interest From May 15, 1975; Due May 15, 2005

[DEPT. CIRC. Public Debt Series—No. 15-75]

MAY 2, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $750,000,000, or thereabouts, of bonds of the United States, designated Treasury Bonds of 2000–05. The interest rate for the bonds

will be determined as set forth in section III, paragraph 3, hereof. Additional amounts of these bonds may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 8, 1975, under competitive and noncompetitive bidding, as set forth in section III hereof. The 6 percent Treasury Notes of Series B–1975 and 5⅞ percent Treasury Notes of Series F–1975, maturing May 15, 1975, will be accepted at par in payment, in whole on in part, to the extent tenders are allotted by the Treasury.

2. Deferred payment for up to 100 percent of the amount of bonds allotted may be made as provided in section IV hereof. Delivery of bearer bonds will be made on or about May 28, 1975, except that delivery of that portion of the bonds on which payment is deferred will be made on June 2, 1975.

II. Description of Bonds

1. The bonds will be dated May 15, 1975, and will bear interest from that date, payable semiannually on November 15, 1975, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 2005, but may be redeemed at the option of the United States on and after May 15, 2000, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secertary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds.

III. Tenders and Allotments

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, May 8, 1975. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitives tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in Section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determination of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $750,000,000 of bonds offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. Payment for and Delivery of Bonds

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before May 15, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, except that a bidder may elect to defer payment for up to 100 percent (95 percent in the case of a bidder required to make a 5 percent deposit) of the amount of bonds allotted until June 2, 1975. Payment must be in cash, notes referred to in section I (interest coupons dated May 15, 1975, should be detached), in other funds immediately available to the Treasury by May 15, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Monday, May 12, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Friday, May 9, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Accrued interest from May 15 to June 2, 1975, will be charged on the face amount of bonds on which payment is deferred, at the coupon yield established for the bonds. Where partial payment for bonds allotted is to be deferred, delivery of 5 percent of the total par amount of bonds allotted, adjusted to the next higher $1,000, will be withheld from all bidders required to submit a 5 percent payment with tenders, until payment for the total amount allotted has been completed. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for

any difference between the face amount of notes submitted and the amount payable on the bonds allotted.

2. Delivery of bonds in bearer form will be made on or about May 28, 1975. Purchasers of bearer bonds may elect to receive interim certificates on May 15, 1975, to the extent that the required payment has been completed. The interim certificates will be exchangeable for the bonds when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the note should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Bonds of 2000–05 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Bonds of 2000–05 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-12076 Filed 5-5-75;2:14 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon on: Tuesday and Wednesday, 10–11 June 1975.

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in section 552(b)(1), title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical intelligence matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MAY 5, 1975.

[FR Doc.75-12098 Filed 5-7-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT FACILITY LOCATION SUPPLEMENT TO 1976 PROGRAM ENVIRONMENTAL STATEMENT

Public Meetings

Notice of a series of public information meetings is hereby given by the Bonneville Power Administration to solicit public comments on the Draft Facility Location Supplements to BPA's Fiscal Year 1976 Program Environmental Statement covering Okanogan Area Service, Cheney-Four Lakes Area Service, and Hangman Creek Area Service.

The Okanogan Area Service Supplement describes the environmental impact of construction a new substation west of Okanogan, Washington, a 115-kV line between Okanogan and Tonasket, and a 230-kV line between Bridgeport and Okanogan.

The Cheney-Four Lakes Area Service Supplement describes the environmental impact of constructing approximately 26 miles of 230-kV line from the Four Mounds Area west of Spokane, Washington, to either Cheney or Four Lakes Substations, as well as the environmental impact of constructing a new substation in the Four Mounds Area.

The Hangman Creek Area Service Supplement describes the environmental impact of constructing a new substation near Hangman Creek, south of Spokane, Washington.

The purpose of these public information meetings is to present to the public, alternative locations relative to these various proposed facilities and to solicit comments from the public with respect to the environmental impact of the proposals.

These three draft location supplements were filed as drafts with the Council on Environmental Quality (CEQ) on April 15, 1975. Copies of these three draft location supplements describing the proposed new facilities are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the BPA Washington, D.C., Office in the Interior Building, Room 5600; and at the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane Area Manager at the above address.

The meeting covering Okanogan Area Service will be held on Thursday, May 29, 1975, at 2 p.m., at Okanogan P.U.D. Auditorium in Okanogan, Washington. The meeting covering Cheney-Four Lakes Area Service will be held on June 5, 1975, 7:30 p.m., at City Hall in Medical Lake, Washington. The meeting covering Hangman Creek Area Service will be held on June 3, 1975, 7:30 p.m., at Moran Prairie Grange in Spokane, Washington.

Those not able to attend these public meetings may submit comments by writing to the Environmental Office, Bonneville Power Administration, Portland, Oregon at the address above. All written comments must be received by June 9, 1975, in order to be considered for inclusion in the final supplement.

Date: May 1, 1975.

JOHN MCLEOD,
Environmental Manager.

[FR Doc.75-12096 Filed 5-7-75;8:45 am]

Bureau of Land Management

BOISE DISTRICT ADVISORY BOARD

Notice of Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Boise District Advisory Board will hold a meeting beginning at 9:30 a.m., June 4, 1975, at the Boise District Office, 230 Collins Road, Boise, Idaho. The agenda for the meeting will include election of officers, discussion of Board duties, discussion of district programs, and presentation of projects to be financed with Advisory Board funds.

The meeting will be open to the public. Those wishing to appear before the Board in person should inform the District

Manager prior to the meeting. Any interested person may file a written statement with the Board for its consideration.

JAMES GABETTAS,
Acting District Manager.

[FR Doc.75-12060 Filed 5-7-75;8:45 am]

Bureau of Land Management

[NM 25403]

NEW MEXICO

Notice of Application

MAY 2, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Continental Oil Company has applied for a 3 inch and 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 34 E.,
Sec. 29, W½NW¼;
Sec. 30, NW¼SE¼.

This pipeline will convey natural gas across 0.551 miles of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-12124 Filed 5-7-75;8:45 am]

[NM 24321]

NEW MEXICO

Notice of Application

MAY 2, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Yates Petroleum Corporation has applied for a six inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 24 E.,
Sec. 11, SE¼SE¼;
Sec. 12, S½SW¼, NE¼SE¼, W½SE¼;
Sec. 14, NE¼NE¼.
T. 17 S., R. 25 E.,
Sec. 32, SW¼SE¼;
Sec. 34, SE¼SW¼, S½SE¼.
T. 18 S., R. 25 E.,
Sec. 3, SW¼NW¼;
Sec 5, lots 1, 2, SE¼NE¼, E½SE¼;
Sec. 7, lot 3, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 8, N½NE¼, NE¼NW¼, W½NW¼.

This pipeline will convey natural gas across 4.944 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-12125 Filed 5-7-75;8:45 am]

[NM 25402]

NEW MEXICO

Notice of Application

MAY 2, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 5, lots 3 and 4.

This pipeline will convey natural gas across 0.267 miles of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, N.M. 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-12126 Filed 5-7-75;8:45 am]

[Wyoming 49454]

WYOMING

Notice of Application

MAY 1, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied to amend right-of-way application W-49454 for additional natural gas pipelines across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 16 N., R. 93 W.,
Sec. 2, Lots 2, 6 and 7, W½SE¼;
Sec. 11, W½NE¼;
Sec. 23, E½NE¼;
Sec. 24, NW¼NW¼;
T. 17 N., R. 93 W.,
Sec. 36, E½SW¼.

The pipeline will be a part of the Barrel Springs Gathering System in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-12128 Filed 5-7-75;8:45 am]

BURLEY DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Burley District Multiple Use Advisory Board will be held on May 30, 1975, at 9:30 a.m. at the District Office, 2 miles south on Highway 27, Burley, Idaho.

The advisory board was established to advise the District Manager on matters relating to the use, management, protection and disposition of lands and resources administered within the Burley District. The agenda for the meeting will include State Director's remarks on BLM Multiple Use Advisory Board; election of officers; review of duties and organization of the Board; introduction of District staff and duties, also BLM program orientation; review of current land use planning and the Malad Management Framework Plan; plans for the Salmon Falls Natural Area and current studies; progress on the Pocatello ORV plan; and discussion on BLM 5 year goals.

The meeting will be open to the public. Any interested person wishing to make a presentation to the board, or submit a written statement should contact the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318 (Telephone 678-5514). Minutes of the meeting will be available for public inspection and copying approximately one month after the meeting at the District office in Burley, Idaho.

NICK JAMES COZAKOS,
District Manager.

[FR Doc.75-12129 Filed 5-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COMMITTEE OF NINE

Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a meeting of the Committee of Nine at 9 a.m., June 19-20, 1975, in Room 103, Administration Bldg., Cook College, Rutgers University, New Brunswick, New Jersey 08903.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of funds for fiscal year 1976. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone 202–447–5260.

Dated: May 1, 1975.

C. I. HARRIS,
Acting Administrator.

[FR Doc.75–12156 Filed 5–7–75;8:45 am]

Farmers Home Administration

[Designation No. A209]

ALABAMA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in certain counties in Alabama as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred:

ALABAMA

County	Excessive rainfall	Drought	Cool temperatures	Frost and/or Freeze
Cullman				Oct. 3, 1974, Nov. 2, 13 and 15, 1974.
Fox Ile	May 2 to 28, 1974			Oct. 3, 4, 6, and 20, 1974.
Limestone	Apr. 5 to May 28, 1974 (very cool).	July 1 to Aug. 31, 1974.	June 24 to July 3, 1974.	Oct. 1, 3, 1974.
Marshall		June 8 to July 26, 1974.	July 1 to Aug. 31, 1974.	Oct. 3, 4, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George C. Wallace that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 23, 1975, for physical losses and January 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of May, 1975.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75–12151 Filed 5–7–75;8:45 am]

[Designation No. A208]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in certain counties in Illinois as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred:

ILLINOIS—1974

County	Excessive rainfall	Flooding	Drought	Frost and/or freeze	Tornadoes	Hailstorms
Christian	May 18 to June 30.	May 18 to 20		Sept. 27		
Iroquois	May 15 to June 30.		July 20 to Aug. 21.	Sept. 25 to 30		
McDonough	May 17 to June 30.	May 17 to June 30 (intermittent).		Sept. 20 to 30	Apr. 11	June 19 to July 10 (intermittent).
Pulaski	May 15 to June 30.			Oct. 1 to 5		

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 23, 1975, for physical losses and January 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of May, 1975.

F. W. NAYLOR, Jr.
Acting Administrator,
Farmers Home Administration.

[FR Doc.75–12152 Filed 5–7–75;8:45 am]

[Designation No. A207]

MINNESOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Minnesota:

Cottonwood Pope
Nobles

The Secretary has found that this need exists as a result of a natural disaster consisting of a blizzard January 10, 11 and 12, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Wendell R. Anderson that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 23, 1975, for physical losses and January 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of May, 1975.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75–12153 Filed 5–7–75;8:45 am]

[Notice of Designation No. A159, Amdt. 1]

WISCONSIN

Designation of Emergency Areas

Notice of an Emergency loan area designation for Wisconsin dated March 6, 1975 (40 FR 10502) is hereby amended to correct the natural disaster in Sawyer County between the dates May 10 through June 30, 1974, to be drought. The frost dates of August 31 and September 1, 2, and 3, 1974, are correct.

Done at Washington, D.C., this 1st day of May, 1975.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75–12154 Filed 5–7–75;8:45 am]

[Notice of Designation Number A134, Amendment 1]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Outagamie County, Wisconsin, as a result of a natural disaster consisting of excessive rainfall May 1 through June 30, 1974, and drought July 1 through August 31, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 23, 1975, for physical losses and January 26, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 1st day of May, 1975.

P. W. Naylor, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75-12155 Filed 5-7-75;8:45 am]

Forest Service

WINEMA NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Winema National Forest Grazing Advisory Board will meet at 2 p.m. on June 3, 1975, second floor, Post Office Building, 7th and Walnut, Klamath Falls, Oregon 97601. The purpose of this meeting is organization, 1975 grazing outlook, problems, budgeting, and other items as needed.

The meeting will be open to the public. Persons who wish to attend should notify Robert S. Snoich, Post Office Building, 882-7761. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at any time.

Robert J. Chadwick,
Forest Supervisor.

May 1, 1975.

[FR Doc.75-12116 Filed 5-7-75;8:45 am]

Office of the Secretary

CLOSED MEETING ACTIVITIES OF ADVISORY COMMITTEES

Notice of Public Availability of Reports

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972) and OMB Circular A-63 of March 27, 1974, those advisory committees of the Department of Agriculture which held closed meetings in 1974 have prepared reports on the activities of those meetings. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Microform Reading Room
Room MB-140B, Main Building
10 First Street, SE
Washington, D.C.

Department of Agriculture
Office of Management and Finance
Room 4175, South Building
14th Street and Independence Avenue, SW
Washington, D.C.

The names of the subject committees are listed below:

Joint U.S. Department of Agriculture—National Association of State Departments of Agriculture Committee

Paonia Area Forest Grazing Advisory Board

Joseph R. Wright, Jr.,
Assistant Secretary,
for Administration.

May 1, 1975.

[FR Doc.75-12070 Filed 5-7-75;8:45 am]

FORT PECK RESERVATION IN MONTANA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Fort Peck Indian Reservation in Montana has been materially increased and become acute because of excessive snowfall creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace nor interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on May 2, 1975.

Earl L. Butz,
Secretary.

[FR Doc.75-12069 Filed 5-7-75;8:45 am]

PINE RIDGE AGENCY INDIAN LANDS IN SOUTH DAKOTA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Pine Ridge Agency Indian Lands in South Dakota has been materially increased and become acute because of excessive snowfall creating a serious shortage of livestock feeds. These lands are reservations or other lands designated for Indian use and are utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on May 2, 1975.

Earl L. Butz,
Secretary.

[FR Doc.75-12068 Filed 5-7-75;8:45 am]

Soil Conservation Service

KINDER WATERSHED PROJECT, LA.

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Kinder Watershed Project, Allen and Jefferson Davis Parishes, Louisiana, USDA-SCS-EIS-WS-(ADM)-75-1-(F)-LA.

The EIS concerns a plan for watershed protection, flood prevention, and drainage. The planned works include conservation land treatment supplemented by channel work which includes excavation, clearing, structures for water control (weirs), and structures for water control (pipe drops). Excavation will involve 55 miles of existing channels and 10 miles of new construction while clearing will involve 8 miles of existing channels.

Of the 63 miles of work proposed on existing channels, 53 miles have ephemeral flow and 10 miles have intermittent flow.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Post Office Box 1630, Alexandria, Louisiana 71301

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-12117 Filed 5-7-75;8:45 am]

CHAMBERS CREEK WATERSHED PROJECT, TEX.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Chambers Creek Watersled project, Navarro, Ellis, Hill and Johnson Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conversationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration includes conservation land treatment supplemented by 17 single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
First National Bank Building
Temple, Texas 76501

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken on or before May 23, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 1, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-12118 Filed 5-7-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

INDUSTRY ADVISORY COMMITTEE ON METAL SCRAP PROBLEMS

Open Meeting

The Industry Advisory Committee on Metal Scrap Problems will meet starting at 9:30 a.m. on Wednesday, June 18, 1975, in Room 6802 of the Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW)

The Committee was established to provide advice to Department officials in order to identify and overcome problems in metal scrap consumpton. The Committee advises on such national issues as conservation of natural resources, solid waste management, and environmental quality.

The purpose of the meeting is to review statistical information on iron and steel production and ferrous scrap generation and utilization, and to review recommended industry changes. The agenda will include a review by representatives of the Bureau of Mines, Department of the Interior, and the Bureau of Census, Department of Commerce, on present statistics and their meaning. A discussion with a view to formulating recommended changes will follow.

The meeting will be open to public observation, and a period will be set aside for oral comments or questions by the public. Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting.

Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mrs. Diana B. Friedman, Materials Division, Room 2007, U.S. Department of Commerce, Washington, D.C. 20230, Telephone, 202/967-5505.

Date: May 5, 1975.

SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.75-12071 Filed 5-7-75;8:45 am]

BUREAU OF MINES

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 (40 FR 12253 et seq., 15 CFR 701, 1974).

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: 75-00323-80-46040. Applicant: Bureau of Mines, Virginia & Cudahy Streets, Bartlesville, Oklahoma 74003. Article: Electron Microscope, Model JEM 100B/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to obtain count and size distribution information for aerosol and particulate matter in diesel exhaust. This material is primarily carbon particles with trace quantities of condensed-ring hydrocarbon. Trace metals, such as platinum and other heavy metals together with sulphur compounds, may also be present and subject to analytical determination. 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 is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes and guarantees a resolution of 30 Angstroms for scanning transmission images and 100 Angstroms for secondary electron images. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 3, 1975 that the scanning capability of the foreign article described above is pertinent to the applicant's use in obtaining quantitative data on the number, shape, and size of diesel exhaust particulates in the 30 to 2500 Angstrom size range. The domestic instrument most closely comparable to the foreign article is the Model EMU-4C electron microscope produced by the Adam David Company. HEW further advises that domestic transmission electron microscopes do not provide the pertinent scanning capability. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this 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.75-12050 Filed 5-7-75;8:45 am]

CLEVELAND CLINIC FOUNDATION AND UNIVERSITY OF SOUTHERN CALIFORNIA

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974). (See especially § 301.11(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 Program, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00334-33-46040. Applicant: Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the field of hypertension research for studies of the kidney, distribution and Tritiated Angiotensin, atherosclerosis, and vascular permeability. The article will also be used in a training program designed to train young Ph.D's and M.D's in the fields of cardiovascular research, using an integrated approach ranging from chemistry to bio-chemistry, physiology, pharmacology, morphology, pathology, indocrinology, and clinical sciences. Application received by Commissioner of Customs: January 20, 1975. Advice submitted by the Department of Health, Education, and Welfare on: April 4, 1975. Article ordered: December 20, 1974.

Docket number: 75-00345-33-46040. Applicant: University of Southern California, School of Medicine, Department of Anatomy, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Electron Microscope, Model JEM 100C and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for transmission electron microscopic examination of biological materials. The studies will center on investigations of cell surfaces, the coatings of cell surfaces, the attachment mechanisms between adjacent cells in various tissues, and the filamentous systems within cells which underlie the support of those cells. The article will also be used in analysis of regenerating muscles and the study of attachment mechanisms between adjacent heart muscle cells. Application received by Commissioner of Customs: January 23, 1975. Advice submitted by the Department of Health, Education, and Welfare on: April 4, 1975. Article ordered: December 11, 1974.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU-4C electron microscope which is currently supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(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.75-12054 Filed 5-7-75;8:45 am]

DARTMOUTH MEDICAL SCHOOL AND UNIVERSITY OF CALIFORNIA

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974). (See especially section 301.11(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: 75-00324-00-46040. Applicant: Dartmouth Medical School, Dartmouth College, Hanover, New Hampshire 03755. Article: C7-2200-A3-A1 Camera; and C72389-A17-05 Film Magazines (3). Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used as a replacement to a worn-out camera in an electron microscope which is being used for studying many aspects of human experimental disease, including the growth and structure of cancer cells, the morphologic appearance of diseases of the peripheral nerves, and the ultrastructure of various renal, liver and lung diseases. Application received by Commissioner of Customs: January 20, 1975. Advice submitted by the Department of Health, Education, and Welfare on: April 3, 1975.

Docket number: 75-00348-00-46040. Applicant: University of California, Los Angeles, Department of Medicine-Rehab., 35-64 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Universal Cassette without Magazine. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope which is being used for analyzing the ultrastructural components of skeletal muscle fibers. The experiments consist of examination and quantitation (through the use of an efficient method known as stereology) of tissue from normal and drug treated animals and patients with various types of muscle disease. Application received by Commissioner of Customs: January 29, 1975. Advice submitted by the Department of Health, Education, and Welfare on: April 3, 1975.

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 the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured

in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(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.75-12055 Filed 5-7-75;8:45 am]

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

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 (40 FR 12253 et seq, 15 CFR 701, 1974).

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: 75-00341-33-02300. Applicant: National Institute of Environmental Health, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: TCV 691 Temperature Control Unit. Manufacturer: EKEG Electronic Co., Ltd., Canada. Intended use of article: The article is intended to be used for studies of the effects of noise on hearing sensitivity using the in vivo guinea pig ear. The article will be used to stabilize the body temperature of the animal during the experiment.

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 proportional control and battery powered operation to minimize electrical interference. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 4, 1975 that the capabilities described above are pertinent to the applicant's intended uses. HEW also advises 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 that is commercially marketed.

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.75-12051 Filed 5-7-75;8:45 am]

UNIVERSITY OF CALIFORNIA AND TEXAS WOMEN'S UNIVERSITY

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1974). (See especially § 301.11(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: 75-00273-33-46040. Applicant: University of California, Los Angeles, Purchasing Department, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for characterization and structure analysis of samples during studies of multisubunit enzymes. Other studies to be carried out include the following:

(1) Interaction of proteins in DNA,

(2) Interaction between ^{125}B-labelled antibodies and specific cell surface antigens,

(3) Structure-function Relationships in Biochemistry,

(4) Studies of lipoproteins, protein-DNA interactions and haptenantibody complexes,

(5) Relationship between catalytic activity and macromolecular structure,

(6) Viruses and Malignant transformation.

Application received by Commissioner of Customs: December 11, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975. Article ordered: November 22, 1974.

Docket number: 75-00282-33-46040. Applicant: Texas Woman's University, Box 23971, TWU Station, Denton, Texas 76204. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for quantitative ultrastructure determinations of the effects of x-irradiation and heavy metal co-insults on glial cells, neurons, and vasculature associated with the structural integrity of the blood-brain barrier in selected brain areas. Subtle changes in the structure of liver, kidney, and gonad will also be investigated. Experiments to be conducted will include: (a) study of effects of methyl mercury and/or ionizing radiation on adult mammals, primarily rats and squirrel monkeys and (b) evaluation of the effects of methyl mercury on reproductive capability of hamsters and rats and on the offspring produced. In another study the article will be used to localize radiolabelled protein in myelin, using autoradiographic techniques. In another study, cells grown in culture will be examined to investigate fine structural changes in the cortex during aging, to determine whether or not the microfilament system is altered. The sensitivity of microfilament architecture and its association with the cell surface during aging will also be examined by using cytocholasin B (CB), concanalin A (con A) and ferritin. The article will also be used to perform various studies on viruses. In addition, the article is to be used in a graduate level course in electron microscopy in which students will learn the basic principles of electron microscopy, its uses, how to prepare materials for microscopy and will use the article. Application received by Commissioner of Customs: December 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: March 25, 1975. Article ordered: November 14, 1974.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument available at he time the articles were ordered was the Model EMU-4C electron microscope which is currently supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these aticles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing

applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(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.75-12053 Filed 5-7-75;8:45 am]

YALE UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 28, 1975.

Amended regulations issued under cited Act, as published in the March 18, 1975 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00482-33-46040. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Connecticut 06520. Article: Electron Microscope, Model EM 201. Manufacturer: Philip Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the investigation of the fine structure of the nervous system including neurons, myelinated and unmyelinated nerve fibers, glial cells, ependyma synapses and blood vessels. Particular emphasis will be given to high resolution studies of cell junctions, myelin lamellae and cell membranes. Application received by Commissioner of Customs: April 17, 1975.

Docket number: 75-00483-25-20700. Applicant: University of Rochester, Rochester, New York 14627. Article: Ultrafast Photodiode with infrared (S-1) Photocathode Mounted with 50 OHM Output and high voltage connectors. Manufacturer: Instrument Technology Ltd., United Kingdom. Intended use of article: The article is intended to be used in studies of high power laser beams from a neodymium glass laser in an attempt to determine exactly what the short laser pulse looks like in its time history. Application received by Commissioner of Customs: April 17, 1975.

Docket number: 75-00484-33-46040. Applicant: Brown University, 68 Brown Street, Division of Biological and Medical Sciences, Cell Biology, Providence, R.I. 02912. Article: Electron Microscope Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a wide variety of studies ranging from the three dimensional structure of immunoglobulins to the crystalloid inclusions of reproductive cells. Specific studies will include the following:

(1) The cytochemical localization of Na+-K+ activated adenosine triphosphatase activity in the plasma membranes of transport epithelia.

(2) The morphogenesis and substructure of melanin granules in normal melanocytes and in melanomas of the skin.

(3) The sizing, distribution, and chemical characterization of surface coats on the plasma membranes of salt secreting cells under different physiological conditions.

(4) The macromolecular assembly of tubulin protein in the formation of microtubules in yeast.

(5) The localization of specific enzymes and proteins in the subcellular compartments of hepatoma cells.

(6) Cytoplasmic and membrane morphology during cell division in algae.

(7) Morphogenesis and fate of crystalloids during oogenesis in Amphibia.

The article will also be used in training undergraduates, graduate students, postdoctoral fellows, research associates and hospital residents by the use of the electron microscope in their various research programs. Application received by Commissioner of Customs: April 21, 1975.

Docket number: 75-00485-33-46500. Applicant: Florida State University, Department of Biological Science Unit I, Tallahassee, Florida 32306. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of biological tissues; specifically brain of amphibia and mammals and sensory organs (olfactory and taste organs) of the same. Invertebrates such as molluscs will also be part of the studies specifically centering on the nervous system of these animals. The article will also be used in the course, BIO 575, Techniques in Electron Microscopy in which all aspects of electron microscopical techniques will be demonstrated. Application received by Commissioner of Customs: April 21, 1975.

Docket number: 75-00486-33-46500. Applicant: Bronx-Lebanon Hospital Center, 1650 Grand Concourse, Bronx, N.Y. 10457. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for investigation of the following:

(1) Response of the small intestinal mucosa to glucagon administration,

(2) Fat accumulation and absorption by damaged intestinal mucosa in humans,

(3) The small intestinal mucosa in an experimental model of marasmus.

The article will also be used to train the Post-Doctoral Fellows in the Department of Pediatrics that want to specialize in gastroenterology. Application received by Commissioner of Customs: April 21, 1975.

(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.75-12052 Filed 5-7-75;8:45 am]

National Bureau of Standards

FORMATION OF A NATIONAL CONFERENCE ON RADIATION MEASUREMENTS

Planning and Organizing Meetings

Notice is hereby given that a meeting is scheduled for the purpose of planning for the formation of a National Conference on Radiation Measurements (NCRM). The meeting is to be held from 9 a.m. to 5 p.m. on Wednesday, June 11, 1975. A second meeting for the organization of this group will be held on Wednesday, August 27, 1975, from 9 a.m. to 5 p.m. Both meetings will be held in C301, Center for Radiation Research, Building 245, at the National Bureau of Standards, Gaithersburg, Maryland.

The purpose of the proposed new national organization is to provide a forum for the exchange of views on the present status and future needs of systems used to measure radiation for the protection of radiation workers and the general public. It is anticipated that NCRM will conduct studies, review existing radiation measurement systems, sponsor technical meetings and encourage development of measurement systems adequate to the needs of regulatory bodies, and the medical and industrial communities.

Participants at the planning meeting will be given the opportunity to present brief written and oral reports on the radiation measurement needs of their organizations. They will also address the business aspects of establishing a new national organization. Emphasis will be given to ionizing radiation such as that produced by x-ray machines, particle accelerators, reactors, or radioactive materials. Groups invited to send representatives include State and local regulatory bodies, Federal regulatory agencies, and selected medical societies, standard writing organizations, industrial associations, and organizations representing the general public.

Both meetings are open to the public. Persons attending will be permitted to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify James M. Wyckoff, Radiation Safety Coordinator, Room B360, Building 221, National Bureau of Standards,

Washington, D.C. 20234, telephone (301) 921-2029.

Date: May 2, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-12073 Filed 5-7-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Correction

In FR Doc. 75-9839, appearing at page 17051, in the issue of Wednesday, April 16, 1975, on page 17056, in the third column, in line 17, the word reading "recorder" should read "recoder".

REGULATORY PROGRAMS INVOLVING DRUG, PESTICIDE, AND INDUSTRIAL CHEMICAL RESIDUES IN ANIMAL FEEDS AND IN MEAT AND POULTRY

Agreement With the Animal and Plant Health Inspection Service

Correction

In FR Doc. 75-9304, appearing at page 16228, in the issue of Thursday, April 10, 1975, make the following changes:

1. In the first column, on page 16229, line 20, reading "39-000 * * *" should be deleted.

2. In the first column, on page 16229, in paragraph B.6., the abbreviation reading "AUHIS" should read "APHIS".

Office of Education

RIGHT TO READ STATE GRANTS PROGRAM

Closing Date for Receipt of Applications and Amendments

Pursuant to the authority contained in section 2(a)(1) of the Cooperative Research Act, as amended (20 U.S.C. 331a(a)) notice was published in the FEDERAL REGISTER on February 7, 1975 (40 FR 5804) establishing a closing date of March 24, 1975, for receipt of applications for new grants under the Right to Read States Program.

The purpose of this notice is to establish a new and later final closing date for the receipt of applications for new grants under the Right to Read States Program. Also, applicants which filed applications pursuant to the February 7, 1975, notice have the opportunity to amend their applications to reflect changes in the final regulations for the program which are being separately published in this issue of the FEDERAL REGISTER. A point system has been added for the evaluation criteria in the final regulations.

The closing date hereby established for receipt of both applications and amendments to applications is June 13, 1975. Applications and amendments to applications for new grants under the Right to Read States Program must be received by the U.S. Office of Education on or before that date.

A. *Applications or amendments sent by mail.* An application or amendment sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.533. An application or amendment sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application or amendment was sent by registered or certified mail not later than June 9, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application or amendment is received on or before June 13, 1975, by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications or amendments.* An application or amendment to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Hand delivered applications or amendments will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications or amendments will not be accepted after 4 p.m. on June 13, 1975.

C. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a), the General Regulations for Right to Read (45 CFR Part 151, Subpart A; published in the FEDERAL REGISTER on June 20, 1974 at 39 FR 22417), and final regulations for the State Grants Program published in this issue of the FEDERAL REGISTER.

D. *Program information and forms.* Information and forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2131, 400 Maryland Avenue, SW., Washington D.C. 20202.

(20 U.S.C. 331a(a)(1))

(Catalog of Federal Domestic Assistance No. 13.533, Right to Read—Elimination of Illiteracy)

Dated: April 24, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-12088 Filed 5-7-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on May 28, 1975 from 9 a.m. to 5 p.m., local time and on May 29, 1975 from 9 a.m. to 2 p.m., local time, at the Quality Inn, Thomas Circle, NW, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

May 28, 1975:
Executive Directors Report.
Chairman's Report.
Report on Current Status of Legislative and Congressional Hearings.
Report on Specialized Funding in Research Areas.
Special Report from Communications Committee—Discussion of next NACVE report and multi-media presentations.
Meetings of the following committees: Intergovernmental Agencies, Research and Evaluation, and Program Review.
May 29, 1975:
Committee Reports.
Continuation of business from previous day.

The Administrative Committee will meet from 1 p.m. to 2 p.m.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 412, 425-13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 5, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.75-12173 Filed 5-7-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-464-DR; Docket No. NFD 272]

ALABAMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated April 23, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 23, 1975:

The County of:
Elmore

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 2, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-12107 Filed 5-7-75;8:45 am]

[FDAA-459-DR; Docket No. NFD 273]

TENNESSEE

Amendment of Major Disaster Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 30, 1975, the President amended his March 22, 1975, declaration of a major disaster for the State of Tennessee to read as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from severe storms and flooding beginning about March 11, 1975, and tornadoes which occurred on March 22, 1975, and April 18, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Tennessee.

I do hereby determine the following area of the State of Tennessee to have been adversely affected by the tornadoes which occurred on March 22 and April 18, 1975:

The County of:
Madison

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: May 1, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-12108 Filed 5-7-75;8:45 am]

Office of the Secretary

[Docket No. D 75-317]

ACTING ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Delegation of Authority

During a vacancy in the position of Assistant Secretary for Equal Opportunity, Thomas O. Jenkins, is designated to serve as Acting Assistant Secretary for Equal Opportunity with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Equal Opportunity.

Sec. 7(d), Department of HUD, 42 U.S.C. 3535(d).

Effective date. This designation shall be effective April 30, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-12110 Filed 5-7-75;8:45 am]

Office of Assistant Secretary for Housing

[Docket No. N-75-228]

PRODUCTION AND MORTGAGE CREDIT

Miscellaneous Amendments to the Minimum Property Standards

Revision No. 1 containing minor technical amendments to the Minimum Property Standards has been completed and distributed to the field offices of the Department of Housing and Urban Development. The Minimum Property Standards are incorporated by reference into § 200.933, Title 34 of the Code of Federal Regulations. An official, historic file of the Minimum Property Standards and these changes is available in the Office of the Rules Docket Clerk in the HUD Central Office in Washington, D.C. and in each HUD Regional, Area, and Insuring Office. A similar copy of the standards and revisions is also maintained in the Office of the Federal Register, Washington, D.C. Copies of the Minimum Property Standards and their revisions can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Section 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C. on May 5, 1975.

DAVID M. DEWILDE,
Acting Assistant Secretary-Commissioner.

[FR Doc.75-12109 Filed 5-7-75;8:45 am]

Assistant Secretary for Community Planning and Development

[Docket No. D-75-318]

ASSISTANT REGIONAL ADMINISTRATOR FOR COMMUNITY PLANNING AND DEVELOPMENT

Delegation of Authority

In the matter of redelegation of authority with respect to the Community Planning and Development Programs; amendment to redelegation of authority at 35 FR 15408-09, October 2, 1970.

Section A is amended as follows: Add "Assistant Regional Administrator for Community Planning and Development" after "Administrator," on line 4.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This redelegation of authority shall be effective as of January 1, 1975.

DAVID O. MEEER, JR.,
Assistant Secretary of Community Planning and Development.

[FR Doc.75-12111 Filed 5-7-75;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Council will be held on June 2, 1975, in Washington, D.C. Details on actual meeting place, time of meeting and specific agenda items will be announced as soon as available.

The meeting will be open to the public on a space available basis. Further information can be obtained from Jane Shay, Executive Assistant to the Administrator, 2401 E Street, NW, Washington, D.C. 20276, telephone (202) 634-1841.

JOHN W. WARNER,
Administrator.

[FR Doc.75-12099 Filed 5-7-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-5-18; Docket 26494; Agreement C.A.B. 24985; Agreement C.A.B. 25007]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger-Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of May, 1975.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other air carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA).

Agreement C.A.B. 24985 encompasses a filing by Mexicana under the provisions of Resolution 072-TC1 Creative Fares, which would establish an excursion fare between Miami and Cancun, Mexico to reflect recently inaugurated services. Agreement C.A.B. 25007 would introduce new group inclusive tour (GIT) fares between points within Asia which are not combinable with fares to/from U.S.

points, and accordingly the Board will herein disclaim jurisdiction.

The Board, acting pursuant to sections 102, 204(a) and 412(b) of the Act, makes the following findings:

1. It is not found that the following resolution, incorporated in Agreement C.A.B. 24985, is adverse to the public interest or in violation of the Act:

Agreement CAB:	IATA resolution
24985	072–TC1 Creative Fares (TC1 Fares Memo 2329)

2. It is not found that Resolution 300 (Mail 443) 084k, incorporated in Agreement C.A.B. 25007, affects air transportation as defined by the Act.

Accordingly, *It is ordered* That: 1. Agreement C.A.B. 24985 be and hereby is approved; and

2. Jurisdiction be and hereby is disclaimed with respect to Agreement C.A.B. 25007.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–12158 Filed 5–7–75;8:45 am]

[Docket No. 27037]

OZARK AIR LINES, INC.

Postponement of Hearing Regarding Deletion of Clinton, Iowa

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on June 3, 1975 (40 FR 17869, April 23, 1975), is postponed indefinitely.

Dated at Washington, D.C., May 2, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75–12157 Filed 5–7–75;8:45 am]

[Docket 27067; Order 75–5–15]

PRICING POLICIES AND RELATED PRACTICES OF FUEL SUPPLIERS

Authorization of Discussions

ORDER EXTENDING AUTHORIZATION

Issued under delegated authority May 2, 1975.

Application of Allegheny Airlines, Inc., et al., for extension of authority to discuss pricing policies and related practices of fuel suppliers.

By order 74–12–89, December 23, 1974, the Board authorized all U.S. certificated air carriers and foreign air carriers to participate in discussions concerning the pricing policies and related practices of fuel suppliers for a period of 120 days from December 23, 1974.

By application filed with the Board on April 15, 1975, various U.S. and foreign air carriers[1] now request that the authorization be extended for a period of 90 days from April 21, 1975, the expiration date of order 74–12–89. In support of their request, the applicants allege that the carrier participants have analyzed various alternative forms of collective action and have made significant progress toward reaching collective judgments on these alternative actions; that various technical working subcommittes have been established to explore the feasibility and desirability of various joint activities; and that a specific schedule has been established for reaching agreement on one area of collective action, *i.e.*, information exchange relating to aviation fuel supply arrangements, and for considering promptly other areas of action under study, such as standard form contracts and joint negotiations and operations. The applicants submit that the proposed extension is important for continuing the work of the subcommittees and of the carrier participants. The time requested would afford an opportunity to finally formulate an agreement for the exchange of information, and to consider further agreements and alternative actions proposed by the established working subcommittees.

The reasons which prompted the Board to authorize these discussions, as set out in order 74–12–89, are still applicable and thus justify the continuation of the discussions. The request to extend the authorization granted by order 74–12–89 for an additional period of 90 days from April 21, 1975 appears to be reasonable in duration under the circumstances cited by the applicants. The conditions established by order 74–12–89 will, of course, remain in effect for the extended discussions authorized herein.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.13 and 385.3, and subparagraph (h) of ordering paragraph 1 of order 74–12–89, it is found that the applicants' request should be granted.[2]

Accordingly, *It is ordered*, That: Order 74–12–89 be and it hereby is modified by the amendment of subparagraph (g) of ordering paragraph 1 therein to read as follows:

(g) The authorization granted herein shall expire after July 20, 1975.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 15 days of the date of service of this order.

This order shall be effective immediately, and filing of a petition for review shall not preclude such effectiveness.

This order shall be served on all U.S. certificated carriers, including supplemental air carriers; on all interested persons described in order 74–12–89; on the Departments of Justice (Anti-trust Division), State, and Transportation; and on the Federal Energy Administration.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–12159 Filed 5–7–75;8:45 am]

[1] The joint applicants herein are: Aerocondor Airlines; Aeronaves de Mexico; Allegheny Airlines, Inc., AVIANCA; British Airways; Capitol International Airways, Inc.; Continental Air Lines, Inc.; The Flying Tiger Line Inc.; Frontier Airlines, Inc.; Irish International Airlines; Johnson International Airlines; Mexicana; National Airlines, Inc.; North Central Airlines, Inc.; Olympic Airways, S.A.; Overseas National Airways; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Spantax, S.A.; Seaboard World Airlines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; Wardair Canada, Ltd.; Wien Air Alaska, Inc.; and World Airways, Inc.

[2] It is further found, pursuant to 14 CFR 385.6, that the action taken herein is governed by prior Board precedent and policy, and immediate action is required to permit the prompt continuation of the discussions. Therefore, it is determined that the filing of petitions for review of this order will not preclude the order from becoming effective immediately.

THE COMMISSION OF FINE ARTS

NOTICE OF MEETING

APRIL 28, 1975.

The Commission of Fine Arts will meet on Wednesday, May 21, 1975, and again on June 25, 1975, at 11:30 a.m. in the Commission offices at 708 Jackson Place, NW, Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda and requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.75–12119 Filed 5–7–75;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

GAMBLING ENFORCEMENT TOWARD ORGANIZED CRIME

Notice of Hearings

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat., 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section Pub. L. 91–452, Part D, Sec. 804–808 of the Organized Crime Control Act of 1970, will hold hearings on May 28–29–30, 1975, in Room 3306, William J. Green, Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania; and on June 24–25–26, 1975 in Courtroom 859, 8th Floor, U.S. Federal Building, Detroit, Michigan.

The purpose of the May 28–30 and June 24–26, 1975 hearings is to elicit testimony from Federal, State and local government officials as well as law enforcement representatives as to the effectiveness of gambling enforcement toward the

element of organized crime in the United States.

The hearings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the FEDERAL REGISTER.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.75-12093 Filed 5-7-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/244; FRL 369-5]

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, DC 20460.

On or before July 7, 1975, 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 DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 7, 1975.

Dated: April 30, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 14651-RO. Agricultural Enterprises, Inc., PO Box 0, Fremont NB 68025. INSECT-A-DUST. Active Ingredients: Malathion (O,O-dimethyl phosphorodithioate of diethyl mercaptosuccinate) 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 1029-REO. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. ALF-EX M-M ALFALFA SPRAY. Active Ingredients: Methoxychlor, Technical (23.3% Methoxychlor, Technical is equivalent to 20.5% 2,2-bis (p-methoxyphenyl)-1,1,1-trichlorethane and 2.8% other isomers and reaction products) 23.30%; Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 23.37%; Xylol 47.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 1075-A. Alexander Chemical Co., 36 Walworth St., Brooklyn NY 11205. ALEXO FOGGING INSECTICIDE. Active Ingredients: Pyrethrins 0.3%; Piperonyl Butoxide, Technical (Equivalent to 2.4% of (butylcarbityl) (6-propylpiperonyl) ether and 0.6% of related compounds) 3.0%; Petroleum Distillate 96.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 8959-10. Applied Biochemists, Inc., PO Box 25, Mequon WI 53092. CUTRINE-PLUS. Active Ingredients: Copper as elemental 9.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 9143-LA. Chemscope Corp., 1909 Hi-Line Dr., PO Box 10752, Dallas TX 75207. CHEMSCOPE BLITZ WASP AND HORNET LONG RANGE JET SPRAY. Active Ingredients: Pyrethrins 0.15%; Piperonylbutoxide, technical (Consists of 0.24% (butylcarbityl) (6-propylpiperonyl) ether and 0.05% other related compounds 0.30%; N-octyl bicycloheptene dicarboximide 0.50%; o-isopropoxyphenyl methylcarbamate 0.50%; Petroleum distillate 51.55%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 10088-LE. Athea Laboratories, Inc., 4180 N. 1st St., Milwaukee WI 53212. DISINFECTANT CLEANER #7. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10088-LG, Athea Laboratories, Inc. DISINFECTANT CLEANER #6. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10088-LN. Athea Laboratories, Inc. DISINFECTANT CLEANER #4. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Algyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method bf Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10088-LR. Athea Laboratories, Inc. DISINFECTANT CLEANER #8. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM 31

EPA File Symbol 10088-LU. Athea Laboratories, Inc. DISINFECTANT CLEANER #5. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10088-UI. Athea Laboratories, Inc. DISINFECTANT CLEANER #2. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10088-UO. Athea Laboratories, Inc. DISINFECTANT CLEANER #3. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10088-UT. Athea Laboratories, Inc. DISINFECTANT CLEANER #1. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 10944-R. Barden's Pest Control, 2633 Atlantic Ave., Long Beach CA 90806. BARDEN'S INSECTICIDE TRI-BAR-2. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; Related compounds 0.04%; Chlorpyrifos [0,Odiethyl 0 - (3,5,6 - trichloro-2-pyridyl) phosphorothioate] 0.25% O,O-diethyl-0-(Isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.50%; Petroleum Solvents 98.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 603-8. Chemtech Industries Inc., PO Box 24440, Dallas TX 75224. SUPER 5 VAPORIZING SPRAY. Active Ingredients: Petroleum distillate 98.10%; N-octyl bicycloheptene dicarboximide 1.00%; Technical piperonyl butoxide (Equivalent to 0.48% (butyl-carbityl) (6-propylpiperonyl) ether and 0.12% other related compounds) 0.60%; Pyrethrins 0.30%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 603-17. Chemtech Industries, Inc., PO Box 24440, Dallas TX 75224. FOG AWAY CONCENTRATE. Active Ingredients: Petroleum Distillate 96.84%; N-octyl Bicycloheptene Dicarboximide 1.66%; Technical Piperonyl Butoxide (Equivalent to 0.80% (butyl-carbityl) (6-propylpiperonyl) ether and 0.20% related compounds) 1.00%; Pyrethrins 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 36186–E. Carl Kaster Co., Chemical Div., 516 W. Main St., Louisville KY 40202. HY-CLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 36186–R. Carl Kaster Co., Chemical Div., 516 W. Main St., Louisville KY 40202. HY-CLOR DISINFECTANT AND GERMICIDE. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 35928–E. Marathon, Inc., RR. 2, Box 177R, Indianapolis IN 46624. MICRO-BICIDE #41. Active Ingredients: Disodium cyanodithioimidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 35928–R. Marathon, Inc., RR. 2, Box 177R, Indianapolis IN 46624. MICRO-BICIDE #42. Active Ingredients: Poly - [oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1021–RGLI. McLaughlin Gormley King Co., 1715 SE 5th St., Minneapolis MN 55414. PYROCIDE FORMULA 7251. Active Ingredients: Pyrethrins 1.0%; Petroleum distillate 99.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 11800–RT. Midwest Agricultural Warehouse Co., 150 S. Main, Fremont NE 68025. CLEAN CROP DIAZINON 2% LAWN GRANULES. Active Ingredients: 0,0 - diethyl 0 - (2 - isopropyl - 6 - methyl - 4-pyrimidinyl) phosphorothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7001–ERA. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. ALDRIN 3 GRANULAR. Active Ingredients: Aldrin (2.85% hexachlorohexahydro-endo, exo-dimethanonaphthalene, 0.15% related compounds) 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 7001–ERT. Occidental Chemical Co., PO Box 198, Lathrop CA 95330. ALDRIN DIELDRIN 4–2 GRANULAR. Active Ingredients: Aldrin (Hexachlorohexahydro-endo, exo-dimethanonaphthalene, related compounds) 4%; Dieldrin (Hexachloroexpoxyoctahydro-endo, exo-dimethanonaphthalene, related compounds 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 4029–EL. Oil Specialties and Refining Co., 18 Bridge St., Brooklyn NY 11201. SWIMMING POOL ALGAECIDE CLEAR SAIL. 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 (c) of interim policy. PM24

EPA File Symbol 8047–GO. Poly Chem, Inc., PO Box 10026, Metairie LA 70181. POLY ORANGE FRAGRANCE GERMICIDAL CLEANER COEP. 5. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride, isopropyl alcohol, essential oils 2.2%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 9957–A. Sterling-Clark-Lurton Corp., 184 Commercial St., Malden MA 02148. STERLING ZINC NAPHTHENATE. Active Ingredients: Zinc Naphthenate 15.1%; Petroleum Distillates 84.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 9957–L. Sterling-Clark-Lurton Corp., 184 Commercial St., Malden MA 02148. STERLING COPPER NAPHTHENATE. Active Ingredients: Copper Naphthenate 20.1%; Petroleum Distillates 79.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 148–1015. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. 2% PARATHION DUST. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl thiophosphate) 2%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM12

[FR Doc.75–11865 Filed 5–7–75;8:45 am]

[OPP–32000/245; FRL 369–6]

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 DC 20460.

On or before July 7, 1975, 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 DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 7, 1975.

Dated: April 30, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED

EPA Reg. No. 1526–496. Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. PARATHION 4-E EMULSIFIABLE. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl phosphorothioate 46.3%; Aromatic Petroleum Solvent 48.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional uses. PM12

EPA File Symbol 34850–E. Bio-Dyne Industries, PO Box 666, 24201 Frampton Ave., Harbor City CA 90710. REVERE'S FLY STICK. Active Ingredients: Pyrethrins 2.0%; Piperonyl butoxide, technical (Equivalent to 0.8% (butylcarbityl) (6-propylpiperonyl) ether and to 0.2% related compounds) 1.0%; Butoxypropylene glycol 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 475–ROT. Boyle-Midway, S. Ave. & Hale St., Cranford NJ 07016. SANI-FLUSH DISINFECTANT MILDEWCIDE. Active Ingredients: 2-(4-thiazolyl)-benzimidazole 0.100%; 2-phenylphenol 0.172%; 2-chloro-4 phenylphenol 0.034%; Ethanol 67.512%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 13933–E. Brookfield Industries, 1625 S. Main, Centerville IA 52544. WARFARIN RAT AND MOUSE KILLER. Active Ingredients: Warfarin 3-(alpha-Acetonylbenzyl - 4 - hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 8329–RR. Clarke Outdoor Spraying Co., Inc., 7N570 Garden Ave., Roselle IL 60172. CLARKE MALATHION E–5. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 57.0%; Xylene 33.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 4643–GN. Dearborn Chem. Div., 300 Genesee St., Chemed Corp., Lake Zurich IL 60047. MICROBIOTREAT 6240. Active Ingredients: 2,2-Dibromo-3-nitrilopropionamide 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 352–342. E. I. DuPont De Nemours & Co., Inc., Biochemicals Dept., 7056 DuPont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl-n-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use on tomatoes. PM12

EPA Reg. No. 352–342. E. I. DuPont De Nemours & Co., Inc. LANNATE METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl-n-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use on peppers. PM12

EPA Reg. No. 352–370. E. I. DuPont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: Methomyl S-methyl-n-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use on small grains. PM12

EPA File Symbol 9198–GL. Free Flow Fertilizer Co., PO Box 119, Maumee OH 43537. BIG CITY WEED AND FEED 10–6–4. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 0.70%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.67%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 9198–GA. Free Flow Fertilizer Co., PO Box 119, Maumee OH 43537. GOLF GREEN WEED & FEED 24–4–9. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.00%; Isooctyl Ester of Silvex 2-(2,4,5-Trichlorophenoxy) Propionic Acid 0.30%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 4875–RR. Independence Chem. Co., N. Railroad & Essex Sts., Gloucester City NJ 08030. INDCO LG-12. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35930–R. Jude Chem. Specialties, PO Box 5491, Lenexa KS 66215. JCS–160 CLEANER, DISINFECTANT, DEODORIZER, FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C12, 5% C16, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35930–E. Jude Chem. Specialties, PO Box 5491, Lenexa KS 66215. JCS–45 CLEANER, DISINFECTANT, DEODORIZER, FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium-ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 36481–R. The E. Kahn's Sons Co., 3241 Spring Grove, Cincinnati OH 45225. KALI/1 DISINFECTANT-SANITIZER-DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1021–RGLO. McLaughlin Gormley King Co., 1715 SE. 5th St., Minneapolis MN 55414. PYROCIDE AEROSOL MIX 7250. Active Ingredients: Pyrethrins 1.50%; Piperonyl butoxide, technical (Equivalent to 2.4% (butylcarbityl) (6-propylpiperonyl) ether and 0.6% related compounds) 3.00%; N-octyl bicycloheptene dicarboximide 5.00%; 2,3:4,5-bis(2-butylene-tetrahydro - 2 - furaldehyde) 1.00%; Petroleum distillate 89.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1266–RLG. McLaughlin Gormley King Co., 8810 10th Ave. N., Minneapolis MN 55427. PYROCIDE INTERMEDIATE 5734. Active Ingredients: N, N-diethyl-m-toluamide 66.5%; Other isomers 3.5%; N-octyl bicycloheptene dicarboximide 20.0%; Di-n-propyl isocinchomeronate 5.0%; 2,3:4,5-bis(2-butylene) tetrahydro-2-furaldehyde 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 3417–EN. Mission Chem. Co., Janitor Supplies, 4990 Naples St., San Diego CA 92110. MITO. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 1769–EAU. National Chemsearch, Div. of USAchem Inc., 2730 Carl Rd., Irving TX 75062. NATIONAL CHEMSEARCH AEROSOL CONCENTRATE. Active Ingredients: Petroleum Distillate 98.20%; Technical Piperonyl Butoxide (Equivalent to 1.20% (Butylcarbityl) (6-propylpiperonyl) ether and 0.30% related compounds) 1.50%; Pyrethrins 0.30%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4029–EL. Oil Specialties and Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. TOUCH AND GO. Active Ingredients: Diquat dibromide [6,7-dihydrodipyride(1,2-a:2',1'c) pyrazinedilium dibromide] 4.35%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 3339–RI. Parke-Hill Chem. Corp., 29 Bertel Ave., Mount Vernon NY 10550. AIR-CON TABLETS. Active Ingredients: Sodium Chromate Tetrahydrate 66.00%; Sodium Hexametaphosphate 24.00%; Sodium Pentachlorophenate 7.90%; Sodium Salts of other Chlorophenols 1.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 1989–RR. Sanitary Supply & Chem. Co., Inc., 1810 7th St., Macon GA 31306. BLAST-OUT. Active Ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 2155–IL. I. Schneid, Inc., PO Box 93188, Martech Station, Atlanta GA 30318. L-TOX CONCENTRATE. Active Ingredients: Petroleum Distillate 96.85%; N-Octyl Bicycloheptene Dicarboximide 1.65%; Technical Piperonyl Butoxide (Equivalent to 0.16% (Butylcarbityl) (6-propylpiperonyl) ether and 0.04% related compounds) 1.00%; Pyrethrins 0.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 34810–I. Wexford Labs, Inc., 1035 S. Vandeventer, St. Louis MO 63110. WEX-CIDE CONCENTRATED GERMICIDAL DETERGENT. Active Ingredients: Ortho-Phenylphenol 6.73%; Ortho-Benzyl-Para-Chlorophenol 5.76%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

[FR Doc.75-11866 Filed 5-7-75;8:45 am]

[FRL 370-8]

AMERICAN CYANAMID CO.

Establishment of Temporary Tolerances

The American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, submitted a petition (5G1576) requesting establishment of temporary tolerances for residues of the herbicide difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl sulfate) in or on the raw agricultural commodities wheat straw at 20 parts per million; wheat grain at 0.05 part per million (negligible residue); and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million (negligible residue).

It has been determined that the temporary tolerances for residues of the herbicide in or on the above raw agricultural commodities will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Co. name.

These temporary tolerances expire May 2, 1976. Residues remaining in or on the raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: May 2, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-12015 Filed 5-7-75;8:45 am]

[FRL 371-1]

AMERICAN CYANAMID CO.

Establishment of Temporary Tolerances

The American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, submitted a petition (5G1580) requesting establishment of a temporary tolerance for the combined negligible residues of the herbicide [*N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzamine] and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitro benzyl alcohol in or on the raw agricultural commodities soybeans, and soybean forage and hay at 0.1 part per million.

It has been determined that these temporary tolerances of 0.1 part per million for the combined negligible residues of the herbicide and its metabolite [4-(1-ethylpropyl)amino)-2-methyl-3,5-dinitro benzyl alcohol] in or on the above raw agricultural commodities will protect the public health. They are therefore established, as requested, on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Company name.

These temporary tolerances expire May 2, 1976. Residues remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623),

and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: May 2, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-12016 Filed 5-7-75;8:45 am]

[PF7-8-9; FRL-370-3]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP 5F1608. ICI United States Inc., Concord Pike and New Murphy Rd., Wilmington DE 19897. Proposes establishment of a tolerance for negligible residues of the insecticide 2 - (dimethylamino) - 5,6 - dimethyl-4-pyrimidinyl dimethylcarbamate and its two major carbamate-containing metabolites: 5,6 - dimethyl - 2 - (formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6 - dimethyl - 2 - (methylamino)-4-pyrimidinyl dimethylcarbamate (combined residues of the metabolites are expressed in terms of the latter compound) in or on the raw agricultural commodity potatoes at 0.1 part per million. Proposed analytical method is a gas chromatographic procedure using a nitrogen detector. PM16

PP 5F1614. Chevron Chemical Company, Ortho Div., 940 Hensley St., Richmond CA 94904. Proposes establishment of a tolerance for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled in or on the raw agricultural commodities almonds (nuts and hulls) at 0.05 part per million. Proposed analytical method is a gas chromatographic procedure using a thermionic detector. PM16

PP 5F1610. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. Proposes establishment of a tolerance for residues of the insecticide, Carbofuran (2,3 - dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate) in or on the raw agricultural commodity potatoes at 2 parts per million, of which no more than 1 part per million is carbamate. Proposed analytical method is a nitrogen specific microcoulometric gas chromatographic procedure. PM13

PP 5F1613. Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis TN 38108. Proposes establishment of a tolerance for residues of the fungicide 2-(thiocyanomethylthio)-benzothiazole in or on the raw agricultural commodities safflower (fodder, forage, and seed), sorghum (fodder, forage and grain) and sugarbeets (roots and tops) at 0.1 part per million (ppm). Proposed analytical method is a colorimetric procedure where the thiocyanate ion liberated is determined spectrophotometrically at 532 nanometers. PM22

PP 5F1619. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. Proposes establishment of tolerances for residues of the desiccant paraquat (1,1'-dimethyl-4,4'-bi-pyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (calculated as the cation) in or on fresh hops at 0.1 ppm and hop vines at 0.5 ppm. Proposed analytical method is a sulfuric acid to free the paraquat cation, and after cleanup and reduction with sodium dithionite, the paraquat is determined spectrophotometrically. PM25

FAP 5H5085. Chevron Chem. Co. Proposes establishment of a food additive tolerance for residues of the desiccant in or on dried hops at 0.2 ppm from application of the pesticide growing hops. PM25

PP 5F1612. E. I. duPont de Nemours & Co., 6054 duPont Bldg., Wilmington DE 19898. Proposes establishment of a tolerance for residues of the fungicide Benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazole - carbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities, rice at 5 ppm per million and rice straw at 15 ppm. Proposed analytical method is a procedure using cation exchange liquid chromatography. PM22

FAP 5H5084. E. I. duPont de Nemours & Co. Proposes establishment of a food additive tolerance for residues of the fungicide in or on rice hulls at 20 ppm. PM22

PP 5F1609. Uniroyal Chemical Co., Div. of Uniroyal, Inc., Amity Rd., Bethany CT 06525. Proposes establishment of a tolerance for residues of the insecticide Propargite (2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite) at 10 ppm in or on the raw agricultural commodity cranberries (Massachusetts only). Proposed analytical method is a gas chromatographic procedure with a specific sulfur detector. PM13

PP 5F1607. Mobay Chemical Corp., Chemagro Agricultural Division, PO Box 4913, Hawthorn Rd., Kansas City MO 64120. Proposes establishment of a tolerances for residues of the insecticide 4-(methylthio)-3,5-xylyl methylcarbamate in or on the raw agricultural commodities cherries at 15 ppm; apples at 10 ppm; peaches at 10 ppm; pears at 6 ppm; meat, fat, and meat byproducts of cattle, sheep, goats, swine, and horses at 0.05 ppm; and milk at 0.005 ppm. Proposed analytical method is a flame photometric gas chromatographic procedure. PM13

FAP 5H5083. Mobay Chemical Corp. Proposes establishment of a food additive tolerance for residues of the insecticide in apple juice at 12.5 ppm. PM13

PP 5F1616. E. I. duPont de Nemours & Co., Wilmington DE 19898. Proposes establishment of a tolerance for residues of the insecticide Methomyl (S-methyl N-[(methylcarbamoyl)-oxy] thioacetimidate) in or on the raw agricultural commodities tomatoes and peppers at 1 part per million (ppm). Proposed analytical method is a microcoulometric gas chromatographic procedure. PM12

PP 5F1615. E. I. DuPont De Nemours & Co. Proposes establishment of a tolerance for residues of the insecticide Methomyl (S-methyl N-[methylcarbamoyl) oxy]thioacetimidate) in or on the raw agricultural commodities wheat grain, oat grain, barley grain, and rye grain at 1 ppm; and wheat (forage, hay, straw), oat (forage, hay, straw), barley (forage, hay, straw), and rye (forage, hay, straw) at 10 ppm. Proposed analytical method is a microcoulometric gas chromatographic procedure. PM12

PP 5F1621. BASF Wyandotte Corp., 100 Cherry Hill Rd., PO Box 181, Parsippany NJ 07054. Proposes establishment of a tolerance for negligible residues of the herbicide fluchloralin (*N*-(2-chloroethyl)-*a,a,a,* - trifluoro - 2,6-dinitro-*N*-propyl-*p*-toluidine) in or on the raw agricultural commodities cotton seed and soybeans at 0.05 ppm. Proposed analytical method is a gas chromatographic procedure using either a nickel electron capture or nitrogen-specific Coulson electrolytic conductivity detector. PM25

Dated: May 1, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-12014 Filed 5-7-75;8:45 am]

[FRL 369-7]

VIRGINIA

State Program for Control of Discharges of Pollutants to Navigable Waters; Approval

MAY 1, 1975.

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Virginia's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On October 18, 1974, Virginia submitted a program for carrying out the NPDES. EPA conducted a public hearing on the proposed approval on December 16, 1974, in Richmond, Virginia, and an informal hearing on January 15, 1975, at EPA Headquarters in Washington, D.C. A final decision on the Virginia program was delayed because the Virginia permit program regulations did not become effective during the 90-day statutory review period. Following the effective date of those regulations and after a thorough review of the Virginia program, the accompanying legal certification, and all comments submitted by the public at the Richmond hearing, at the Washington, D.C. public meeting, and

for the record which remained open until February 15, 1975, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Mills Godwin, Jr., in a letter dated March 31, 1975.

As of April 1, 1975, the Virginia NPDES permit program is being administered by the Virginia State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230 (telephone (804) 770-2241). Mr. Eugene T. Jensen is the Executive Secretary of the Virginia State Water Control Board. The Virginia program is being administered in accordance with Virginia statutes and regulations and a Memorandum of Agreement between Virginia and the EPA Region III Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (telephone (215) 597-9814). All pertinent documents are available for inspection at the Virginia State agency and EPA Regional Office at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

RICHARD H. JOHNSON,
Acting Assistant Administrator for Enforcement.

MAY 1, 1975.

[FR Doc.75-12017 Filed 5-7-75;8:45 am]

[FRL 370-2]

MOTOR VEHICLE POLLUTION CONTROL

California State Standard; Notice of Public Hearing

Whereas, the Clean Air Act, as amended, section 209(a), 42 U.S.C. 1857f-6(a) 81 Stat. 501 (Pub. L. 91-604) provides,

> No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part, * * * [or] * * * shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment;

Whereas, section 209(b) of said Act directs the Administrator of the Environmental Protection Agency, after notice and opportunity for public hearing, to waive application of the prohibitions of section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966 (California is the only state that had adopted such standards), unless he finds that such State does not require standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act;

Whereas, by mailgram dated April 22, 1975, and by letter dated April 23, 1975, California submitted a request for waiver of preemption for model year 1977 light duty vehicles and light duty trucks in order to enable California to enforce its evaporative emission standard of 6 grams/test, as measured by the SHED (Sealed Housing for Evaporative Determinations) technique test procedure;

Therefore, I hereby give notice that (i) California has submitted its request for waiver for the application of the prohibitions of section 209(a) with respect to the above described emission standard and test procedure, and that (ii) a public hearing on the request is to be held in Los Angeles, California at the Los Angeles Convention Center, Room 211, 1201 South Figueroa Street, on Wednesday, May 28, 1975, commencing at 9 a.m., p.s.t.

Although it is EPA policy in most circumstances to give at least thirty days FEDERAL REGISTER notice of hearings, the notice time has been abridged here for the following reasons;

(i) Manufacturers are presently at an advanced planning and design stage for their 1977 model light duty vehicles, and it is imperative that administrative procedures be completed and a final California standard be set as soon as possible, and

(ii) California sent copies of its letter dated April 23, 1975, submitting its waiver application to all affected manufacturers. Thirty days' actual notice of this hearing has accordingly been given to these parties.

Dr. Norman D. Shutler of the Environmental Protection Agency is designated as Presiding Officer to conduct the hearing. Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and, if practicable, five copies of his proposed statement (and other relevant material) with the Director, Mobile Source Enforcement Division (EG-340), Environmental Protection Agency, Room 3220, 401 M Street, SW, Washington, D.C. 20460, not later than May 23, 1975.

The pertinent standards, requirements, conditions, and test procedures for gasoline powered 1977 model year light duty vehicles and light duty trucks are contained in the following identified publications:

Federal. 40 CFR Part 85, Subpart A, Emission Regulations for New Gasoline-Fueled Light Duty Vehicles (38 FR 22474, August 21, 1973, and 38 FR 17133, June 28, 1973, as amended at 39 FR 18077, May 23, 1974).

40 CFR Part 85, Subpart C, Emission Regulations for New Gasoline-Fueled Light Duty Trucks (38 FR 21365, August 7, 1973 as amended at 38 FR 30081, October 31, 1973).

(Although the referenced standards, requirements, conditions and test procedure are for 1976 model year vehicles, they are identical to those soon-to-be promulgated for 1977 model year vehicles.)

California. Sections 1976, Title 13, California Administrative Code, as adopted March 26, 1975, and California Fuel Evaporative Emissions Standard and Test Procedures for 1977 and Subsequent Model Gasoline-Powered Passenger Cars and Light Duty Trucks.

A copy of the above-described material is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of the Federal regulations will be provided upon request to that office, subject to a reproduction charge. Copies of the California standards and test procedures are available upon request from the California Air Resources Board, 1025 P Street, Sacramento, California 95814.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination.

Presentation by the participants should be limited to the following considerations with particular attention to (ii):

(i) Whether the standard adopted by California for evaporative emissions and the related test procedure applicable to new model year 1977 light duty vehicles and light duty trucks are required to meet compelling and extraordinary conditions in California and

(ii) Whether such standard and accompanying test procedure are consistent with section 202(a) of the Act, in particular with respect to their technological feasibility in the lead time remaining.

In order to assure full opportunity for the presentation of data; views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the public hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken under section 209(b) of the Clean Air Act with respect to the waiver of the application of the prohibition of section 209(a) to the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not included in the transcript of the public hearing, may also be considered.

Dated: May 2, 1975.

J. BRIAN MOLLOY,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-12018 Filed 5-7-75;8:45 am]

[FRL 371-3]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Meeting

MAY 2, 1975.

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the State-Federal FIFRA Implementation Advisory Committee will be held at 8:30 a.m., May 29 in Room 1112, Crystal Mall Building #2, Arlington, Virginia.

This is the first meeting of the Committee. The agenda will include items developed by Committee members at a series of intra-Regional meetings which will be held during May. However, the agenda in all likelihood will contain items relating to implementation of key sections of the amended FIFRA.

The meeting will be open to the public. To ensure adequate seating, it is requested that members of the public wishing to attend contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-3053. Details of the agenda may also be obtained from Mr. Gray prior to the meeting.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

MAY 2, 1975.

[FR Doc.75-12162 Filed 5-7-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-514]

WAIVER OF THE "OFF-NETWORK" RESTRICTIONS OF PRIME TIME ACCESS RULE

Request Filed

MAY 1, 1975.

Public Notice is given of the filing of the request listed below for waiver of the "off-network" provisions of the prime time access rule, § 73.658(k)(3) of the Commission's rules, for the period beginning April 23 (or as soon as waiver is granted) and ending September 3, 1975.

Petitioner and date filed:	*Material*
The Hearst Corp. (WISN-TV, Milwaukee, Wis.) Apr. 10, 1975.	20 half-hour episodes of the "Victory at Sea" series run on NBC during 1951-52, to be presented weekly on WISN-TV.

Comments on this request may be filed by May 9, 1975 and replies to such comments by May 16, 1975, with a copy to the Chief, Office of Network Study, Federal Communications Commission, Washington, D.C. 20554. Copies of the requests and comments concerning them may be examined at that Office, 1229-20th St. NW, Washington, D.C., Room A-325.

This listing does not constitute any Commission view as to whether the requests should be granted or denied. Attention is called to: (1) the Memorandum Opinion and Order adopted September 11, 1974, released September 13, 1974, FCC 74-974 (31 R.R. 2d 409), concerning prime time access rule waiver policy for the 1974-75 broadcast year; and (2) pending appeals from Commission grant of an earlier waiver for the America series (U.S.C.A.D.C. Case No. 73-2052, argued October 17, 1974) and from the Commission's latest decision concerning the prime time access rule (U.S.C.A. 2, Case Nos. 75-4021 et al., argued March 7, 1975), both titled National Association of Independent Television Producers and Distributors v. FCC.

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

[FR Doc.75-12103 Filed 5-7-75;8:45 am]

[FCC 75-515]

PRIME TIME ACCESS RULE

Commission Instructions to Staff

MAY 2, 1975.

On April 21, 1975, the U.S. Court of Appeals (C.A. 2) issued its decision concerning the Commission's prime time access rule (Sec. 73.658(k) of the rules) as revised in the Commission's January 17 decision adopting the third version of the rule, "PTAR III", to become effective September 8, 1975. The Court generally affirmed the Commission, but remanded the matter with respect to certain details of the "PTAR III" rule.

The Commission today issued instructions to its staff to prepare a decision in light of the Court's opinion, along the following lines:

(1) "PTAR III", revised as indicated herein, will go into effect September 8, 1975, as contemplated in the January 1975 decision, including the new exemption (exemption (1)) for network or off-network programs which are designed for children 2 through 12, documentary programs (as defined in the January decision) and public affairs programs, which will be defined in the new decision.

(2) At least for the first year of the rule, September 1975 through September 1976, there may be no network or off-network programs presented under this exemption on Saturday night. Feature films also may not be presented during the hour of access time on Saturday night by stations subject to the rule. The Commission's decision had emphasized the importance of Saturday night under the rule, because of large-scale use for local programs and as the greatest opportunity for hour-long access shows, and had cautioned the networks against intrusion into it in the absence of compelling public-interest reasons. The Court held this approach improper, directing the Commission either to put such a provision into the rule or drop its admonition. The Commission accordingly has decided to put the concept into the rule. (Material under the other exemptions to the rule may be presented on Saturday as on other nights, e.g. sports runovers).

(3) The Commission considered the Court's suggestion of a ceiling on the use of material pursuant to the new exemption. Because of the difficulty in determining a precise ceiling and in light of information thus far available as to network scheduling plans for 1975-76, the Commission decided not to adopt a ceiling at this time. However, the decision will emphasize that the Commission will observe during the first year the extent to which the new exemption is being utilized and will then consider revising the rule to impose a reasonable ceiling, if in the Commission's judgment that is necessary to preserve the prime time access market.

(4) As to all nights except Saturday, the Commission determined that movies shown on an individual station basis are not likely to have an impact on the prime time access market sufficient to warrant a restriction on their use. Accordingly, the rule imposes no restriction. However, the Commission will observe during the first year the extent to which movies are used during access time, and if experience indicates that there is a need to preserve the prime time access market from their impact, an appropriate restriction will be considered for adoption. The Court had held that the Commission's distinction based on whether a movie had previously been shown on a network was arbitrary.

(5) Public affairs programs, for the purpose of the exemption, will be defined.

The full text of the decision is expected to be released next week.

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

[FR Doc.75-12104 Filed 5-7-75;8:45 am]

FEDERAL ELECTION COMMISSION

TRANSFER OF AUTHORITY

On May 1, 1975 the Commission announced the appointment of John G. Murphy, Jr. as General Counsel; Orlando B. Potter previously had been appointed as Staff Director of the Commission. Therefore, as provided by section 208(b) of the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443) the Federal Election Commission will complete the transfer of authority from the Supervisory Officers designated by the Federal Election Campaign Act of 1971 by May 30, 1975. The Clerk of the House of Representatives (Supervisory Officer for House candidates and their supporting political committees) and the Secretary of the Senate (Supervisory Officer for Senate candidates and their supporting political committees) will continue to receive appropriate reports and statements filed pursuant to the 1974 Act. As of the date of transfer, the reporting requirements of title III of the

Federal Election Campaign Act of 1971 will be superseded by the requirements of section 204(a) of the Federal Election Campaign Act Amendments of 1974 [2 USC 434(a)]. The next quarterly report is due on or about July 10, 1975, covering the period of March 1, 1975 through June 30, 1975. The June 10 periodic report prescribed by the 1971 Act is not required.

THOMAS B. CURTIS,
Commission Chairman.

[FR Doc.75-12239 Filed 5-7-75;8:45 am]

FEDERAL MARITIME COMMISSION

BLUE SEA LINE JOINT SERVICE AGREEMENT

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, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 19, 1975. 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:

Milton J. Levitt, Esq.
Palmer Serles & Baar
Attorneys at Law
120 Broadway
New York, New York 10005

Agreement No. 8529-6, entered into by Ocean Transport and Trading Limited and The China Mutual Steam Navigation Co., Ltd. (the carriers comprising the "Blue Funnel Line" joint service under Agreement No. 7568) and Aktiebolaget Svenska Ostasiatiska Kompaniet, modifies the approved basic joint service agreement by amending Article 1 thereof and adding an Appendix thereto for the purpose of designating with greater specificity certain areas presently covered by the agreement, and to include certain other ports within the scope of the agreement, as set forth in the Appendix thereto.

By Order of the Federal Maritime Commission.

Dated: May 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-12106 Filed 5-7-75;8:45 am]

CRUISE LINES INTERNATIONAL ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 28, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

William J. Armstrong
Acting Administrator
Cruise Lines International Association
17 Battery Place, Room 631
New York, New York 10004

Agreement No. 10071, between the parties identified hereafter, will establish a cooperative working arrangement of companies engaged in the marketing of the cruise and passenger liner industry in North America. The Association is to provide a forum to discuss matters of common interest and develop and agree upon policies aimed at promoting the concept of shipboard holidays. The areas of promotion which may be implemented include agency training programs, public relations and advertising.

Membership in any other passenger ship association or conference shall not preclude membership in the Cruise Lines International Association. Participation in any programs of the Association shall not limit the right of any member to take independent action.

The parties to this Agreement are:

Baltic Shipping Co.
Black Sea Shipping Co.
Chandris, Inc.
Costa Line, Inc.
Cunard Line Ltd.
Epirotiki Lines
Hellenic Mediterranean Lines
Holland America Cruises
Home Lines
Incres Line
Italian Line
Norwegian America Line
Orient Overseas Line
Pacific Far East Line
Paquet Cruises, Inc.
Polish Ocean Lines
Princess Cruises
Prudential Lines, Inc.
Royal Cruise Line
Royal Viking Line
Sitmar Cruises
Sun Line Cruises
Swedish American Line

By order of the Federal Maritime Commission.

Dated: May 5, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-12105 Filed 5-7-75;8:45 am]

FEDERAL POWER COMMISSION

ATLANTIC RICHFIELD CO., ET AL.

[Rate Schedule Nos. 64, etc.]

Notice of Rate Change Filings

MAY 1, 1975.

Take notice that the producers listed in the Appendix below have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
April 18, 1975...	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	64	Arkansas Louisiana Gas Co.	Other Southwest.
April 21, 1975...	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	103	Southern Natural Gas Co.....	Do.
Do.....	TransOcean Oil, Inc., 17th Floor, First City East Bldg., Houston, Tex. 77002.	3	Transcontinental Gas Pipe Line Corp.	Texas Gulf.

[FR Doc.75-12036 Filed 5-7-75;8:45 am]

[Docket No. CP75-96, etc.]

EL PASO ALASKA CO., ET AL.

Extension of Time

MAY 1, 1975.

On April 25, 1975, Northern Border Pipeline Company, Columbia Gas Transmission Corporation, Michigan Wisconsin Pipe Line Company, Natural Gas Pipe Line Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company and Texas Eastern Transmission Corporation jointly filed a motion to extend the time for responding to the motion of Staff Counsel filed April 17, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing answers or objections to the motion of Staff Counsel is extended to and including May 9, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12024 Filed 5-7-75;8:45 am]

[Docket No. RI74-188]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Petition for Interim Relief

APRIL 30, 1975.

Take notice that on April 3, 1975, Independent Oil & Gas Association of West Virginia (IOGA) (Petitioner), 1730 M Street, NW., Washington, D.C. 20036, on behalf of its small producer members in West Virginia filed a petition for interim relief in Docket No. RI74-188. IOGA's member producers currently receive an average of 31.96 cents per Mcf. These small producers make jurisdictional gas sales to Consolidated Gas Supply, Columbia Gas Transmission, Carnegie Natural Gas and Equitable Gas. Petitioner seeks interim relief of 46 cents per Mcf in the above-docketed proceeding. This proceeding was remanded, by the Commission after denial of a 55 cents per Mcf Settlement Proposal, to the Presiding Administrative Law Judge for further investigation and submission of additional evidence.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12025 Filed 5-7-75;8:45 am]

[Docket No. E-9389]

LOUISIANA POWER & LIGHT CO.

Filing of Electric Service Agreement

MAY 1, 1975.

Take notice that Louisiana Power & Light Company (LP&L) on April 22, 1975, tendered for filing an Electric Service Agreement dated March 24, 1975, covering the delivery of electric service to the City of Minden, Louisiana.

Due to a shortage of firm capacity on the part of the City of Minden, Louisiana and a fuel emergency according to LP&L, LP&L has requested waiver of the Commission's Rules to allow this Rate Schedule to become effective May 1, 1975.

LP&L stated that a copy of this filing was mailed to the City of Minden, Louisiana.

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 May 13, 1975. 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12026 Filed 5-7-75;8:45 am]

[Docket Nos. RP73-102, PGA75-3, AP75-3]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Interventions

APRIL 30, 1975.

On March 13, 1975, Michigan Wisconsin Pipe Line Company (Mich-Wis) tendered for filing as part of its FPC Gas Tariff, Second Revised Volume 1, Ninth Revised Sheet No. 27F, and Alternate Ninth Revised Sheet No. 27F. Mich-Wis stated that the proposed revised tariff sheets were filed pursuant to the provisions of section 15 of the General Terms and Conditions of its tariff, Opinion No. 699-G, and Article IV of the Stipulation and Agreement in Docket No. RP73-102. Mich-Wis has proposed an effective date of May 1, 1975 for Ninth Revised Sheet No. 27F, and, in the event that the Commission does not accept said tariff sheet effective as of May 1, 1975, then Alternate Ninth Revised Sheet No. 27F[1] is requested to be made effective May 1, 1975.

On March 19, 1975, notice of the filing of the proposed tariff sheets was issued with protests and petitions due on or before April 8, 1975.

Three petitions to intervene have been filed in response to Mich-Wis' filing, to wit: Wisconsin Gas Company made a timely filing on April 3, 1975, and two out-of-time petitions were filed by Madison Gas and Electric Company and Exxon Corporation on April 9, 1975, and April 10, 1975, respectively.

Upon consideration of the instant petitions to intervene, we find good cause has been shown to grant the requested interventions. We shall accordingly waive the timely filing requirement of § 1.8(d) of the regulations in order that the out-of-time petitions be granted.

The Commission finds. Good cause has been shown to grant the requested interventions. Waiver of § 1.8(d) of the regulations should be granted as it applies to the out-of-time petitions to intervene filed herein.

The Commission orders. (A) The timely petition to intervene filed by Wisconsin Gas Company is hereby granted.

(B) The timely filing requirement of § 1.8(d) of the regulations is hereby waived and the out-of-time petitions to intervene of Madison Gas and Electric Company and Exxon Corporation are hereby granted.

(C) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as

[1] Ninth Revised Sheet No. 27F reflects carrying charges related to certain advance payments made to Exxon, a petitioner herein, Alternate Ninth Revised Sheet No. 27F excludes the carrying charges related to the advance payments.

specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-12027 Filed 5-7-75;8:45 am]

[Docket No. RP74-100; PGA-9]

NATIONAL FUEL GAS SUPPLY CORP.

Filing and Suspending Proposed PGA Rate Increase, Permitting Intervention, and Permitting Filing of Revised Rates

APRIL 30, 1975.

On March 17, 1975, National Fuel Gas Supply Corporation (National Fuel) filed herein a proposed PGA rate increase of $22.2 million to track increased purchased gas costs occasioned by the Commission's Opinion No. 699-H, plus a surcharge to recover deferred purchased gas costs. National Fuel requests waiver of the Commission's regulations to permit the proposed rates to become effective on April 1, 1975.

Notice of National Fuel's filing was issued on March 25, 1975, providing for protests or petitions to intervene to be filed on or before April 17, 1975. As of April 10, 1975, no protests had been received. A petition to intervene was filed on April 9, 1975, by The Peoples Natural Gas Company. Peoples does not request a hearing, but seeks the right to participate in the event hearings are held. Peoples' petition to intervene will be granted.

A review of National Fuel's filing discloses the fact that the proposed increase in rates is predicated, in part, on small producer purchases at rates in excess of the level established by Opinion 699-H. The proposed rates therefore may not be just and reasonable, and they will accordingly be suspended for one day and permitted to become effective thereafter on April 2, 1975, subject to refund of such portion of the rate that we may find to be unjust and unreasonable. The company shall be permitted, however, to file revised PGA rates to become effective on April 1, 1975, provided the amounts of small producer rates in excess of the level authorized in Opinion 699-H are eliminated. The effect of this procedure will be to make subject to refund only the small producer rates in excess of the authorized levels.

National Fuel requests waiver of the Commission's regulations governing effective date on the ground it received insufficient notice from its suppliers to permit the proposed rates herein to be filed 45 days prior to the effective date of the suppliers' rate increases. We find that good cause exists for waiver of the regulations in this instance.

The Commission orders. (A) National Fuel's proposed PGA rate increase, as filed herein on March 17, 1975, and as set forth on Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended for one day, and the Commission's applicable regulations are waived to permit the proposed rates to become effective thereafter on April 2, 1975, subject to refund of such portion of the rate that we may find to be unjust and unreasonable.

(B) National Fuel is permitted to file, within 15 days from the date of this order, revised rates in accordance with the terms of this order supra, to be effective April 1, 1975.

(C) The above-named petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

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

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-12028 Filed 5-7-75;8:45 am]

NORTHWEST PIPELINE CORP.

[Docket No. CP75-310]

Notice of Application

MAY 1, 1975.

Take notice that on April 18, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-310 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and the operation of the facilities of Grand Valley Transmission Company (Grand Valley), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to acquire by purchase and to operate the gathering and transmission facilities of Grand Valley. Applicant states that in accordance with their purchase agreement dated March 20, 1975, the parties have agreed that Applicant shall purchase the gathering and transmission system, including all appurtenances, contracts, gas purchase contracts, rights-of-way, vehicles, heavy equipment and all other assets, interests, rights and properties, presently owned and operated by Grand Valley. The facilities proposed to be acquired, located in Grand and Uintah Counties, Utah, are said to constitute all facilities of Grand Valley and are presently used solely for the gathering and transportation of natural gas. The application indicates that the facilities will be purchased at a cost which is to be the lesser for $560,000 or the net book value as of the closing date which cost shall be determined in accordance with generally accepted accounting principles and shall be financed by Applicant from funds on hand.

Applicant states that Grand Valley presently gathers and transports gas purchased from six independent producers in the Westwater Field, Grand and Uintah Counties, and sells and delivers all gas, except that lost or used as fuel, to Applicant [1] pursuant to a Gas Purchase Agreement dated December 1, 1959, as amended (Grand Valley's FPC Gas Rate Schedule No. 1), which agreement would be cancelled upon the sale proposed herein. Applicant states that upon acquisition of the facilities of Grand Valley it would continue to operate the facilities in essentially the same manner as Grand Valley. Applicant further states that it would succeed to all of the gas purchase contracts of Grand Valley and would continue to purchase approximately the same volumes of natural gas from the producers in the Westwater Field that Grand Valley is currently purchasing for resale to Applicant. Applicant states further that its overall gas supply will remain unchanged as no new or additional sales will directly result from the grant of the requested authorization.

Applicant claims that Grand Valley is not in a financial position, nor is there any incentive for Grand Valley to expand its operation in the Westwater Field or areas adjacent thereto. Applicant explains that Grand Valley's contract with Applicant, which presently provides that Applicant will pay Grand Valley 28 cents per Mcf for all gas it purchases from Grand Valley, precludes Grand Valley from adding new reserves for which it would have to pay no less than the price for new gas consistent with the rates set forth in § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a). Applicant states that on the other hand its acquisition of the facilities of Grand Valley will give Applicant complete control over the operation of a gas supply source presently serving its transmission system which will serve to permit Applicant to contract directly for new or additional gas supplies with producers in the Westwater Field without having to negotiate with third parties to provide a gathering or transportation service. Thus, Applicant claims, it could offer the financial incentive necessary to encourage the exploratory efforts in this area and to encourage the further development of existing gas reserves. The incentives which Applicant claims it can

[1] Grand Valley was issued, on June 20, 1961 (25 FPC 1178), a certificate of public convenience and necessity for the sale of natural gas to El Paso Natural Gas Company (predecessor in interest to Applicant). On March 21, 1963 (29 FPC 561), on July 11, 1966 (36 FPC 50) and on December 29, 1970 (44 FPC 1677), Grand Valley was authorized to construct extensions to its gathering system to connect additional production in the Westwater Field.

offer are: i) to contract for new supplies at rates consistent with those set forth in § 2.56a, ii) to provide funds for the development of new gas reserves in advance of production, and iii) to assure prompt connection of new gas producing properties to its gathering or transmission system. Applicant adds that the grant of the authorization will also eliminate the possibility of Applicant's constructing gathering facilities which could be duplicative of those of Grand Valley should Applicant acquire new gas supplies in this area.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12029 Filed 5-7-75;8:45 am]

[Docket No. RP74-23]

NORTHWEST PIPELINE CORP.

Notice Vacating Notice

MAY 1, 1975.

Take notice that on April 25, 1975, a notice was issued, in the above-designated matter, denying Northwest Pipeline Corporation's motion for extension of time. On April 30, 1975, an order was issued under the caption "El Paso Natural Gas Company, Docket Nos. RP74-22 and RP74-23," which granted an extension for briefs on exceptions and briefs opposing exceptions. The two dockets, although not consolidated, were heard on a common record, and the extension of time shall be applicable to both cases. Therefore, the earlier notice denying an extension of time in this matter is hereby vacated, and RP74-22 and RP74-23 shall be briefed on the schedule called for by our order of April 30, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12030 Filed 5-7-75;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for Change in Land Rights

APRIL 30, 1975.

Public notice is hereby given that application for approval of a change in land rights was filed March 18, 1974, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the South Carolina Electric & Gas Company (Correspondence to: Brian J. McManus, Esquire, Reid & Priest, Attorneys at Law, 1701 K Street, N.W., Washington, D.C. 20006; and Edward C. Roberts, Esquire, Senior Attorney, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218) Licensee for Saluda Project No. 516, which is located on the Saluda River and its tributaries in Lexington, Newberry, Richland, and Saluda Counties, South Carolina, near the City of Columbia and Town of Lexington, South Carolina.

Licensee proposes to grant an easement to Champion International Corporation (Champion) to allow an effluent line to be extended into the Saluda River for the purpose of discharging treated effluent from a seven-day holding pond at a new plywood manufacturing plant located in Newberry County, approximately nine miles upstream of Lake Murray. The total maximum discharge, consisting of domestic and boiler blowdown wastewater, would be 17,800 gallons per day.

Champion has obtained a South Carolina Department of Health and Environmental Control Construction permit, No. 2611-C, for the waste treatment system and the discharge. In addition, Champion has applied for the necessary permits from the Environmental Protection Agency.

The subject application, together with other applications concerning Project No. 516 pending before the Commission, has been set for hearing before an Administrative Law Judge.

Any person desiring to be heard or to make protest with reference to said application should on or before May 26, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12031 Filed 5-7-75;8:45 am]

[Docket No. RI75-130]

AUTRY C. STEPHENS

Petition for Special Relief

MAY 1, 1975.

Take notice that on April 10, 1975, Autry C. Stephens, (Petitioner), 4633 Princeton Avenue, Midland, Texas 79701, filed a petition for special relief in Docket No. RI75-130, pursuant to Order No. 481.

Petitioner seeks a rate increase from 24 cents per Mcf to 36 cents per Mcf, for the sale of gas to El Paso Natural Gas Company under Autry C. Stephens (Operator), et al. FPC Gas Rate Schedule No. 1 from the Christmas "A" and Devonian-Christmas leases located in the Jalmat Field, Lea County, New Mexico. Petitioner states that it has performed various reconditioning techniques on the two wells and has had to install pumping equipment. Additionally, Petitioner states that the wells also suffer from sale deposits and scale, and the wellbore must be periodically cleaned of sand and shale cavings. The reservoirs pressure is low, and a small wellbore obstruction prevents the wells from producing. Petitioner further states that if relief is not granted the other alternative is abandonment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 13, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12032 Filed 5-7-75;8:45 am]

[Docket No. RP75-76-1]

TEXAS GAS TRANSMISSION CORP. AND MISSISSIPPI VALLEY GAS CO.

Extraordinary Relief; Provision for Hearing

APRIL 30, 1975.

On March 17, 1975, Mississippi Valley Gas Company (MVG) filed a petition, pursuant to § 1.7(b) of the Commission's

rules of practice and procedure, requesting emergency relief and interim relief pendente lite from the curtailment provisions of Texas Gas Transmission Corporation's (Texas Gas) FPC Gas Tariff, Third Revised Volume No. 1. MVG's petition to which individual requests from the four customers concerned, together with their sworn statements, are attached requests emergency relief and interim relief pendente lite in order to protect Greenwood Utilities, Greenwood, Mississippi (Greenwood) and the City of Clarksdale, Mississippi Electrical Utility (Clarksdale) from the forced shedding of firm electric load as well as emergency relief on behalf of Vlasic Foods, Inc. (Vlasic) and Cooper Industries, Inc. (Cooper).

Specifically, the above petition requests the Commission to issue an order directing Texas Gas to deliver to MVG for redelivery to the four above-named customers the following natural gas volumes: (1) Greenwood—for the period April 1, 1975, until December 15, 1975, up to 5,200 Mcf per day during the peak (summer) period and somewhat less during the off-peak period, with additional gas on an emergency standby basis up to a maximum of approximately 14,747 Mcf per day; (2) Clarksdale—for the period of six months commencing April 1, 1975, up to 7,900 Mcf per day, on an emergency basis, in the event that operations utilizing alternate fuels fail, and permanent relief in the amount of 10,000 Mcf per month to fuel pilots in the burners of its generating units; (3) Vlasic—maximum of 300 Mcf per day and 4,833 Mcf during the peak month of the first year of operation of the Greenville plant, with an increase to 42 Mcf per hour, 600 Mcf per day, and 9,666 Mcf per month for the months of May through September after the first year; and (4) Cooper—maximum of 4,262 Mcf per day and 82,340 Mcf per month. On April 10, 1975, MVG filed a supplement to its petition and a motion to dismiss that portion of its petition requesting relief for Vlasic and Cooper, together with their attached requests, on the ground that those industrial customers had been granted relief by the Mississippi Public Service Commission in an order issued March 31, 1975. By order issued March 31, 1975, in this proceeding, the Commission directed Texas Gas to deliver to MVG for redelivery to Greenwood and Clarksdale conditional emergency relief volumes of natural gas for a 30-day period, or the date of a final Commission determination herein, whichever occured first. On April 25, 1975, MVG filed a motion requesting extension of the emergency relief until a final determination is made and an expedited hearing scheduled on its petition.

In support of its request for extraordinary relief, Greenwood states that it owns and operates an isolated electric generating and distribution system serving a community of approximately 30,000 people. It meets its base load requirements with the output of steam-electric generating units H1 and H3 at its newer Henderson Station, and utilizes its gas turbine unit H2 at the Henderson Station in addition to several smaller generating units at its Wright Station to supplement the aforesaid H1 and H3 units' generation when required.

Historically, Greenwood claims to have used natural gas as the primary fuel at both generating stations with oil and coal as the primary standby fuel at Wright and coal serving a similar purpose at Henderson. Greenwood avers that it is now endeavoring to purchase and install the necessary equipment to operate its generating facilities entirely on coal and oil, but requires a temporary allocation of natural gas to take care of any contingency developing out of generating electricity with alternate fuels.

Though Greenwood can operate Wright entirely on oil and the gas turbine peaking unit at Henderson is equipped to burn oil, the H1 and H3 base load units can burn only coal as an alternate fuel. Greenwood claims that it has neither the equipment nor the supply at this time to baseload with coal. It asserts to be securing the equipment necessary to physically unload, store, and convey the very large quantities of coal required for its use as base fuel at Henderson and also to allow conversion of the H1 and H3 units at Henderson to burn oil as well as coal. According to Greenwood, it will have to shed firm electric load without a limited supply of gas for use at Henderson because it simply cannot handle the inordinately large amounts of coal that otherwise would be required. Based upon a mode of operation utilizing alternate fuels for the different generating units in quantities that are manageable, Greenwood estimates an average requirement of 5,200 Mcf per day of natural gas during the summer months and somewhat less during the off-peak months of the period April 1, 1975, to December 15, 1975, with a maximum on an emergency basis of about 14,747 Mcf per day for peak day requirements to avoid shedding firm electric load if alternate fuels become unavailable.

In support of this request for extraordinary relief, Clarksdale states that it owns and operates an isolated electric generating, transmission and distribution system serving an area with a population of approximately 24,000. Its generating facilities have a maximum sisting of 14 mw at its Third Street plant, which has 96,000 gallons of oil storage capacity, and 53.5 mw at its South Plant, at which there is now oil storage capacity aggregating 36,140 barrels. The principal generating units, which are located at the South Plant, are a 25 mw combined cycle steam and gas turbine, a simple cycle 12.5 mw gas turbine peaking unit, and a 9.5 mw steam-electric turbine. Assuming that an additional oil storage tank of 35,000 barrels is filled, the 25 mw base load unit will have total storage capacity for No. 2 fuel oil only for 54 days; the peaking unit, storage capacity for No. 2 fuel oil for 30 hours' operation; and the 9.5 mw steam turbine, the second base load unit, storage capacity for No. 6 fuel oil for 42 hours. There is presently no method by which the oil storage capacity of one generating unit can be transmitted to another unit at the South Plant with the exception of the steam-electric generators operating on No. 6 fuel oil.

Clarksdale asserts that if its natural gas supply is completely curtailed, it is impossible to obtain sufficient transportation for the needed quantities of No. 2 (diesel) oil, and that the City's assurance of an adequate supply of No. 2 diesel fuel is in doubt. During the six months commencing April 1, 1975, Clarksdale estimates that it will require up to 7,900 Mcf of natural gas per day on an emergency basis while it acquires a sufficient allocation and delivery system of fuel oil and completes the conversion of its internal delivery system. It further claims to need permanent relief of 5,000 Mcf of natural gas per month each for its South Plant and Third Street plant for utilization as pilot fuel.

Pursuant to notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before April 18, 1975. The Mississippi Public Service Commission and Clarksdale filed timely notices of intervention in support of MGV's request, and Greenwood filed a petition to intervene and request for emergency interim relief. Timely petitions for leave to intervene were filed by Mississippi Power & Light Company, and jointly by Indiana Gas Company, Inc. and Ohio River Pipeline Corporation. On April 21, 1975, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a petition for leave to intervene, and General Motors Corporation (General Motors) filed a petition for leave to intervene, protest, and request for expedited hearings. Michigan Wisconsin and General Motors oppose granting the relief requested, and General Motors requests an expedited hearing. Michigan Wisconsin avers that the petition fails to demonstrate the existence of extraordinary circumstances justifying the relief sought; and General Motors points out that the requests by Clarksdale and Greenwood because of the increasing depth of curtailment on the Texas Gas system, essentially are asking the Commission to curtail Priority 3 and Priority 2 customers to provide sufficient quantities of low priority boiler fuel.

In view of the factual and legal issues raised by the contentions set forth above, we believe that an evidentiary hearing should be held upon MVG's petition for extraordinary relief on behalf of Greenwood and Clarksdale, together with their individual requests for such relief. Accordingly, we shall order hereinafter appropriate hearing procedures for that purpose.

By order issued March 31, 1975, we granted conditional interim relief for the benefit of Greenwood and Clarksdale to avoid the possibility of their shedding firm electric load. That grant was for a 30-day period and MVG now seeks to continue that grant until a final determination is made on its petition. Based on the pleadings, we are convinced that

temporary relief, as modified and conditioned, should be continued. In its request, Greenwood seeks 14,747 Mcf per day on an emergency standby basis. However, section 10.3 of the General Terms and Conditions to Texas Gas' FPC Gas Tariff permits the grant of the emergency relief that would be required on Greenwood's system to avoid the emergency, since Greenwood apparently has adequate fuel capability to cope with any short-term emergency that may arise.

The Commission finds. (1) Good cause exists to grant MVG's petition to extend the period for interim relief as hereinafter ordered.

(2) A grant of MVG's petition for extraordinary relief filed on March 17, 1975, as supplemented April 10, 1975, on behalf of Greenwood and Clarksdale, to the extent set forth in the recital above, on an interim basis, as hereinafter ordered is in the public interest and is consistent with the purposes of the Natural Gas Act.

(3) Good cause exists to set for formal hearing the matters raised by MVG's petition for a grant of extraordinary relief for Greenwood and Clarksdale.

(4) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders. (A) The motion filed by MVG for extension of the period of interim relief is hereby granted as hereinafter conditioned.

(B) The petition for extraordinary relief filed by MVG on March 17, 1975, as supplemented April 10, 1975, on behalf of Greenwood and Clarksdale, to the extent set forth in the recital above, on an interim basis, is hereby granted as hereinafter conditioned.

(C) The extraordinary relief granted in paragraph (B) above is granted upon the following conditions:

(1) The special relief volumes of natural gas shall be used only after each consumer has exhausted all alternate fuel available;

(2) the special relief volumes received by each consumer are subject to payback obligations, if such is required by the evidentiary record; and

(3) the interim special relief hereinabove granted extends from May 1, 1975, through December 31, 1975, or until a final Commission determination is made in this proceeding, whichever occurs first.

(D) MVG's motion filed on April 10, 1975, for dismissal of that portion of its petition filed March 17, 1975, requesting extraordinary relief on behalf of Vlasic and Cooper is hereby granted.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held on May 28, 1975, at 10:00 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine whether or not permanent extraordinary relief should be granted to MVG on behalf of Greenwood and Clarksdale, as requested.

(F) On or before May 14, 1975, MVG, Greenwood, Clarksdale and any supporting party shall file with the Commission and serve on all parties, including Commission Staff, their testimony and exhibits in support of the proposed extraordinary relief to MVG for Greenwood and Clarksdale.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(H) The above-named petitioners are permitted to intervene in the above-docketed proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved by any order or orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-12033 Filed 5-7-75;8:45 am]

[Docket No. RP75-93]

TRUNKLINE GAS CO.

Proposed Change in Rates and Amendment to Agreement

MAY 1, 1975.

Take notice that on April 23, 1975, Trunkline Gas Company (Trunkline) tendered for filing proposed changes to its FPC Gas Tariff, Original Volume No. 2. Trunkline states that the proposed changes represent an amendment to the agreement between Trunkline and Tennessee Gas Transmission Company and a redetermination of the price to be paid under the agreement pursuant to Opinion No. 699-H.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12034 Filed 5-7-75;8:45 am]

[Docket Nos. CP74-82, CP74-158]

UTAH GAS SERVICE CO. AND NORTHWEST PIPELINE CORP.

Joint Petition for Declaratory Order and Request for Clarification

MAY 1, 1975.

Take notice that on March 25, 1975, Utah Gas Service Company (Utah Gas), Denver Center Building, 1776 Lincoln Street, Denver, Colorado 80203, filed in Docket No. CP74-82 and Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP74-158 a joint petition for a declaratory order and a request for clarification of the Commission's order issued in the subject dockets on May 28, 1974. Utah Gas and Northwest request that the Commission advise whether the Commission intended in ordering paragraph (C) of the subject order that compliance by Utah Gas with Part 154 of the regulations under the Natural Gas Act was fulfilled when Utah Gas submitted as its special rate schedule its gas purchase agreement with Northwest[1] dated September 19, 1973, and that if such was not the Commission's intention that the Commission amend, nunc pro tunc, the order of May 28, 1974, so as to permit Utah Gas to make whatever filings are considered necessary to authorize Utah Gas to charge and collect from Northwest rates including a flow-through of the increment in price Utah Gas is required to pay its suppliers and that the Commission indicate what, if any, filings may be required in the future during the term of the certificate issued by the May 28, 1974, order. Utah Gas' and Northwest's requests and arguments are more fully set forth in the joint filing in the subject dockets.

The petition states the following:

(1) Utah Gas is a distributor of natural gas within the state of Utah and is subject to the jurisdiction of the Public Service Commission of Utah. Utah Gas purchases gas at the outlet of a processing plant in Duchesne County, Utah, under various contracts with the plant owners.

(2) Utah Gas has available at the plant outlet gas in excess of the current requirements of its distribution system in the area. As a result, Utah Gas entered into two agreements with Northwest's predecessor, one of which agreements provides for an exchange of gas between Utah Gas and Northwest and the other of which provides for the sale by Utah Gas of gas surplus to the requirements of its distribution system and the gas to be exchanged under the exchange agreement. Both agreements were for a limited term ending on May 1, 1977.

(3) The price provisions of the gas purchase agreement provide for (1) a price of 45 cents per Mcf until December 31, 1974, with one-cent increases for each calendar year thereafter until May 1, 1977; (2) Btu adjustment; and (3) a flow-through increase to the applicable

[1] The contract was originally between El Paso Natural Gas Company, Northwest's predecessor, and Utah Gas.

just and reasonable area ceiling price set by the Commission and charged Utah Gas by its suppliers.

(4) The Commission issued the May 28, 1974 order granting certificates of public convenience and necessity authorizing the sale and exchange of natural gas between Utah Gas and Northwest for a term expiring on May 1, 1977.

(5) The order provides that:

(a) Utah Gas shall comply with Part 154 of the Commission's Regulations under the Natural Gas Act by submitting to the Commission the related exchange and sale agreement to be accepted for filing as Utah Gas' special rate schedules.

(b) the price paid by Northwest would be 35 to 38 cents per Mcf of gas, subject to Btu adjustment, plus a ten-cent per Mcf transportation charge.

(6) Utah Gas filed with the Commission the applicable contracts with the provisions as described above. Said contracts were accepted for filing effective June 27, 1974. Sales commenced on July 17, 1974.

(7) Between May 28, 1974, when the order issued and June 27, 1974, when Utah Gas filed its rate schedule and acceptance of the certificate, the Commission issued Opinion No. 699, which promulgated a uniform nationwide rate for certain sales of natural gas in interstate commerce.

(8) When Utah Gas accepted the certificate issued by the May 28, 1974, order, it called the Commission's attention to the facts that Utah Gas is obligated to pay the plant operator a price for gas which is affected by increases in the applicable just and reasonable ceiling price for gas and that the gas purchase agreement between Utah Gas and Northwest provides that Utah Gas can flow through to Northwest any incremental increase in the price of gas payable by Utah Gas to its suppliers.

(9) Although the May 28, 1974, order provides that sales by suppliers of gas to Utah Gas shall remain exempt from Commission jurisdiction, Utah Gas is obligated to respect the area price found by the Commission to be just and reasonable and is doing so.

(10) The May 28, 1974, order noted that Utah Gas had stated that the rate to be charged Northwest is intended to yield no more than enough to cover its costs of purchasing the gas and delivering it to Northwest.

(11) To so recover its costs Utah Gas must be able to pass through its costs to Northwest.

(12) Northwest agrees that the price it pays for gas should be increased to the price Utah Gas pays its suppliers, but believes that Utah Gas should make filings for rate increases pursuant to § 154.94 of the regulations under the Natural Gas Act.

(13) Utah Gas believes that the Commission did not intend for it to be required to make any filings with the Commission other than those specifically prescribed in the May 28, 1974, order.

Utah Gas states its position as follows:

(1) In granting a limited-term certificate for the proposals in the subject dockets, the Commission was willing to waive the requirements usually imposed and to deal with the sales under the certificate in a special manner under special ground rules. Thus the Commission waives its accounting and reporting requirements with respect to the subject sale and permits the facilities, transportation and sales of gas to Utah Gas by its suppliers to be exempt from the Commission's jurisdiction. Furthermore, Utah Gas' facilities, transportation and sales, except for the authorizations contained in the May 28, 1974, order, are exempt from Commission jurisdiction.

(2) Since Utah Gas was ordered to comply with Part 154 of the regulations under the Natural Gas Act by specifically being directed to file the applicable agreements and Northwest was ordered to comply with the general terms and conditions set forth in Part 154, the filing requirements of § 154.94 are not applicable to Utah Gas.

(3) Although the Commission authorized sales at a price of 35 to 38 cents per Mcf plus a ten-cent transportation charge, the applicable contract provides for a rate of 45 to 48 cents per Mcf. Utah Gas submitted the contract as its special rate schedule, with the 45-to-48 cent provision and such filing was accepted by the Commission. Utah Gas interprets this action as the Commission's intention to permit the subject sale of gas to proceed according to the terms of the contract.

(4) In its conditional acceptance of the certificate Utah Gas called the Commission's attention to the fact that the nationwide rate promulgated by the order accompanying Opinion No. 699, issued on June 21, 1974, affected the prices Utah Gas paid to its suppliers and that the price that Utah Gas had to be able to collect from Northwest, if it were not to be caught in an adverse position, would have to be increased accordingly. Otherwise, according to Utah Gas, Utah Gas would not be able to afford to sell gas to Northwest.

(5) When the Commission accepted for filing Utah Gas' rate filing, the letter of acceptance stated that acceptance of the rate filing should not be deemed to be recognition of any claimed contractual right or obligation affecting or relating to such service or rate. Utah Gas understood the Commission's acceptance as saying that by accepting the rate filing and Utah Gas' acceptance of the certificate, the Commission was not attempting to pass on the question whether Utah Gas has a right to flow through to Northwest increases in the price of gas payable by Utah Gas to its suppliers by reason of the increases caused by promulgation of the nationwide rate.

(6) If Utah Gas has assumed too much by its reliance on its interpretation of the May 28, 1974, order, it is willing to take such procedural steps as may be required nunc pro tunc to rectify the situation. If the situation is not clarified, Utah Gas would find itself in an adverse position, where it cannot collect from Northwest a rate which includes whatever increment it must add to the price it pays its supplier as a result of the increases in the applicable area rate.

Northwest states its position as follows:

(1) Northwest recognizes that it is essential that Utah Gas be permitted to flow through to Northwest increments in the base price of the gas Utah Gas purchases from its suppliers.

(2) Northwest is of the opinion, however, that the statutory notice of rate change is required by Utah Gas to effectuate the contractually authorized rate increase to Northwest.

(3) Northwest wishes to point out that Utah Gas, in developing intrastate sources of natural gas in order to supplement its purchases from Northwest,[1] has reduced its demand on Northwest for supplies of interstate gas at the various points at which Northwest makes deliveries to Utah Gas. Northwest hopes that Utah Gas will continue to have surplus gas on its system which can continue to be available to the interstate market on some mutually satisfactory basis.

On the basis of the foregoing Utah Gas and Northwest request the relief as hereinbefore stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 15, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-12035 Filed 5-7-75;8:45 am]

FEDERAL RESERVE SYSTEM

ALLIED BANCSHARES, INC.

Proposed Acquisition

Allied Bancshares, Inc., Houston, Texas, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4 (b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Allied Life Insurance Company of Texas, Houston, Texas. Notices of the application were published on March 29, 30, or 31, 1975 or April 2 or 3, 1975 in newspapers circulated in Houston, Port Arthur, Beaumont, Kirbyville and Seabrook, Texas.

Applicant states that the proposed subsidiary would engage in the activities of

[1] Utah Gas is a distributor customer of Northwest.

acting as underwriter for credit life and credit accident and health insurance which is directly related to extensions of credit by the member banks of the holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 4, 1975.

Board of Governors of the Federal Reserve System, May 1, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-12120 Filed 5-7-75;8:45 am]

FIRST SECURITY CORPORATION OF KENTUCKY

Formation of Bank Holding Company

First Security Corporation of Kentucky, Lexington, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Security National Bank & Trust Company, Lexington, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 30, 1975.

Board of Governors of the Federal Reserve System, May 1, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-12121 Filed 5-7-75;8:45 am]

PLAZA NATIONAL BANCSHARES, INC.

Formation of Bank Holding Company

Plaza National Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 87.4 percent or more of the voting shares of First National Bank of Wellston, Wellston, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 4, 1975.

Board of Governors of the Federal Reserve System, May 1, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-12122 Filed 5-7-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the Archives Advisory Council shown below will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL

REGION 2

Meeting date: May 16, 1975.
Time: 9:30 a.m.–5 p.m.
Place: U.S. Mission to the United Nations Auditorium, 799 United Nations Plaza, New York, N.Y. 10017.
Agenda: Retention and disposal of records; archives branch reports; furthering the potential of the Council; tour of new FARC building.

For further information contact:

Mr. Lawrence Carnewale, NARS Regional Commissioner (GSA), 26 Federal Plaza, New York, N.Y. 10007 (212) 264-3514.

Notice of this meeting was delayed due to a last minute change in meeting place.

Issued in Washington, D.C. on May 1, 1975.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.75-12058 Filed 5-7-75;8:45 am]

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: May 29–31, 1975.
Times: May 29: 8:00 p.m.–9:30 p.m.; May 30: 9:00 a.m.–5:00 p.m.; May 31: 9:00 a.m.–10:00 a.m.
Place: Room 410, National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408.
Agenda: Records appraisal and disposition, regional archives branches, machine readable records, Bicentennial plans and programs, and educational programs in the National Archives.

For further information contact:

Mr. Albert Meisel, Assistant Archivist for Educational Programs, National Archives and Records Service, Washington, D.C. 20408. 202-963-6404.

Issued in Washington, D.C. on April 29, 1975.

JAMES E. O'NEILL,
Acting Archivist, of the United States.

[FR Doc.75-12059 Filed 5-7-75;8:45 am]

[FPMR Temporary Reg. F-338]

SECRETARY OF DEFENSE

Revocation of Authority Delegations

1. *Purpose.* This regulation revokes certain delegations of authority to represent the consumer interests of the executive agencies of the Federal Government in utility proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1975.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-136...	Jan. 31, 1972	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-188...	Aug. 1, 1973	Do.

ARTHUR F. SAMPSON,
Administrator of General Services.

APRIL 28, 1975.

[FR Doc.75-12123 Filed 5-7-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

Addendum

MAY 2, 1975.

The agenda for NACOA's May 19–20, 1975, meeting previously announced in the FEDERAL REGISTER of Thursday, April 17, 1975, will consist of the following general topics:

Monday, May 19, beginning at 9:00 a.m.

Briefing on aspects of law enforcement in a zone of extended ocean jurisdiction with special regard for fisheries—U.S. Coast Guard

Briefing on the adequacy of capital investment plans in support of oceanographic and atmospheric research—the Interagency Committee on Marine Science and Engineering and the Interdepartmental Committee on Atmospheric Science

Committee discussion of draft materials for its Fourth Annual Report

Tuesday, May 20, beginning at 9:00 a.m.

Continuation of Committee discussion of draft materials for its Fourth Annual Report.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-12049 Filed 5-7-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[1114-C; 1514; 252, 764, 1323]

ACCIDENT REPORT, SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Railroad accident report. Pursuant to section 304(a)(2) of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169 (49 U.S.C. 1903)), the National Transportation Safety Board announces the release of the following railroad accident report:

Report No. NTSB-RAR-75-2, released April 28, 1975, concerning a chain-reaction fire and explosion which destroyed 12 carloads of 500-pound bombs in a Southern Pacific freight train near Benson, Arizona, May 24, 1973. The Safety Board determined that the probable cause of the accident was the exposure of heat-sensitive bombs in the 38th car of the freight train to a fire inside the car. The fire most likely originated from sparks off the brakeshoes which ignited the sodium nitrate impregnated floor boards. Eight days after the accident, the Safety Board recommended that the Federal Railroad Administration require in all rail transportation of munitions (1) use of cars with roller bearings and either composition brakeshoes or spark shields, (2) placement of "spacer" cars between munitions cars, and (3) increased inspection and surveillance of munitions loadings. (Recommendations R-73-22 through 24.) FRA on November 19, 1974, promulgated a regulation effective July 1, 1975, establishing new requirements for selection, preparation, inspection, certification, and loading of rail cars transporting Class A explosives. (FEDERAL REGISTER, Vol. 39, No. 230—Wednesday, November 27, 1974.) Additional recommendations, contained in the report, are: R-75-8 to the Secretary of Transportation to reassess Federal regulations covering transportation of military munitions and to develop a program to "unify and coordinate" Federal compliance efforts in regulation of munitions transportation under the Transportation Safety Act of 1974; R-75-9 to the FRA to develop and require use of a fire detection system for crewmen on trains carrying explosives, and R-75-10 to the Secretary of Defense to design, develop, and use special noncombustible sheathing, blocking, and bracing inside the cars.

This report is available to the general public. Single copies may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Safety recommendations. Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety Board announces the release of the following safety recommendations:

A-75-39 and 40, issued April 27, 1975, to the Federal Aviation Administration as a result of the Safety Board's investigation of an Eastern Airlines DC-9 incident at Minneapolis-St. Paul International Airport, Minneapolis, Minnesota, on December 19, 1974. Recommendations to the FAA are to issue an Airworthiness Directive to require (1) compliance with Douglas DC-9 Service Bulletin 53-91 and (2) appropriate enlargement of the existing pressure can drain hole to facilitate moisture drainage.

Single copies of these recommendations, as well as recommendations R-73-22 through 24 (see Report No. NTSB-RAR-75-2, above), may be obtained without charge by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Responses to safety recommendations. Pursuant to section 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1906)), the National Transportation Safety Board announces the receipt of the following responses to safety recommendations which it has issued:

The U.S. Coast Guard, in response dated 24 April 1975 to Safety Board recommendation *69-M-60,* states that formulation of a comprehensive set of regulations for mobile drilling units is still in progress. Regulations relating to lifesaving appliances on unmanned platforms were amended February 20, 1975 (40 FR 8175). This amendment provides for life preservers to be available in readily accessible areas any time platforms are manned. Recommendation 69-M-60 was contained in USCG/NTSB marine casualty report, "Continental Oil Rig 43-A Explosion and Fire With No Loss of Life, Gulf of Mexico, 24 October 1967."

The U.S. Coast Guard, in response dated 21 April 1975 to Safety Board recommendation *72-M-5,* states that on 6 September 1974 the Coast Guard and the Maritime Administration signed a Joint Policy Statement which committed the two agencies to a cooperative program in the field of personnel qualifications. The letter also notes that a "regulation to encourage training for an endorsement of radar observer and provide control over approved schools was published in the Code of Federal Regulations on 26 September 1974 (46 CFR 10.30)." Recommendation 72-M-5 was contained in the Board's special study, "Collisions Within the Navigable Waters of the United States," Report No. NTSB-MSS-72-1.

The Missouri Pacific Railroad Company responded April 22, 1975, to the Safety Board: *"R-74-22:* Recommendations have been given consideration and we continue to examine our railroad for territories which justify ABS and CTC. *R-74-23:* Rules 27 and 34 are consistent with operating practices. *R-74-24:* Rules classes and field surprise tests substantiate that our employees do understand these rules. However, we are continually emphasizing these rules in our Training Schools for Enginemen and Trainmen as well as in reexamination of employees on the rules." These recommendations were contained in the Board's railroad accident report No. NTSB-AAR-74-3 released July 29, 1974, "Collision of Missouri Pacific Railroad Company Freight Train Extra 615 South With a Standing Locomotive, Cotulla, Texas, December 1, 1973."

Copies of these responses may be obtained by writing to the Publications Unit, National Transportation Safety Board, Washington, D.C. 20594. A $4.00 user-service charge for each response will be made, in addition to a charge of 10¢ per page for reproduction.

MARGARET L. FISHER,
Federal Register Liaison Officer.

MAY 5, 1975.

[FR Doc.75-12097 Filed 5-7-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-463 and 50-464]

PHILADELPHIA ELECTRIC CO. (FULTON GENERATING STATION UNITS 1 AND 2)

Notice of Special Prehearing Conference

Notice is hereby given that, pursuant to 10 CFR 2.751a, a Special Prehearing Conference will be held in the above proceeding at the Willow Valley Meter Inn Banquet Room, 2397 Willow Street Pike, Lancaster, Pennsylvania 17602 on Wednesday, May 21, 1975 at 11 a.m.

The Conference will deal with a review of the current status of discovery procedures in the case, the pending objections to discovery requests and the pending motions regarding such discovery procedures. The Board will hear brief oral argument from the parties concerned on the legal bases for the respective positions taken in their pleadings; supporting memoranda of law may be filed and shall be served upon the Board and the parties concerned on or before May 16, 1975. Further, the parties are directed to consult with each other prior to the conference with a view to a possible resolution of at least some of the pending objections and motions.

It is so ordered.

Dated at Bethesda, Maryland this 2nd day of May 1975.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN, Esq.,
Chairman.

[FR Doc.75-12021 Filed 5-7-75;8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–62, which was issued to Carolina Power & Light Company on December 27, 1974. Amendment No. 1 to DPR–62 revises the technical specifications for operation of the Brunswick Steam Electric Plant, Unit 2, located on the Cape Fear River, near Southport in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The purpose of this amendment to the technical specifications is to clarify certain provisions and to correct certain typographical errors.

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. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see: (1) The application for amendment, dated March 11, 1975; (2) Amendment No. 1 to License No. DPR–62, with Change No. 1; 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, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 2nd day of May, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1–2, Division of Reactor Licensing.

[FR Doc.75–12084 Filed 5–7–75;8:45 am]

[Docket Nos. 50–348 and 50–364]

ALABAMA POWER CO.

Availability of Safety Evaluation Report for Joseph M. Farley Nuclear Plant

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Joseph M. Farley Nuclear Plant, Units 1 and 2, to be located in Houston County, Alabama. Notice of receipt of Alabama Power Company's application to operate the Joseph M. Farley Nuclear Plant was published in the FEDERAL REGISTER on November 29, 1973 (38 FR 29907).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the George S. Houston Memorial Library, 212 W. Vurdeshaw Street, Dothan, Alabama 36301, for inspection and copying. The report (Document No. NUREG–75/034) can also be purchased, at $6.25 per copy ($2.25 for microfiche), from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 2nd day of May, 1975.

For the Nuclear Regulatory Commission.

KAL KNIEL,
Chief, Light Water Reactors Branch 2–2, Division of Reactor Licensing.

[FR Doc.75–12083 Filed 5–7–75;8:45 am]

[Docket Nos. 50–443, 50–444]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL. (SEABROOK STATION, UNITS 1 AND 2)

Evidentiary Hearing

The U.S. Atomic Energy Commission (now the U.S. Nuclear Regulatory Commission [the Commission]) by its July 31, 1973 Notice of Hearing on Application for Construction Permit, 38 FR 21519, ordered a hearing to be held on the application by the Public Service Company of New Hampshire, et al. for construction permits for two pressurized water nuclear reactors designated as the Seabrook Station, Units 1 and 2. Each reactor is designed for initial operation at approximately 3411 thermal megawatts with a net electrical output of approximately 1194 megawatts. The proposed facilities are to be located in Rockingham County, in the township of Seabrook, New Hampshire.

The hearing on this application will be conducted by the Atomic Safety and Licensing Board appointed by the Commission in the Notice of Hearing. The Board consists of Dr. Marvin M. Mann and Dr. Ernest Salo as technically qualified members and Daniel M. Head as chairman.

Accordingly, please take notice *and it is hereby ordered*, That an evidentiary hearing on the issues arising under the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., as specified in the Notice of Hearing, is scheduled to begin at 1 p.m., local time, on Tuesday, May 27, 1975 in the Superior Courtroom, 2nd Floor, Hillsboro County Courthouse, 19 Temple Street, Nashua, New Hampshire. This evidentiary hearing will run continuously until all evidence has been taken on these issues or until continued by further order of the Board.

Members of the public are invited to attend this evidentiary hearing. Individuals or organizations wishing to make limited appearances pursuant to § 2.715 (a) of the Commission's rules of practice, 10 CFR Part 2, will be permitted to do so prior to the start of the evidentiary hearing.

By order of the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 2nd day of May, 1975.

DANIEL M. HEAD,
Chairman.

[FR Doc.75–12085 Filed 5–7–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON DIABLO CANYON, UNITS 1 & 2

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on the Diablo Canyon project will hold a meeting on May 23, 1975 in the Dickens Ballroom of the Sheraton Airport Inn at 9750 Airport Blvd., Los Angeles, California 90045. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Pacific Gas & Electric Company for an Operating License for this facility. The facility is adjacent to the Pacific Ocean in San Luis Obispo County, approximately 12 miles WSW of the City of San Luis Obispo, California.

The agenda for the subject meeting shall be as follows:

Friday, May 23, 1975—9:00 a.m., until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Pacific Gas & Electric Company and will hold discussions with these groups pertinent to its review of the application for an Operating License for Diablo Canyon, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members/Consultants and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be

inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:.

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than May 18, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555 (Attn: James H. Conran). Such comments shall be based upon the Final Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 9 a.m.-12 noon.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on May 22, 1975 to the Office of the Executive Secretary of the Committee (telephone 202-634-1374, Attn: James H. Conran) between 8:15 a.m. and 5 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information, other than plant security information, is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 27, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and within approximately nine days at the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after August 23, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Advisory Committee Management Officer.

MAY 6, 1975.

[FR Doc.75-12334 Filed 5-7-75;9:39 am]

MIXED OXIDE FUEL

Generic Environmental Statement; Treatment of Safeguards and Deferrals of Licensing Actions; Public Comment Requested

On August 21, 1974, notice was published in the FEDERAL REGISTER that a draft environmental impact statement had been prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) by the Atomic Energy Commission's Directorate of Licensing on the possible wide-scale use of mixed oxide fuels (recycle plutonium) in light water nuclear power reactors (39 FR 30186). On December 10, 1974, the Atomic Energy Commission published notice in the FEDERAL REGISTER that a hearing would be held on the impact statement (39 FR 43101).

The principal conclusion in the draft environmental impact statement issued by the Atomic Energy Commission staff was that utilization of plutonium resources as recycle fuel in the light water reactors should be approved.

Although the draft environmental impact statement did not set forth any detailed cost-benefit analysis of alternative programs to protect against loss or diversion and illicit use of plutonium associated with such wide-scale use, it did review in considerable depth the present safeguards program and did note numerous measures that in the staff's view could contribute to upgrading of that program. From this assessment, the staff concluded that the safeguards problem would be manageable and that there did not appear to be any safeguards related rationale sufficient to delay a decision to permit the use of plutonium in mixed oxide fuel for light water reactors. The AEC staff stated in the draft statement that indications at that time pointed to decisions on safeguards upgrading within about one year after issuance of the final generic environmental statement. At the time the AEC staff expected that this separate decision on adoption of specific safeguards measures would be made by mid-1976. However, this estimate did not include any time for preparation and issuance of draft and final environmental impact statements on the adoption of specific safeguards measures or any public proceedings thereon. With these factors taken into account, if this AEC staff approach were followed, and the first decision on use of mixed oxide fuel (on matters other than adoption of specific safeguards measures) were favorable, it could be reasonably expected that a subsequent decision would not be reached by the Commission until late 1977 or early 1978 on adoption of any specific safeguards measures that would be needed to accommodate wide-scale use of mixed oxide fuel in light water nuclear power reactors. This safeguards decision would be about one and one-half years after the prior decision on matters other than adoption of specific safeguards measures.

In a January 20, 1975 letter to the Commission, the President's Council on Environmental Quality expressed the following views:

> Although the draft environmental statement is well done and reflects a high quality effort, it is incomplete because it fails to persent a detailed and comprehensive analysis of the environmental impacts of potential diversion of special nuclear materials and of alternative safeguards programs to protect the public from such a threat.
>
> The Nuclear Regiatory Commission, the Executive Branch, the Congress, and the American people should have the benefit of a full discussion of the diversion and safeguards problem, its impacts, and potential mitigating measures, before any final decisions are made on plutonium recycle.
>
> The Nuclear Regulatory Commission should take care to avoid actions which would foreclose safeguards alternatives or which would result in unnecessary "grandfathering" during the period in which the safeguards issue is being resolved.

If the Council's recommendation regarding preparation of the impact statement is adopted, a Commission decision on the wide-scale use of mixed oxide fuel could be reached by early to mid-1978,

depending upon the timing and outcome of various safeguards studies presently underway and the time required to complete any public proceedings; this would be only slightly later than the time presently estimated for reaching the final safeguards decision under the approach proposed by the Atomic Energy Commission staff.

On the basis of its consideration to date of the relevant factors, the Commission is provisionally of the view, subject to consideration of comments to be received, that a cost-benefit analysis of alternative safeguards programs should be prepared and set forth in draft and final environmental impact statements before a Commission decision is reached on wide-scale use of mixed oxide fuels in light water nuclear power reactors. The Commission is also provisionally of the view that in light of the variety of factual situations and legal considerations that may be presented, as well as the right to and need for appropriate participation in the decisionmaking process by parties to the individual proceedings, the matter of deferral of future licensing actions which are related to the wide-scale use of mixed oxide fuels should be addressed within the context of the individual licensing proceedings. It is the Commission's provisional view that the following guidelines should be observed in resolving the deferral issue in such proceedings: (1) there should be no additional licenses granted for use of mixed oxide fuel in light water nuclear power reactors except for experimental purposes; and (2) with respect to light water nuclear power reactor fuel cycle activities (activities other than nuclear power reactor construction and operation) which depend for their justification on wide-scale use of mixed oxide fuel in light water nuclear power reactors, there should be no additional licenses granted which would foreclose future safeguards options or result in unnecessary "grandfathering". This would not preclude the granting of licenses for experimental and/or technical feasibility purposes.

The Commission, in developing its provisional position on these issues, has taken due account of the views of the President's Council on Environmental Quality, both in terms of the substance of these views, and in recognition of the Council's role in reviewing Federal activities for consistency with the policies of the National Environmental Policy Act of 1969 and in formulating guidelines for the preparation of environmental impact statements.

In view of the possible impacts of the Commission's position on the timing of the decision on wide-scale use of mixed oxide fuel and the conduct of particular licensing proceedings, the Commission is hereby requesting the views of interested persons, including those persons who have commented on the subject generic draft impact statement and/or expressed an interest in participating in the forthcoming hearing on the subject impact statement (see "Notice Regarding Public Participation," 39 FR 43101), on whether these provisional views should be adopted in final. Persons submitting views on this matter are invited to address in particular (1) the relative merits of the Nuclear Regulatory Commission's provisional approach to preparation of the generic environmental impact statement compared to the earlier approach adopted by the Atomic Energy Commission's Directorate of Licensing, as well as of any other alternative approach, from the standpoint of the relevant policy, factual, and legal considerations, (2) whether the matter of possible deferral of future licensing actions which are related to the use of mixed oxide fuels should be left for resolution in the individual licensing proceedings, or should be addressed by the Commission as a generic matter; and (3) the appropriateness of the Commission's guidelines for resolving the individual licensing actions set forth above.

The Commission requests that any interested persons' views on the above be set forth in written statements filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by June 9, 1975.

A copy of the Council's letter dated January 20, 1975, as well as copies of any written statements filed pursuant to this notice will be on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they may be inspected by interested members of the public.

Dated at Washington, D.C. this 6th day of May, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-12335 Filed 5-7-75;9:39 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

LABOR POLICY ADVISORY COMMITTEE

Meeting

CROSS REFERENCE: For a document issued jointly by the Office of the Secretary, Department of Labor, and the Office of the Special Representative for Trade Negotiations, on a meeting of the Labor Policy Advisory Committee, see FR Doc. 75-12038, *supra*.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Community Advisory Group will be held on Thursday, May 29, 1975 at 4 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 at the Pennsylvania Building, 425 13th Street, Northwest, Washington, D.C.

The purpose of the meeting will be to discuss the status of the Plan and the future operating procedures for the Advisory Group.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202-343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-12056 Filed 5-7-75;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Owners and Tenants Advisory Board will be held on Wednesday, May 28, 1975 at 2:00 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 at the Pennsylvania Building, 425 13th Street, Northwest, Washington, D.C.

The purpose of the meeting will be to discuss the status of the Plan and future operating procedures for the Advisory Board.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-12057 Filed 5-7-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

MAY 2, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 3, 1975 through May 12, 1975.

By the Commission.

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

[FR Doc.75-12137 Filed 5-7-75;8:45 am]

[File No. 81-177]

ASHLAND OIL FINANCE CORP.

Application and Opportunity for Hearing

MAY 1, 1975.

Notice is hereby given that Ashland Oil Finance Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from the provisions of section 13 of the 1934 Act.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission (the "Commission") which registration statement contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under sections 12 and 13, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states, in part:

(1) Applicant, a Delaware corporation and subsidiary of Ashland Oil, Inc. ("Ashland"), is the successor by merger to Ashland Overseas Finance Corp. ("Overseas"), organized in December 1967 to raise funds abroad for use in financing the requirements of Ashland's foreign operations.

(2) On January 31, 1968, Overseas issued and sold $20,000,000 principal amount of 5% Subordinated Guaranteed Debentures Due 1988 (the "Debentures"). As a result of the merger Applicant assumed all the obligations of Overseas in connection with the Debentures.

(3) The Debentures are unconditionally guaranteed by Ashland, and are convertible into shares of Ashland common stock at $40.00 per share.

(4) Applicant states that the Debentures were intended for sale to non-United States investors and were issued under conditions reasonably designed to prevent their distribution, resale, reoffering or delivery to citizens, nationals or residents of, or corporations or partnerships created or organized in, the United States.

(5) The Debentures are listed on the New York Stock Exchange and are registered pursuant to section 12(b) of the 1934 Act. To date, all $20,000,000 principal amount of the debentures are outstanding.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 of the 1934 Act because the Debentures are registered with both the New York Stock Exchange and the Securities and Exchange Commission.

Applicant argues that the exemption order requested by it is appropriate in view of the fact that none of the Applicant's debentures are owned by a citizen, national or resident of, or a corporation or partnership created or organized in the United States, its territories or possessions; nor is any of Applicant's capital stock publicly held; that since the Debentures were admitted to trading on the New York Stock Exchange, there is no record of any trading taking place, indicating that the American public has no need to obtain information about Applicant; that, the information which appears in Applicant's 1934 Act reports are not meaningful since Applicant is merely a financing vehicle; and, that since the Debentures are guaranteed by and convertible into common shares of Ashland, it is the reports of Ashland filed pursuant to Section 13 of the 1934 Act and not those of Applicant in which reasonable investors would be primarily interested.

For a more detailed statement of the information presented, all persons are referred to the application and letter of concurrence which are on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any person not later than May 27, 1975 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

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

[FR Doc.75-12138 Filed 5-7-75;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

MAY 2, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 4, 1975 through May 13, 1975.

By the Commission.

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

[FR Doc.75-12139 Filed 5-7-75;8:45 am]

[Rel. No. 18964; 70-5667]

CONSOLIDATED NATURAL GAS CO., ET AL.

Proposed Acquisition of Notes and Capital Stock of Subsidiary Companies, Open Account Advances to Subsidiary Companies, and Issue and Sale of Commercial Paper and Short-Term Notes To Banks; Charter Amendment To Increase Authorized Shares of Subsidiary's Capital Stock; and Exemption From Competitive Bidding

MAY 1, 1975.

Notice is hereby given that Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, New York 10020, ("Consolidated"), a registered holding company, and certain of its subsidiary companies, Consolidated Gas Supply Corp. ("Gas Supply"), Consolidated System LNG Co. ("LNG Company"), The East Ohio Gas Co. ("East Ohio"), The Peoples Natural Gas Co. ("Peoples"), The River Gas Co. ("River"), and West Ohio Gas Co. ("West Ohio"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50(a)(5) promulgated thereunder

as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes from time to time during 1975, to make loans aggregating up to $60,260,000, to the subsidiary companies in the amounts set forth in the table below, for the purpose of partially financing 1975 capital expenditures estimated at $197,975,000. The loans will be evidenced by non-negotiable, long-term notes proposed to be issued by the respective subsidiary companies and proposed to be acquired by Consolidated. The notes will bear interest at a rate substantially equal to the effective cost of money to Consolidated in respect of its issuance and sale of $100,000,000 principal amount of debentures scheduled for June 1975 and will be payable from 1980 through 1995 in equal annual principal amounts.

Prior to completion of said debenture financing in June 1975 by Consolidated, the foregoing loans to said subsidiary companies will be in the form of open account advances for construction, payable on or before December 31, 1975, with interest at the prime commercial rate in effect from time to time at Chase Manhattan, with a retroactive adjustment of the interest rate on the advances to conform with the effective cost of money to Consolidated through the sale of its debentures. Following the debenture finacing by Consolidated, the open account advances to subsidiary companies, to the extent made at that time, will be converted into long-term notes of such subsidiary companies, and, thereafter, loans to subsidiary companies in 1975 for plant expenditures will be evidenced by the aforesaid long-term notes of such subsidiary companies.

Consolidated also proposes to issue and sell up to $60,000,000 of short-term notes to a group of banks during 1975. Such notes will bear interest at the prime commercial rate in effect from time to time at The Chase Manhattan Bank, N.A. Prepayments may be made in whole or in part, from time to time, upon five days' notice without penalty or premium. There will be no closing or related charges or commitment fee, and the notes will mature not more than twelve months from the date of the first borrowing.

No compensating balance requirements will be imposed because of the level of bank deposits regularly maintained by the Consolidated companies, the average of such deposits amounting to approximately $23,700,000 for 1974. It is stated that based on a requirement of 10 percent of the proposed credit line and 10 percent of average borrowings thereunder, the average compensating balances would have amounted to approximately $19,200,000 for the year 1974.

Consolidated proposes to use the proceeds from said bank borrowings to make open account advances to its subsidiary companies aggregating up to $60,000,000 for gas storage inventories, payable as gas is withdrawn and sold during the 1975–76 heating season. The advances to subsidiary companies will bear interest at the same rate as the related bank borrowings by Consolidated and will be made in amounts as set forth in the table below. Also shown on the following table are $10,000,000 of open-account advances which Consolidated proposes to make from time to time up to May 31, 1976, to the subsidiary companies for working capital requirements from part of the proceeds of Consolidated's proposed sale (hereinafter more fully described) of up to $50,000,000 of commercial paper and/or borrowings from a bank. These advances will be repaid not more than one year from the date of the first advance to each subsidiary with interest at substantially the same effective rate as incurred by Consolidated on the related commercial paper sale and/or bank borrowings.

Subsidiary company	Long-term notes	Advances for seasonal increase in gas storage inventories	Advances for working capital requirements
Gas supply	$7,500,000	$32,500,000	$4,300,000
LNG Co.	25,900,000		
East Ohio	20,000,000	18,000,000	3,300,000
Peoples	6,500,000	9,500,000	1,700,000
River	360,000		100,000
West Ohio			600,000
Total	60,260,000	60,000,000	10,000,000

Consolidated further proposes to acquire, and the subsidiary companies set forth below propose to issue and sell to Consolidated from time to time during 1975, capital stock up to the following amounts at the par value thereof:

Subsidiary	Number of shares	Aggregate par value
Gas Supply	75,000 ($100 par)	$7,500,000
LNG Co.	182,000 ($100 par)	18,200,000
Peoples	30,000 ($100 par)	3,000,000
Total		28,700,000

The proceeds derived from the proposed sale of stock will be used to finance, in part, the subsidiaries' 1975 capital expenditures. Consolidated will use funds from internal cash generation and working capital to purchase such stock. To accommodate the issuance of additional shares set forth in the foregoing table, Gas Supply proposes to amend its certificate of incorporation so as to increase the number of authorized shares from 1,500,000 to 1,700,000.

As indicated above, Consolidated proposes to issue and sell commercial paper, in the form of short-term promissory notes payable to bearer, in the aggregate face amount not to exceed $50,000,000 outstanding at any one time to a dealer in commercial paper from time to time up to May 31, 1976. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and no more than $1,000,000 directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Consolidated proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sale.

No commission or fee will be payable by Consolidated in connection with the issue and sale of such commercial paper notes. The dealer, as principal, will reoffer such notes at a discount not to exceed one-eighth of one percent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer and furnished to the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by the dealer pursuant to a repurchase agreement, such paper will be reoffered only to others in the group of 200 customers. The issue and sale of commercial paper is to provide up to $40 million for working capital of Consolidated and for the aforesaid purchase by Consolidated of $28,700,000 of its subsidiary companies' common stock, and, as previously noted, to provide $10,000,000 for working capital advances to subsidiary companies.

Consolidated proposes, to the extent that it becomes impracticable to issue such commercial paper, to borrow, repay, and reborrow from The Chase Manhattan Bank, N.A., from time to time up to May 31, 1976, an aggregate principal amount not to exceed $30,000,000 outstanding at any one time, at the prime commercial rate of interest in effect on the date of each borrowing, upon the promissory note or notes of Consolidated having a maturity date not more than 90 days from the date of each borrowing, and with the right of prepayment, in whole or in part at any time or from time to time, without prior notice and without premium. The amount of commercial paper notes and said notes, if any, payable to The Chase Manhattan Bank, N.A., will not collectively exceed $50,000,000 outstanding at any one time. There will be no closing or related charges with respect to the obtaining of such bank loans, nor will there be any compensating-balance requirements.

Consolidated requests that, for the period commencing upon the date of the granting of this application-declaration and ending May 31, 1976, an exemption be allowed from the provisions of section 6(a) of the Act, pursuant to the first sentence of section 6(b), relating to the issue and sale of short-term notes, by increasing the 5 percent limitation on such notes to a maximum of 7 percent, in order to permit Consolidated to have outstanding at any one time up to $50,000,000 principal amount of short-term notes during such period as proposed herein.

Consolidated requests exception from the competitive bidding requirements of rule 50 with respect to the sale of commercial paper on the grounds that such commercial paper will have maturities of nine months or less, that current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications,

and that it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the rule 24 certificates of notification regarding the issue and sale of the commercial paper and all subsidiary company financings to be filed on a quarterly basis.

It is stated that CNG Development Company Ltd., CNG Producing Company, and Consolidated Natural Gas Service Company, Inc., have no new financing requirements for 1975 at the time of the filing; but that if such requirements should arise, an amendment to that effect will be filed as part of this proceeding.

The application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the proposed long-term and short-term borrowings and stock issuances of Gas Supply; that the Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio and River; and that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings and stock issuances proposed by Peoples. It is further stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $9,000, including $6,500 for the system service company charges, at cost. All of such fees and expenses are to be paid by Consolidated.

Notice is further given that any interested person may, not later than May 27, 1975, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12140 Filed 5-7-75;8:45 am]

[File No. 500-1]

D.C. TRANSIT SYSTEMS, INC.

Suspension of Trading

MAY 1, 1975.

The Class A common stock of D.C. Transit Systems, Inc. being traded on the Philadelphia - Baltimore - Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of D.C. Transit Systems, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 1 p.m. (e.d.t.) on May 1, 1975 through midnight (e.d.t.) on May 10, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12141 Filed 5-7-75;8:45 am]

[File No. 500-1]

DOWDLE OIL CORP.

Suspension of Trading

MAY 1, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dowdle Oil Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1 p.m. (E.d.t.) on May 1, 1975 through midnight (E.d.t.) on May 10, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12142 Filed 5-7-75;8:45 am]

[File No. 500-1]

GENERAL REFRACTORIES CO.

Suspension of Trading

MAY 1, 1975.

The capital stock of General Refractories Co. being traded on the New York and Philadelphia-Baltimore-Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of General Refractories Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 2, 1975 through May 11, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12143 Filed 5-7-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

MAY 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties 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 May 3, 1975 through May 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12144 Filed 5-7-75;8:45 am]

[File No. 500-1]

VALLEY FORGE CORP.

Suspension of Trading

MAY 1, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Valley Forge Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1 p.m. (E.d.t.) on May 1, 1975 through midnight (E.d.t.) on May 10, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12145 Filed 5-7-75;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

MAY 2, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 3, 1975 through May 12, 1975.

By the Commission.

(SEAL) GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-12146 Filed 5-7-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

NATIONAL ADVISORY COUNCIL

Meeting

The Small Business Administration Annual Meeting of the National Advisory Council will meet at 9:00 a.m., (e.d.t.), Tuesday, May 27, 1975, at The Greenbrier, White Sulphur Springs, West Virginia, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending, and adjourn at the luncheon on Thursday, May 29, 1975. For further information, call or write Anthony S. Stasio, Chief Counsel for Advocacy, Small Business Administration, 1441 L Street, N.W., Room 500, Washington, D.C. 20416, (202) 382-6971.

Dated: May 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-12061 Filed 5-7-75;8:45 am]

[License No. 02/02-0014]

FIRST SMALL BUSINESS INVESTMENT CORPORATION OF NEW JERSEY

Surrender of License

Notice is hereby given that the First Small Business Investment Corporation of New Jersey (FSBIC), 550 Broad Street, Newark, New Jersey 07102, incorporated under the laws of the State of New Jersey on July 16, 1959, has surrendered its license no. 02/02-0014, issued by the Small Business Administration (SBA) on July 19, 1960.

FSBIC has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of FSBIC is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 28, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-12130 Filed 5-7-75;8:45 am]

INDIANAPOLIS DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Indianapolis District Advisory Council will meet at 10 a.m. (E.d.t.), Tuesday, June 10, 1975, at the Quality Inn Downtown, 1530 North Meridian Street, Indianapolis, Indiana, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write William F. Miller, Small Business Administration, 36 South Pennsylvania Street, Indianapolis, Indiana 46204, (317) 269-7275.

Dated: April 28, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy
Small Business Administration.

[FR Doc.75-12133 Filed 5-7-75;8:45 am]

[Notice of Disaster Loan Area 1135]

MICHIGAN

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Michigan as a major disaster area following severe storms, high winds and flooding, beginning about April 18, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Allegan, Barry, Berrien, Calhoun, Crawford, Eaton, Ingham, Ionia, Kalamazoo, Lapeer, Livingston, Macomb, Oakland, Saint Clair, Shiawassee, and Van Buren and adjacent affected areas. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
1249 Washington Boulevard
Detroit, Michigan 48226

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 27, 1975. EIDL applications will not be accepted subsequent to January 28, 1976.

Dated: April 29, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-12134 Filed 5-7-75;8:45 am]

[License No. 03/03-5114]

MODEDCO INVESTMENT CO.

Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that MODEDCO Investment Co. (MODEDCO), Suite 340, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR § 107.1004 (1975)), for approval of a conflict of interest transaction.

It is proposed that MODEDCO provide $175,000 in financing, $85,000 as a 7-year loan and $90,000 for 15 percent of the capital stock of Capital City Products, Inc. (Capital). Mr. Oliver A. Cowan, Jr., president of Capital is the son of Oliver A. Cowan, Sr., a director of MODEDCO. Mr. Cowan, Sr., owns no stock in either MODEDCO or Capital and is not employed by the small business concern.

Pursuant to the provisions of § 107.3 (e) of the regulations, Mr. Cowan, Jr., is considered to be an associate of MOD EDCO. As such, the transaction falls within the purview of § 107.1004(b) (1) of the regulations and will require the prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than May 23, 1975, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, D.C.

Dated: April 29, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-12131 Filed 5-7-75;8:45 am]

CAPITAL SERVICE CORP. AND GERIATRICS CAPITAL CORP.

License Surrender

Notice is hereby given that the corporations listed below have surrendered their licenses to operate as small business investment companies under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

Name: Capital Service Corp.
Location: Monticello, Illinois
Date Licensed: April 26, 1961
License No. 05/07-0030

Name: Geriatrics Capital Corp.
Location: Monticello, Illinois
Date Licensed: September 27, 1962
License No. 05/07-0066

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the licenses was accepted, effective March 27, 1973, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

Dated: April 29, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-12132 Filed 5-7-75;8:45 am]

DEPARTMENT OF LABOR

LABOR POLICY ADVISORY COMMITTEE

Notice of Meeting

A meeting of the Labor Policy Advisory Committee for Multilateral Trade Negotiations will be held on May 14, 1975, in the Auditorium of the U.S. Department of Labor's new building, 200 Constitution Avenue, N.W., Washington, D.C., Room C 1000, beginning at 11 a.m.

The Committee has been established to provide the Secretary of Labor and the Special Representative for Trade Negotiations with general policy advice and recommendations during the Multilateral Trade Negotiations undertaken by the U.S. and other countries.

This meeting is being called pursuant to the Trade Act of 1974 and Executive Order 11846 in order for the Department of Labor and the Office of the Special Representative for Trade Negotiations to obtain policy advice from the Labor Policy Advisory Committee for Multilateral Trade Negotiations during the preparatory phase of the trade negotiations.

AGENDA ITEMS

I. Introductory Remarks.
II. Summary of the Trade Act.
III. Status of the Multilateral Trade Negotiations.
IV. Summary of Labor Policy Advisory Committee Functions and Future Work Program.
V. Question and Answer Period.
VI. Announcements and Adjournment.

The meeting will be open to public attendance, and a limited number of seats will be available. Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting.

Signed at Washington, D.C. on this 2nd day of May 1975.

KENNETH A. GUENTHER,
Acting Deputy Special Representative for Trade Negotiations, Office of the Special Representative for Trade Negotiations.

JOEL SEGALL,
Deputy Under Secretary, International Affairs, U.S. Department of Labor.

[FR Doc.75-12038 Filed 5-7-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 36]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 2, 1975.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 310), filed April 4, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage bases, beverages, beverage concentrates, fruit emulsions, and fruit juices*, in bulk, in tank vehicles, from Chicago, Ill., and points in its Commercial Zone (except those points in Indiana), to Lawrence, Kans., and points in its Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill., or Washington, D.C.

No. MC 9812 (Sub-No. 2) (Correction), filed February 24, 1975, published in the FEDERAL REGISTER issue of March 27, 1975, and republished as corrected this issue. Applicant: C. F. KOLB TRUCKING COMPANY, INC., 1201 St. George Road, Evansville, Ind. 47711. Applicant's representative: Edwin J. Simcox, 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins and plastic sheets* (except in bulk), from Mt. Vernon, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin; and (2) *packaging and shipping materials*, from Chicago, Ill., St. Louis, Mo., and Louisville, Ky., to Mt. Vernon, Ind., restricted to traffic originating at or destined to the plant site and shipping facilities of General Electric Company at or near Mt. Vernon, Ind.

NOTE.—The purpose of this republication is to delete the phrase "(except Alaska and Hawaii), restricted" which erroneously appeared in the previous notice. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or St. Louis, Mo.

No. MC 10223 (Sub-No. 11), filed April 9, 1975. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK, AND THERESA R. MOLLOY, d.b.a. MACK TRANSPORTATION COMPANY, 4330

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, between the stores and facilities of Bamberger's Township, Middlesex County, N.J., on the one hand, and, on the other, points in New Jersey; Delaware, Fairfield County, Conn.; Cecil, Kent and Harford, Counties, Md.; Philadelphia, Chester, Bucks, Delaware, Montgomery, Lancaster, Berks, Lehigh, Schuylkill, Carbon, Lebanon, Pike, Monroe, Luzerne, Northampton and Lackawanna Counties, Pa.; Rockland, Nassau, Suffolk, Orange, Putnam, Westchester, Bronx, Queens, Richmond, Kings, New York, Ulster, Sullivan, and Duchess Counties, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 105809, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10345 (Sub-No. 96), filed April 7, 1975. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 West St. Joseph, Lansing, Mich. 48903. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 10761 (Sub-No. 276), filed April 7, 1975. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 5650 Foremost Dr. SE., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant sites and storage facilities of MBPXL Corporation located at Wichita, Kans., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania, and Rhode Island, restricted to transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 17051 (Sub-No. 15), filed April 7, 1975. Applicant: BARTNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, N.J. 07202. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, equipment, materials, and supplies* used or useful in the manufacture and sale of wearing apparel, between the facilities of Cooper Sportswear Mfg. Co., Inc., at Newark, N.J., and the facilities of Fulton Shirt Co., at Elizabeth, N.J., on the one hand, and, on the other, Mapletree, Ala.; Bridgeport, Conn.; Fall River, Mass.; Lumberton, Delco, and Faison, N.C.; Blairsville, Altoona, Norvelt, Perryopolis, Reading, Scranton, and Wilkes-Barre, Pa.; Norfolk, Va.; and Parkersburg, W. Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 18815 (Sub-No. 4), filed April 7, 1975. Applicant: LION TRANSFER & STORAGE COMPANY, a Corporation, 663 Taylor Street NE., Washington, D.C. 20017. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Maryland; Virginia; Kent, New Castle, and Sussex Counties, Del.; Chester and Delaware Counties, Pa.; Philadelphia, Pa.; and the District of Columbia, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 27578 (Sub-No. 6), filed April 7, 1975. Applicant: BALDWIN TRANSPORTATION CORPORATION, 554 West 38th Street, New York, N.Y. 10018. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, and paper products*, between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, points in Sussex, Warren, Morris, Hunterdon, Somerset, Mercer, Monmouth, and Ocean Counties, N.J.; and (2) (a) *groceries*, from points in the New York, N.Y. Commercial Zone, to points in Westchester, Nassau, Suffolk, Orange, Sullivan, Rockland, Ulster, and Putnam Counties, N.Y.; and (b) *returned and rejected shipments*, from points in Westchester, Nassau, Suffolk, Orange, Sullivan, Rockland, Ulster, and Putnam Counties, N.Y., to points in the New York, N.Y. Commercial Zone.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 48213 (Sub-No. 41), filed April 7, 1975. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials, and supplies*, used in the manufacture and distribution thereof (except commodities in bulk), between Hazel and Pittston Townships (Luzerne County), Pa., on the one hand, and, on the other, New York City, N.Y., under contract with American Cyanamid Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 50069 (Sub-No. 498), filed April 2, 1975. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste oil*, in bulk, in tank vehicles, between Grand Rapids, Mich., and Indianapolis, Ind.; (2) *Used cutting oil*, in bulk, in tank vehicles, from Hamilton, Ala., to points in Indianapolis, Ind.; and (3) *Gasoline*, in bulk, in tank vehicles, from Peoria and Haven, Ill., to points in Marion, Davenport, Dubuque, Coralville, Keokuk, and Burlington, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 52574 (Sub-No. 50), filed April 2, 1975. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Bakery products*, from East Hartford, Conn., to points in Edison N.J., under a continuing contract with Gourmet Bakers, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 52614 (Sub-No. 7), filed April 9, 1975. Applicant: R. S. POWELL, INCORPORATED, Route 4, Box 673, Madison Heights, Va. 24572. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products* and *materials and supplies* used in the installation and distribution thereof (except commodities in bulk), between the plant site of Georgia-Pacific Corporation located at or near Wilmington, Del., on the one hand, and, on the other, points in North Carolina, Sullivan County, Tenn., Virginia and West Virginia, under a continuing contract, or contracts with Georgia-Pacific Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 52652 (Sub-No. 7), filed April 10, 1975. Applicant: LAWRENCE MOTOR LINES, INC., 21 South Mill Street, Haverhill, Mass. 01830. Applicant's representative: James E. Mahoney, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paperboard*, from Wilmington and Andover, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York and New Jersey; and (2) *materials and supplies* used by paper converters, from the above destinations, to Wilmington and Andover, Mass., under a continuing contract or contracts with Crusader Paperboard Converting Co., Inc. of Wilmington, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston or Hartford, Mass.

No. MC 52953 (Sub-No. 45), filed April 10, 1975. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, P.O. Box 1516, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Pneumatic tires*, Serving the facilities of Ben Milen Tire Warehouse at or near Ocoee, Tenn., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland or Chattanooga, Tenn.

No. MC 60157 (Sub-No. 23), filed April 7, 1975. Applicant: C. A. WHITE TRUCKING COMPANY, a Corporation, 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories*, for iron and steel tanks and aluminum tanks, from points in Liberty County, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 61396 (Sub-No. 286), filed April 7, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to Detroit and Ferndale, Mich.; Cleveland, Ohio; and Milwaukee, Wisc.

NOTE: If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 61592 (Sub-No. 348), filed April 7, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R. R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery supplies and canned goods*, from the plantsite and storage facilities utilized by Globe Products, Inc. at or near Clifton N.J., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 349), filed April 7, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Ave., Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Machinery, equipment, materials, and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products, and machinery, materials, equipment and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and pick-up thereof; (b) *such commodities* as are manufactured or distributed by steel mills and metal fabricators; and (c) *equipment, materials and supplies* used in (b) above (except commodities in bulk, in tank vehicles), between ports of entry on the International Boundary line between the United States and Canada located in Alaska, Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Alaska, Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (2) *ore and concentrates*, from ports of entry on the International Boundary line between the United States and Canada located in Idaho, Montana, and Washington to points in Idaho, Montana, and Washington; (3) *such commodities* as are manufactured or distributed by manufacturers of clay products, from ports of entry on the International Boundary line between the United States and Canada located in Minnesota, Montana, North Dakota, and South Dakota to points in Minnesota, Montana, North Dakota, and South Dakota; and (4) *lumber, lumber products, and forest products*, between ports of entry on the International Boundary between the United States and Canada located in Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Idaho, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming.

NOTE—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 65580 (Sub-No. 21), filed March 28, 1975. Applicant: THE MUSHROOM TRANSPORTATION COMPANY, INC., 845 East Hunting Park Avenue, Philadelphia, Pa. 19124. Applicant's representative: Joseph A. Malloy, Jr., 1738 Philadelphia National Bank Bldg., Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Pittsburgh, Pa. and Clinton, N.J.: From Pittsburgh, Pa. over U.S. Route 30 to Lancaster, Pa., thence over U.S. Route 222 to junction of U.S. Route 222 and Pennsylvania Route 309; thence over Pennsylvania Route 309 to junction of Pennsylvania Route 309 and U.S. Route 22, thence over U.S. Route 22 to Clinton, N.J., as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 67450 (Sub-No. 52), filed April 7, 1975. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn and corn products*, in bulk, from Danville, Ill., to points in the United States (except Alaska and Hawaii); and (2) *soya and soya products*, in bulk, from Danville, Ill., to points in the United States (except Alaska, Hawaii, Indiana, Michigan, and Ohio), restricted against the transportation of flour to points in Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 82492 (Sub-No. 121), filed April 1, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris, P.O. Box 2853, Kalamazoo, Mich. 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin, to Toledo and Maumee, Ohio and points in Michigan, restricted to traffic originating at the facilities utilized by Land O'Lakes, Inc. at points in the above named territory and destined to points in the named destination territory.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., Chicago, Ill. or Washington, D.C.

No. MC 82492 (Sub-No. 122), filed April 9, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foodstuffs and commodities in bulk), from the facilities of Heinz, U.S.A., Division located at Muscatine and Iowa City, Iowa to points in Kansas City, Mo., Kansas, North Dakota and South Dakota, restricted to traffic originating at the named facilities and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 83835 (Sub-No. 121), filed April 7, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments and accessories* for iron and steel tanks and aluminum tanks, between points in Liberty County, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Missouri, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with similar applications of Eagle, Jeffries and Moore, at either Birmingham, Ala., or Washington, D.C.

No. MC 100666 (Sub-No. 297), filed April 10, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Fdn. Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel forms*, from the plant and warehouse facilities of Form-All Company Division, The Ceco Corporation, located at or near Knoxville, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 104589 (Sub-No. 31), filed April 2, 1975. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesale floor covering and appliance distributors (except commodities in bulk), from Columbus and Jackson, Miss., to points in Florida, under a continuing contract, or contracts with Cain & Bultman, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, or Orlando, Fla.

No. MC 105813 (Sub-No. 202), filed April 9, 1975. Applicant: BELFORD TRUCKING CO., INC., 3500 NW., 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Alabama, Georgia and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 205), filed April 10, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Lebanon, Tenn., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted to traffic originating at or destined to the plantsites, warehouse and facilities of Midwesco Enterprises, at or near Lebanon, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107002 (Sub-No. 469), filed April 7, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Forrest City, Ark., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107403 (Sub-No. 937), filed April 10, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, (1) from Amelia, La., to points in Alabama, Georgia, Florida, and Mississippi; and (2) from Saginaw, Ala., to points in Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 418), filed April 7, 1975. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (b) *foodstuffs*, when moving with commodities described in (a) above, from the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., to points in Arizona, Arkansas, California, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Tennessee; and (2) (a) *meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (b) *foodstuffs*, when moving with commodities described in (a) above; and (c) *materials, equipment and supplies*, used in the manufacture, sale or distribution of commodities in (a) and (b) above, between the plantsite and storage facilities of Oscar Mayer & Co., at or near Sherman, Tex., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Michigan, and Wisconsin, restricted in (1) and (2) to traffic originating at the above named origin, and destined to the named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Dallas, Tex.

No. MC 108207 (Sub-No. 419), filed April 7, 1975. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), *and foodstuffs*, from the plantsite and warehouse facilities utilized by Geo. A Hormel & Co., at or near Ottumwa, Iowa, to points in Arizona, Arkansas, California, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), *and foodstuffs, packing plant materials, equipment, and supplies*, from points in Arizona, Arkansas, California, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas, to the

plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) to traffic originating at named origin and destined to named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 108393 (Sub-No. 88) filed April 9, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies*, used in the manufacture, distribution and repair of electrical and gas appliances, (1) between Ft. Smith, Ark., on the one hand, and, on the other, Chicago and Rockford, Ill.; Louisville, Ky.; Benton Harbor and St. Joseph, Mich.; St. Paul and Minneapolis, Minn.; Kansas City, Mo.; Cleveland, Clyde, Columbus, Findlay and Marion, Ohio; and Nashville, Tenn.; (2) from Athens and Cullman, Ala.; Gainesville, Ga.; Clinton and Milford, Ill.; Clinton and Waterloo, Iowa; Dawson Springs and Somerset, Ky.; Albion, Mendon and Tecumseh, Mich.; Kosciusco, Miss.; Pacific, Mo.; Dayton and Delaware, Ohio; Sallisaw, Okla.; Erie, Pa.; Ripley, Tenn.; and Sherman, Tex.; to Ft. Smith, Ark.; and (3) from Ft. Smith, Ark., to Birmingham, Ala.; Lombard, and Peoria, Ill.; Indianapolis, Ind.; Davenport and Des Moines, Iowa; Kansas City, Kans.; Detroit, Grand Rapids and Saginaw, Mich.; Cincinnati, Toledo, and Youngstown, Ohio; Pittsburgh, Pa.; Memphis, Tenn.; and Arlington, Dallas and Ft. Worth, Tex., under a continuing contract or contracts, with Whirlpool Corporation, at Benton Harbor, Mich.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108676 (Sub-No. 76) (Correction), filed December 16, 1974, published in the FEDERAL REGISTER issues of January 23, 1975, and February 20, 1975, and in third publication, as corrected, this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, compacted and crushed motor vehicles, bodies, engines, and parts; and recycled non-ferrous or ferrous articles, and materials and supplies* used in the production of recycled metal articles and recycled materials (except commodities in bulk, in tank or dump vehicles), between points in Iowa, Wisconsin, Missouri, Oklahoma, Michigan, Texas, and points in the United States east thereof, on the one hand, and, on the other, Huntsville, Ala.; Knoxville and Chattanooga, Tenn. and Atlanta, Ga. restricted against shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—The purpose of this republication is to correct the commodity description stated above. If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 108676 (Sub-No. 78), filed April 7, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat Glass*, crated or uncrated, from the plant site of Guardian Industries Corporation in Monroe County, Mich., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Knoxville, Tenn.

No. MC 109478 (Sub-No. 139), filed April 10, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, R.D. #1, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Hanson, Onset and Middleboro, Mass., to points in New York, and those points in Pennsylvania, on and west of U.S. Highway 219; and (2) *returned, refused and rejected shipments*, from points in New York, and those points in Pennsylvania, on and west of U.S. Highway 219, to Hanson, Onset, and Middleboro, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 110098 (Sub-No. 150) (Correction), filed March 20, 1975, published in the FEDERAL REGISTER issue, April 10, 1975, and republished as corrected, this issue. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Rd., P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs*, (except hides and commodities in bulk), (1) from the plant site and or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, restricted to traffic originating at named origin and destined to named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packinghouses, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas to the plant site and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destination.

NOTE.—The purpose of this republication is to correct the commodity description in part (2) of this proceeding. If a hearing is deemed necessary the applicant requests it be held at either St. Paul, Minn. or Omaha, Nebr.

No. MC 110420 (Sub-No. 734), filed April 7, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John J. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Mapleton, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111375 (Sub-No. 77), filed April 3, 1975. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *and foodstuffs* (except hides and commodities in bulk), (1) from the plant site and/or warehouse facilities utilized by George A. Hormel & Company, located at or near Ottumwa, Iowa to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, restricted to traffic originating at named origin and destined to named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk) from Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming to the plant site and/or warehouse facilities utilized by George A. Hormel & Company, located at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destination.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at St. Paul, Minn.

No. MC 111729 (Sub-No. 535), filed April 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's repre-

sentative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, moving in courier service* (except household goods, commodites in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), (1) between points in Alabama, Georgia, Mississippi, and Tennessee; and (2) between points in Alabama, Georgia and Mississippi, on the one hand, and, on the other, points in Florida, restricted, (a) no service shall be provided for the transportation of packages weighing more than 50 pounds, and each package or article shall be considered a separate and distinct shipment; and (b) no service shall be provided for the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority, from and to points within 300 miles. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Nashville, Tenn.; or Washington, D.C.

No. MC 112713 (Sub-No. 179), filed April 10, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment): Serving the plantsite of National Mine Service Co., at Wurtland, Ky., as an off-route point in connection with carrier's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, or Huntington, W. Va.

No. MC 112989 (Sub-No. 42), filed April 4, 1975. Applicant: WEST COAST TRUCK LINES, INC., Rt. 4, Box 194-R, Eugene, Oreg. 97405. Applicant's representative: John G. McLaughlin, 620 Blue Cross Bldg., 100 SW. Market, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and equipment, and supplies*, used in the manufacture and installation of irrigation systems, between points in Lane County, Oreg., on the one hand, and, on the other, points in Washington, California, Montana, Idaho, Nevada, Utah, Colorado, Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio and Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113267 (Sub-No. 320), filed April 7, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the above-named origin and destined to the above-named states; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., located at or near Ottumwa, Iowa, restricted to traffic originating at the above-named states and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 114457 (Sub-No. 231), filed April 4, 1975. Applicant: DART TRANSIT COMPANY, a corporation, 780 No. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) above, to traffic originating at named origin and destined to named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114533 (Sub-No. 321), filed April 10, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory specimens and reports*, used in pathological testing, between points in Johnson and Sedgwick Counties, Kans., on the one hand, and, on the other, points in Woodbury, Monona, Freemont, Page, Mills, Montgomery, Pottawattamie, Taylor, Union and Ringgold Counties, Iowa; points in Kit Carson, Yuma and Cheyenne Counties, Colo.; and points in Laramie, Albany, and Natrona Counties, Wyo.; and (2) *exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films, and materials and supplies used in connection with commercial and television motion pictures), between points in Wyandotte County, Kans., on the one hand, and, on the other, points in Woodbury, Monona and Taylor Counties, Iowa; and points in Kit Carson, Yuma and Cheyenne Counties, Colo.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 115557 (Sub-No. 12), filed April 9, 1975. Applicant: CHARLES A. McCAULEY, 308 Leisure Way, New Bethlehem, Pa. 16242. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dynamic loudspeakers, amplifiers and other audio equipment and component parts thereof*, between Meridian, Miss., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); (2) *dynamic loudspeakers, amplifiers and other audio equipment; component parts, materials, equipment and supplies*, used in the manufacture of dynamic loudspeakers, amplifiers and other audio equipment, between points in Mississippi, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Tennessee and Wisconsin; (3) *dynamic loudspeakers and component parts thereof; and materials, equipment and supplies*, used in the manufacture of dynamic loudspeakers and component parts thereof, between South Lancaster Township, Grant County, Wis., on the one hand, and, on the other, points in

Arizona, California, Connecticut, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; and (4) *audio equipment*, between the Borough of Hawthorne, Clarion County, Pa., on the one hand, and, on the other, (a) Amcelle and Cumberland, Md., and points in that part of Maryland on U.S. Highway 220 between Cumberland and the Maryland-Pennsylvania state line; (b) Trenton, N.J., and points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset and Warren Counties, N.J.; and (c) New York and Poughkeepsie, N.Y., points in New York east of the Hudson River and south of U.S. Highway 202, and those on Long Island, N.Y., west of New York Highway 112.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116519 (Sub-No. 30) (Correction), filed February 27, 1975, published in the FEDERAL REGISTER issue, April 3, 1975, and republished as corrected this issue. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass*, from Carleton, Mich., to ports of enry along the International Boundady line between the United States and Canada located in Michigan; (2) *animal feed, poultry feed, and ingredients thereof*, between Union Carleton, Mich., to ports of entry along the International Boundary line between the United States and Canada located in Michigan; (3) *steel silos and parts and components thereof*, from Kankakee, Dekalb, and Eureka, Ill., to ports of entry along the International Boundary line between the United States and Canada olcated in Michigan and New York; (4) *steel*, from Youngstown, Ohio, to ports of entry along the International Boundary line between the United States and Canada located in Michigan and New York; (5) *steel tubing*, between ports of entry along the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), the transportation herein shall be restricted to foreign commerce.

NOTE.—The purpose of this republication is to clarify the territorial description. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117344 (Sub-No. 243), filed April 7, 1975. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron oxide*, in bulk, from Gadsden, Ala., to Kane, Pa.; and (2) from Ashland, Ky., to Kane, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 117765 (Sub-No. 191), filed April 9, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth Street, Oklahoma City, Okla. 73107, Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and roofing materials* in containers, (except commodities in bulk), from Wynnewood, Okla., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 161), filed April 7, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in Minnesota and Wisconsin to points in Arkansas, Oklahoma, and Shreveport, La., restricted to the transportation of traffic for the account of Land O'Lakes, Inc., originating at the plant sites and facilities of and used by Land O'Lakes, Inc., and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 119689 (Sub-No. 15), filed April 10, 1975. Applicant: PEERLESS TRANSPORT CORP., 2700 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Dow Corning Corporation, located at or near Carrollton, Ky., to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin, restricted to traffic originating at the above-named plantsite and destined to points in the above territory.

NOTE.—Common control may be involved. If a hearing is neemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 327), filed April 7, 1975. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Bristol, Wis. 53104. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* (except commodities in bulk), from the plantsite and storage facilities of or utilized by Roman Meal Company, at or near Decatur, Ind., to points in Illinois, Kentucky, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the above named origin point and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119864 (Sub-No. 59), filed April 7, 1975. Applicant: CRAIG TRANSPORTATION CO., a corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from St. Louis, Mo., and East St. Louis, Ill., to points in Indiana, Michigan, and Ohio, restricted to traffic originating at the plantsites and warehouse facilities of PVO International Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 120950 (Sub-No. 2) filed April 3, 1975. Applicant: AMERICAN MOVING & STORAGE COMPANY, INC., 2911 Day Street, Montgomery, Ala. 36108. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Suite 301, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Autauga, Bullock, Butler, Chilton, Coosa, Crenshaw, Elmore, Lowndes, Macon, Montgomery, Perry, Tallapoosa and Wilcox Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montgomery, Ala.

No. MC 121664 (Sub-No. 7) filed April 10, 1975. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, a partnership, doing business as HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crossties, cross-arms, posts, poles, and timbers*, treated or untreated, from points in Bibb, Shelby, Monroe and Escambia Counties, Ala., to points in Florida, Georgia, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 123255 (Sub-No. 49), filed April 4, 1975. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Ave., Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware and pottery*, from the plantsite and warehouse facilities of Anchor Hocking Corporation, at or near Lancaster, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, those points in that part of Iowa within 10 miles of the Iowa-Illinois State line, those points in that part of Missouri within 10 miles of the Missouri-Illinois State line, those points in that part of Kentucky within 10 miles of the Kentucky-Illinois State line, the Kentucky-Indiana State line, and the Kentucky-Ohio State line, and points in the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 81968 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123383 (Sub-No. 74), filed April 8, 1975. Applicant: BOYLE BROTHERS, INC., 941 South 2d Street, Camden, N.J. 08103. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials, and supplies* used in the installation and distribution thereof (except commodities in bulk), between the plantsite of Georgia-Pacific Corporation at or near Wilmington, Del., on the one hand, and, on the other, points in North Carolina, Sullivan County, Tenn., Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 230), filed April 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing granules*, in bags, from Wausau and Kremlin, Wis., to points in Shakopee and Minneapolis, Minn.; Avery and Franklin, Ohio; Kansas City and St. Louis, Mo.; Chicago Heights, Summit, Joliet, Waukegan, Chicago, and Wilmington, Ill.; Brookville and Whiting, Ind.; and Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 231), filed April 7, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar cane horticulture much*, bailed or bagged, from Marrero, La., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Washington, D.C.

No. MC 123407 (Sub-No. 232), filed April 7, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead and lead alloys* (except commodities which because of size or weight require the use of special equipment), from Glover, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 123407 (Sub-No. 234), filed April 7, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl asbestos tile, vinyl base asphalt tile, and adhesives*, from Houston, Tex., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 263), filed April 7, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thommas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled vehicles*, (except in driveaway service), *equipment* designed for use in conjunction with self-propelled vehicles, *lawn and garden equipment, material handling equipment, and trailers*; (2) *Attachments, parts and accessories* for the commodities described in (1) above, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii); and (3) *Materials, parts, equipment, and supplies*, (except commodities in bulk), used in the manufacture, distribution and sale of the commodities described in (1) and (2) above, from points in the United States (except Alaska and Hawaii), to points in Omaha, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 264), filed April 8, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing fixtures, equipment, materials, and supplies, and accessories and cellular products* (except commodities in bulk), between North Sioux City, S. Dak., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *personal and home care products, and health aids* (except commodities in bulk), between points in Nuckolls County, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 124212 (Sub-No. 86), filed April 4, 1975. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum coke*, in bulk, from a point in Dakota County, Minn., to the plant site of Lehigh Portland Cement Company at or near Mason City, Iowa; (2) *crushed stone*, from Mason City, Iowa, to Burnsville, Minn.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124328 (Sub-No. 78), filed April 4, 1975. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and precious metal items, including corrosives and toxic materials*, between Malvern, Pa., and Winslow, N.J., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii), under contract with Matthey Bishop, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Illinois, Pennsylvania or Washington, D.C.

No. MC 124383 (Sub-No. 18), filed April 4, 1975. Applicant: STAR LINE TRUCKING CORPORATION, a corporation, 161 W. Wisconsin Avenue, Milwaukee, Wis. 53203. Applicant's representative: S. F. Schreiter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel materials*, from points in Rock and Walworth Counties, Wisc., to

points in Boone, McHenry, Winnebago, and Stephenson Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wisc.

No. MC 125433 (Sub-No. 59), filed April 10, 1975. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, and related parts, equipment and supplies*, when the transportation thereof is incidental to the transportation of the electrical transformers, from Belmont, Calif., to points in the United States including Alaska, but excluding Hawaii, restricted to traffic originating at the plantsite of H. K. Porter Company, Inc., located at or near Belmont, Calif.; and (2) *material and supplies*, utilized in the manufacture of electrical transformers, from points in the United States including Alaska, but excluding Hawaii, restricted to traffic destined to the plantsite of H. K. Porter Company, Inc., located at or near Belmont, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Salt Lake City, Utah.

No. MC 125777 (Sub-No. 155), filed April 7, 1975. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorspar*, in bulk, in dump vehicles, from Austin, Nev., to points in Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Michigan, Ohio, Pennsylvania, Kentucky and New York; and (2) *ferro alloys, metals, silicon carbide, ferro manganese, fluorspar and ferro silicon*, in dump vehicles, from Dearborn, Mich., to points in the United States (except points in Illinois, Indiana, New York, Ohio, Pennsylvania, West Virginia, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 122), filed April 7, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and materials and supplies* used in connection with the manufacture and distribution of containers and container ends, from the plant and warehouse sites of American Can Company located in Edison Township, N.J., and South Brunswick, N.J., to points in the United States (except Alaska and Hawaii), under a continuing contract with American Can Company.

NOTE.—Applicant holds common carrier authority in MC 134612 Sub 2 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 70), filed April 1, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe, plastic pipe, manhole frames and covers, valves, culverts, meter boxes, fittings, materials, equipment and supplies* used in the installation and sales of such products (except commodities in bulk in tank vehicles), from the facilities of Mead Pipe-Texas, at or near Tyler, Tex., to points in Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, California, Wyoming, Montana, Colorado, New Mexico, Arizona, Washington, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Oregon, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, Nevada, Georgia, Michigan, Ohio, Indiana, Idaho, Utah, Kentucky, and Florida, with no transportation for compensation on return except as otherwise authorized; and (2) *such commodities* used or useful in the manufacture and sale of the commodities described above except commodities in bulk in tank vehicles, and those which because of size, shape, or weight require the use of special equipment), from points in the destination territory described above, to the facilities of Mead Pipe-Texas, at or near Tyler, Tex., with no compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination territories.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Dallas, Tex.

No. MC 126436 (Sub-No. 7), filed April 7, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd., NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shot* (except ammunition), from Bedford, Va., to points in Louisiana, Texas, Alabama, California, Arizona, Colorado, Utah, Nevada, Montana, Oregon, Washington, and Wyoming, under a continuing contract with Wheelabrator Corp.

NOTE.—Applicant holds common carrier authority in MC 107515 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 126489 (Sub-No. 29), filed April 7, 1975. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from St. Joseph, Mo., to points in Louisiana, Mississippi, and Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128075 (Sub No. 34), filed April 7, 1975. Applicant: LEON JOHNSRUD, doing business as LEON JOHNSRUD, P.O. Box 447, Cresco, Iowa 52136. Applicant's representative: Leon Johnsrud (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) to traffic originating at named origin and destined to named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 128217 (Sub-No. 17), filed April 4, 1975. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, parts and supplies* used in the manufacture of industrial and construction machinery and agricultural implements and machinery (except commodities in bulk, in tank vehicles), from points in the United States (except

Alaska and Hawaii), to Bismarck, Cooperstown and Gwinner, N. Dak., under a continuing contract or contracts with Clark Equipment Co., Melroe Division of Gwinner, N. Dak.; (2) *building, roofing and insulation materials* (except iron and steel articles and commodities in bulk), from the facilities of Certain-teed Products Corps., in Scott County, Minn., to points in North Dakota, under a continuing contract or contracts with LeFevre Sales, Inc. of Jamestown, N. Dak.; and (3) *iron and steel articles*, from points in Illinois, Michigan and Indiana on and north of Interstate Highway 70, to Richardton Machine and Manufacturing Company of Richardton, N. Dak.

NOTE.—Applicant holds common carrier authority in MC-120978 Sub No. 1 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 133566 (Sub-No. 49), filed April 4, 1975. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of soybeans, and materials, supplies and ingredients*, used in the processing thereof, in bulk, in tank or hopper vehicles, between the plantsite and warehouse facilities of Krause Milling Co., located at or near Logansport, Ind., on the one hand, and, on the other, points in Illinois, Ohio, Michigan, Wisconsin, and Kentucky, restricted to traffic originating at or destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wisc., or Washington, D.C.

No. MC 133566 (Sub-No. 50), filed April 4, 1975. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., a corporation, P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *Meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted in (1) and (2) to traffic originating at named origin, and destined to named destination.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 133591 (Sub-No. 18), filed April 3, 1975. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and parts and accessories thereof; and articles and materials* used in the installation of plumbing fixtures, from Abingdon and Robinson, Ill., to points in Texas, New Mexico, Arizona, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, California, Oregon and Washington.

NOTE.—Applicant holds contract carrier authority in MC 134494 Sub Nos. 1, 3 and 6, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Washington, D.C.

No. MC 134477 (Sub-No. 92), filed April 9, 1975. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Rd., West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* (except commodities in bulk), used in the manufacture of personal floatation devices and outer protection clothing, from points in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania and Rhode Island, to points in St. Cloud, Minn., restricted to traffic originating at the named origins and destined to the plantsite and storage facilities of Stearns Manufacturing Co., located at or near St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134484 (Sub-No. 7), filed April 3, 1975. Applicant: EDWARDS BROS., INC., 1875 North Holmes, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh and frozen*, from Jefferson and Bonneville Counties, Idaho, to points in Minnesota, South Dakota, Nebraska, Iowa, Wisconsin, Illinois, and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Idaho, Salt Lake City, Utah, or Boise, Idaho.

No. MC 134599 (Sub-No. 120) (Correction), filed March 17, 1975, published in the FEDERAL REGISTER issue, April 10, 1975, and republished as corrected, this issue. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, rubber products and related articles and materials, and supplies* used in the manufacture thereof (except commodities in bulk or which because of size or weight, require special handling or special equipment), between Neosho, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Uniroyal, Inc.

NOTE.—The purpose of this republication is to correct the applicant's and applicant's representatives address. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134783 (Sub-No. 27) (Amendment), filed November 25, 1974, published in the Federal Register issue of December 19, 1974, and republished as amended this issue. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, beauty aids, hair grooming and conditioning aids, cosmetics, soap, shaving cream, shampoo, washing compounds, drugs, medicines, store display racks, store displays and advertising materials* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) from the plantsites and storage facilities of Noxell Corporation at or near Cockeysville, Md. and Holyoke, Mass., to points in and west of Louisiana, Arkansas, Missouri, Iowa and Minnesota, and points in Georgia, Tennessee, Illinois and Indiana; and (2) between the plantsites and storage facilities of Noxell Corporation at or near Cockeysville, Md. and Holyoke, Mass.

NOTE.—Common control and dual operations may be involved. The purpose of this republication is (1) to indicate that authority is sought on both cosmetics and soap, and (2) to add the bulk exception and equipment restriction. The hearing which was assigned July 1, 1975 at Washington, D.C., is postponed to a date to be later determined.

No. MC 134783 (Sub-No. 30), filed April 7, 1975. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 646 Metropolitan Building, 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsites and storage facilities utilized by MBP-XL Corpora-

tion located at or near Friona and Plainview, Tex., to points in Illinois, Michigan, and Ohio.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 139309 and Sub 1, pending, therefore dual operations may also be involved. If a hearing is deemed necessary the applicant requests it be held at Lubbock, Tex.

No. MC 135616 (Sub-No. 6), filed April 7, 1975. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43551. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, vinyl tops and materials, equipment and supplies* used or useful in the manufacture, production, distribution, sale, assembly, and installation of the above-specified commodities (except commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic moving under a continuing contract or contracts with Globe Glass & Trim Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135684 (Sub-No. 12), filed April 9, 1975. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers, cartons and carton parts, and materials*, used in the manufacture, sale and distribution of glass containers (except in bulk), (1) between the plant site or other facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc., located at Lawrenceburg, Ind., on the one hand, and, on the other, points in Illinois, Wisconsin, Kentucky, Ohio (except Cincinnati), Missouri, Michigan (except Lower Peninsula), and Indiana; and (2) between the plant site or other facilities of Thatcher Glass Manufacturing Company, on the one hand, and, on the other, points in Maryland and Pennsylvania.

NOTE.—Applicant holds contract carrier authority in MC 87720 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135911 (Sub-No. 1) (Amendment), filed March 25, 1975, published in the FEDERAL REGISTER issue of April 24, 1975, and republished as amended this issue. Applicant: CYCLES, INC., doing business as TWIN CITY HONDA, 1437 University Avenue, St. Paul, Minn. 55104. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, as described in Section B of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, fertilizer, in bags, animal and poultry feed, and dried milk powder, when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act, from Minneapolis, Minn., and Spencer, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo and Kern Counties, Calif.; (2) *frozen poultry*, when moving in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from Albert Lea, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo and Kern Counties, Calif.; (3) *eggs*, when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act, from New Richland, Lakefield, and Albert Lea, Minn., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo and Kern Counties, Calif.; (4) *dried milk powder*, when moving in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from Pine Island, Minn., and Whitehall, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.

(5) *Butter*, from Mondovi, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif.; and (6) *cheese*, from Faribault, Minn., Plymouth, Kiel, Manitowoc, Monroe, Marshfield, Spencer, Woycena, and Greenwood, Wis., to points in Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, Santa Clara, San Luis Obispo, and Kern Counties, Calif., restricted against commodities in bulk and limited to a transportation service to be performed under a continuing contract or contracts with Land O'Lakes, Inc., of Minneapolis, Minn.

NOTE.—The purpose of this republication is to broaden the territorial scope of the authority sought by adding the origin of Spencer, Wis., in part (1) and the origin of Albert Lea, Minn., in part (3). If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136089 (Sub-No. 4), filed January 22, 1975. Applicant: WILLIAM W. WILLIAMS, P.O. Box 589, Port Orchard, Wash. 98366. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished plastic products*, including but not limited to plastic containers, from Akron, Ohio, to points in Washington, Oregon, California, Colorado, Montana, New Mexico, Nevada, North Dakota, South Dakota, Idaho, Texas, Arizona, Wyoming, and Utah, under a continuing contract or contracts with Cardinal Plastics.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle or Tacoma, Wash.

No. MC 136343 (Sub-No. 42), filed April 7, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture of printing paper (except commodities in bulk and those the transportation of which because of size or weight require the use of special equipment), from points in Ohio, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Maryland, Virginia, Wisconsin, Tennessee, North Carolina, South Carolina, George, Florida, Alabama, Mississippi, Kentucky, and the District of Columbia, to the plantsite of the Hammermill Paper Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 138240 (Sub-No. 1), filed April 9, 1975. Applicant: J. J. YODER, doing business as J. J. YODER TRUCKING, 206 Wineland Street, Martinsburg, Pa. 16662. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bags, from Dundee, Ill., to points in Pennsylvania (except Taylor Township, Blair County, N.Y., and New Jersey), restricted to the transportation to be performed under a continuing contract or contracts with Milk Specialties Company of Dundee, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 138498 (Sub-No. 7) filed April 2, 1975. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the Raleigh-Durham Airport, Raleigh, and Durham, N.C., on the one hand, and, on the other, points in Virginia on and south of U.S. Highway 58 and on and east of U.S. Highway 220 and points in North Carolina on and east of U.S. Highway 220 from the Virginia border to its junction with U.S. Highway 1 and thence over U.S. Highway 1 to the South Carolina border.

NOTE.—Applicant holds contract carrier authority in MC 138429 Sub-Nos. 2, 4, and 5, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C.

No. MC 139495 (Sub-No. 56), filed April 7, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* (except in bulk), from Kosse and Waco, Tex., to points in Kansas, Colorado, Oklahoma, and Missouri.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 57) filed April 9, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil filter cartridges*, from Lancaster, Pa., to points in West Virginia, Kentucky, Tennessee, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, and California.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139600 (Sub-No. 4), filed April 2, 1975. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 12912 Camino Del Valle, Poway, Calif. 92064. Applicant's representative: Fred E. Caldwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Copper concentrates*, from Lordsburg, N. Mex., to points in California; (b) *Manganese, rutile ore*, from points in California to points in Arizona, California, Colorado, Nevada, New Mexico and Texas; (c) *Ores, nitrates*, from points in California and Nevada to points in Arizona, New Mexico and Texas; (d) *Quartz*, between points in Arizona, California, Colorado, Nevada, New Mexico and Texas; and (e) *Ores and concentrates*, from points in Arizona to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Diego, or Los Angeles, or San Francisco, Calif.

No. MC 139868 (Sub-No. 2) (Amendment), filed August 19, 1974, published in the FEDERAL REGISTER issue of September 26, 1974, and republished as amended this issue. Applicant: WESTERN SALES TRANSPORTATION, INC., 1931 North 11th Street, Omaha, Nebr. 611. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty steel, tin, plastic and fiber containers*, from Omaha, Nebr., to points in Kansas, Colorado, Missouri, Iowa, Minnesota, Illinois, Wyoming, Arkansas, Indiana and Kentucky; (2) *commodities* named in (1) above and *materials, equipment and supplies* utilized in the manufacture, production and distribution of the commodities named in (1) above, from points in Kansas, Colorado, Missouri, Iowa, Minnesota, Illinois, Wyoming, Arkansas, Indiana and Kentucky, to Omaha, Nebr.; and (3) *vacuum cleaners and lawn spreaders*, from Atlantic, Iowa, to Omaha, Nebr., under a continuing contract or contracts with Western Sales and Service, Inc., and Cleveland Container Corp.

NOTE.—The purpose of this republication is to indicate the additional contracting shipper of Cleveland Container Corp. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140143 (Amendment), filed August 9, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished, as amended, this issue. Applicant: JOE A. GIBSON, Newkirk, Okla. 74647. Applicant's representative: Tom L. Schwinn, Box 549, Wellington, Kans. 67152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, urea, molasses feed ingredients*, including, but not limited to *alfalfa meal and pellets, cottonseed cake and meal, linseed cake and meal, soybean cake and meal, and fertilizer*, commercial (except in liquid) in bag and bulk, between the plant site and storage facilities of McDaniel Grain Company at Geuda Springs (Sumner County), Kans., and points in a territory described as follows: beginning at the intersection of U.S. Highway 60 and Oklahoma Highway 18 in Osage County, Okla., and extending northerly along Oklahoma Highway 18 to the Oklahoma-Kansas State Boundary line, thence along Kansas Highway 15 to its intersection with U.S. Highway 166, thence northerly along Kansas Highway 15 to its intersection with U.S. Highway 160, at Winfield, Kans., thence along unnumbered county roads to its intersection with Kansas Highway 96 at Leon, Kans., thence westerly along Kansas Highway 96 to its intersection with U.S. Highway 81, thence southerly along U.S. Highway 81 to South Haven, Kans., thence southerly along U.S. Highway 177 to the Kansas-Oklahoma State Boundary line, thence southerly along Interstate Highway 35 to its intersection with U.S. Highway 60, thence easterly along U.S. Highway 60 to the point of beginning, on the one hand, and, on the other, points in Oklahoma, Texas, and Louisiana, under a continuing contract or contracts with McDaniel Grain Company of Geuda Springs, Kans.

NOTE.—The purpose of this republication is to amend the territorial description. If a hearing is deemed necessary, the applicant requests it be held either at Wichita or Topeka, Kans., or Oklahoma City, or Tulsa, Okla.

No. MC 140529 (Sub-No. 3), filed April 7, 1975. Applicant: RAY E. MUHLBACH, doing business as REMCO TRUCKING, Rt. 1, Ravenna, Nebr. 68869. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsites and facilities utilized by Ravenna Cheese Company, Inc., located at or near Ravenna, Nebr., to Clinton and Springfield, Mo.; Salt Lake City and Wellsville, Utah; and New Ulm, Minn., under contract with Ravenna Cheese Company, Inc., restricted to a transportation service to be performed under a continuing contract or contracts with Ravenna Cheese Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 140594 (Sub-No. 2), filed April 7, 1975. Applicant: ALBERT BELSTRA, doing business as BELSTRA TRUCKING, R.R. 3, Box 258, DeMotte, Ind. 46310. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural Machinery, implements and parts*, from Clay Center and Lincoln, Kans.; Fremont, Nebr.; Sioux Falls, S. Dak.; and DeMotte, Ind.; to points in Indiana, Illinois, Michigan, Ohio, Wisconsin, and Missouri, under a continuing contract or contracts with DeYoung and Sons Farm Equipment, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 140648 (Sub-No. 1), filed February 14, 1975. Applicant: FRANKS & SON, INC., Rt. 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: James E. Frasier, Beacon Bldg., Mezzanine Floor, Tulsa, Okla. 74103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden products*, including tongue depressors, cervical scrapers, tooth picks, ice cream spoons, wood turning, clothes pins, plastic eating utensils, sporting goods and sleds, from the plantsite and warehouse facilities of Forster Manufacturing Co., Inc. at or near Wilton, Maine, to Los Angeles, San Francisco, Calif., Seattle, Wash., Billings, Mont., Denver, Colo., Dallas, Tex., New Orleans, La. and Phoenix, Ariz., under a continuing contract or contracts with Forster Manufacturing Co., Inc.; (2) *wooden products*, from the warehouse facilities of Solon Manufacturing Co., Inc. in Skowhegan, Maine, to Los Angeles, San Francisco, Oakland, Calif. and Seattle, Wash., under a continuing contract or contracts with Solon Manufacturing Co., Inc.; and (3) *wooden products*, from the plantsite and warehouse facilities of Strong Wood Products, Inc. at or near Strong, Maine, to Milwaukee, Wis. and Los Angeles, Calif., under a continuing contract or contracts with Strong Wood Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Oklahoma City, Okla., Dallas, Tex., or Kansas City, Mo.

No. MC 140654 (Sub-No. 3), filed April 4, 1975. Applicant: OLIVER & OLIVER, INC., P.O. Box 83, Campton, Ky. 41301. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are usually transported in dump vehicles, from points in Bath, Bell, Boyd, Breathitt, Carter, Clay, Clinton, Cumberland, Elliott, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Perry, Pike, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe Counties, Ky., to points in Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 140682 (Sub-No. 1), filed April 10, 1975. Applicant: NEW (TRANS) PORT, INC., P.O. Box 188 (Highway 17S), Riceboro, Ga. 31303. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the facilities of the Interstate Paper Company located at or near Riceboro, Ga., on the one hand, and, on the other, points in Georgia, Florida, and South Carolina, under a continuing contract with Interstate Paper Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla., or Savannah, Ga.

No. MC 140700 (Sub-No. 1) (correction), filed March 28, 1975, published in the FEDERAL REGISTER issue of April 24, 1975, and republished, as corrected, this issue. Applicant: H. D. WALLS, doing business as H. D. WALLS TRUCKING, P.O. Box 399, Ridgely, Md. 21660. Applicant's representative: J. Michael May, Suite 20, 1459 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, (1) from Queen Anne, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia; and (2) from Greenwood, Del., to Queen Anne, Md., under a continuing contract with Fox Foods, Inc., Division of Kane-Miller Corp.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding as MC 140700 (Sub-No. 1) in lieu of MC 140821 as previously published. If a hearing is deemed necessary, applicant requests it be held at either Baltimore, Md., or Washington, D.C.

No. MC 140783, filed March 17, 1975. Applicant: CHAVIS MOVING & STORAGE CO., INC., 809 10th Ave., Port Royal, S.C. 29935. Applicant's representative: Royce C. Chavis, P.O. Box 466, Port Royal, S.C. 29935. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between Beaufort, S.C. and points in Beaufort, Jasper, Colleton, Allendale, Bamberg, and Hampton Counties, S.C., and Chatham County, Ga., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Beaufort or Columbia, S.C.

No. MC 140809 (Sub-No. 2), filed April 7, 1975. Applicant: SELECTIVE FILL TRUCKING, INC., 466 East Avenue, Sewaren, N.J. 07077. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump trucks, from the plantsites of Selective Fill Company, Inc., located at or near Sayreville and Millstone, N.J., to New York, N.Y., under a continuing contract or contracts with Selective Fill Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 140814, filed March 24, 1975. Applicant: ROBERT E. BAILEY, doing business as BAILEY & COMPANY, R.F.D. 1, Pittsfield, N.H. 03263. Applicant's representative: Robert E. Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from points in Massachusetts, to points in New Hampshire.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 140832, filed April 7, 1975. Applicant: DUANE AND BERNARD LUTNES, a partnership, doing business as LUTNES MOVERS, Route 2, Box 4, Westby, Mont. 59275. Applicant's representative: Bernard Lutnes or Duane Lutnes (same address as applicant). Authority sought to operate a a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, wood and modular buildings*, set up or knocked down *and components and parts* thereof, between points in Montana and North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Billings, Mont.; or (2) Sidney, Mont.

No. MC 140859, filed April 4, 1975. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 Center Street, Box 1072, Henderson, Ky. 42420. Applicant's representative: Herbert D. Liebman, P.O. Box 815, Frankford, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tomatoes and tomato paste*, between Henderson and Owensboro, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Owensboro, Ky. or Evansville, Ind.

No. MC 140860, filed April 9, 1975. Applicant: BRAY TRUCKING, INC., Route #2, Butler, Ky. 41006. Applicant's representative: George M. Catlett, 703-708 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in dump vehicles, between Cincinnati, Ohio, on the one hand, and, on the other, points in Campbell, Pendleton, Harrison, Kenton, and Boone Counties, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Lexington, Ky.

No. MC 140862, filed April 3, 1975. Applicant: HAROLD D. BIRDSLEY, doing business as BIRDSLEY TRUCKING CO., Box 303, Tiskilwa, Ill. 61368. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and electronic equipment and units*, including but not limited to switchboards, circuit breakers, switches, and rectifiers and parts and accessories therefor; and (2) *materials, equipment and supplies* used in or useful in the manufacture, production, sale, assembly and distribution of the commodities specified in (1) above (except commodities in bulk), between the plant sites and facilities utilized by General Electric Company at or near West Burlington, Iowa, on the one hand, and, on the other points in the United States (except Alaska and Hawaii), restricted to traffic moving under a continuing contract or contracts with General Electric Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

PASSENGER APPLICATIONS

No. MC 134715 (Sub-No. 2), filed April 3, 1975. Applicant: GEORGE D. PAQUETTE BUS LINE LIMITED, a Corporation, 222 William Street, Rosemere, Quebec, Canada. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the

same vehicle with passengers, in charter operations, beginning and ending at ports of entry on the International Boundary line between United States and Canada located in Maine, Michigan, New Hampshire, New York and Vermont and extending to points in the United States (except points in Alaska, Hawaii, New York and Vermont).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Plattsburgh, N.Y. or Albany, N.Y.

No. MC 140824, filed March 28, 1975. Applicant: METRO CAB, INC., 11 East Kings Highway, Audubon, N.J. 08106. Applicant's representative: Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in nonscheduled, including door to door service limited to not more than 10 passengers, not including the driver, in special or charter operations, between Philadelphia Airport and Piers and Docks, located at Philadelphia, Pa., on the one hand, and, on the other, points in Cumberland, Salem, Gloucester, Cape May, Burlington, Camden, Ocean and Atlantic Counties, N.J., restricted to a prior or subsequent movement by air or water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Trenton, N.J.

BROKER APPLICATIONS

No. MC 130307, filed March 19, 1975. Applicant: TOURPAK INTERNATIONAL INC., 247 West 12th Street, New York, N.Y. 10014. Applicant's representative: Shatzkin and Cooper, 235 East 42d Street, New York, N.Y. 10017. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *passengers* as individuals and in groups, and *their baggage*, by common and contract carriers, in all expense tours, and special and charter operations, between ports of entry along the International Boundary line between United States and Canada, including Alaska and Hawaii, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, restricted to service provided for travel agents in foreign countries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 130310, filed April 2, 1975. Applicant: GORDON CLAPP TRAVEL SERVICES, INCORPORATED, 98 Central Street, Bangor, Maine 04401. Applicant's representative: Gordon W. Clapp (same address as applicant). Authority sought to engage in *operation, in interstate* or foreign commerce, as a *broker* at Bangor, Maine, to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, beginning and ending at points in Maine and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bangor or Portland, Maine.

No. 130311, filed March 31, 1975. Applicant: OHIO AAA ASSOCIATION, 6155 Huntley Road, Columbus, Ohio 43229. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Columbus, Ohio, to sell or offer to sell the transportation of *Passengers and their baggage* in all expense round trips tours, in special and charter operations, by motor, air, water and rail carriers beginning and ending at points in Ohio and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 130312, filed April 4, 1975. Applicant: TRADE AND INDUSTRY TOURS ASSOCIATION, INC., 501 Fifth Avenue, New York, N.Y. 10017. Applicant's representative: Walter P. Graf, P.O. Box 5279, Clinton, N.J. 08809. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *groups of passengers, and their baggage*, in charter and special operations, between points in the United States, including Alaska and Hawaii, restricted to making arrangements for passengers having a prior movement in foreign commerce by air and water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

FREIGHT FORWARDER APPLICATION

No. FF 432 (Sub-No. 1), filed April 3, 1975. Applicant: TUCOR SERVICES INC., 640 Sacramento Street, San Francisco, Calif. 94111. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (A) *Used household goods and unaccompanied baggage;* and (B) *used automobiles*, restricted in (B) to import-export traffic, between points in the United States, including Hawaii but excluding Alaska.

NOTE.—Applicant states that it holds authority requested herein. The purpose of this application is to eliminate an import-export restriction in (A) above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in San Francisco, Calif. or Washington, D.C.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-11994 Filed 5-7-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 2, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 19, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8768 (Sub-No. E6), filed May 15, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, La. 70062. Applicant's representative: Donald Goldwasser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Tennessee, on the one hand, and, on the other, points in Delaware; (2) between points in Tennessee, on the one hand, and, on the other, points in Pennsylvania; (3) between points in Tennessee, on the one hand, and, on the other, points in New Jersey; (4) between points in Tennessee, on the one hand, and, on the other, points in New York east of Interstate Highway 81; (5) between points in Tennessee, on the one hand, and, on the other, points in Connecticut; (6) between points in Tennessee, on the one hand, and, on the other, points in Rhode Island; (7) between points in Tennessee, on the one hand, and, on the other, points in Massachusetts; (8) between points in Tennessee, on the one hand, and, on the other, points in Vermont; (9) between points in Tennessee, on the one hand, and, on the other, points in New Hampshire; (10) between points in Tennessee, on the one hand, and, on the other, points in Maine; (11) between El Paso, Tex., on the one hand, and, on the other, points in Kentucky east of U.S. Highway 25 and south of U.S. Highway 460; (12) between points in Louisiana, on the one hand, and, on the other, points in Breathitt and Perry Counties, Ky.; (13) between points in Alabama south of U.S. Highway 84, on the one hand, and, on the other, points in Mason, Lewis, and Greenup Counties, Ky.; (14) between points in New Mexico, on the one hand, and, on the other, points in Bell, Harlan, and Letcher Counties, Ky.;

(15) between points in Florida, on the one hand, and, on the other, points in Mason, Lewis, and Greenup Counties, Ky.; (16) between points in Kentucky west of U.S. Highway 31W, on the one hand, and, on the other, points in Delaware; (17) between points in Kentucky, on the one hand, and, on the other, points in Pennsylvania east of U.S. Highway 222 and south of U.S. Highway 30; (18) between points in Kentucky, on the one hand, and, on the other, points in New Jersey; (19) between points in Kentucky, on the one hand, and, on the other, points in New York south of Interstate Highway 84; (20) between points in Kentucky west of Interstate Highway 31W on the one hand, and, on the other, points in Connecticut; (21) between points in Kentucky, on the one hand, and, on the other, points in Rhode Island; (22) between points in Kentucky, on the one hand, and, on the other, points in Massachusetts; (23) between points in Kentucky, on the one hand, and, on the other, points in New Hampshire; (24) between points in Kentucky, on the one hand, and, on the other, points in Vermont; and (25) between points in Kentucky, on the one hand, and, on the other, points in Maine south and east of Interstate Highway 95 and west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of Virginia in (1) through (13), (15) through (25), and Electra, Tex., and Virginia in (14).

No. MC 8768 (Sub-No. E7), filed May 15, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, La. 70062. Applicant's representative: Donald Goldwasser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Arkansas, on the one hand, and, on the other, points in Virginia; (2) between points in Missouri, on the one hand, and, on the other, points in James City, York, and Norfolk Counties, Va.; (3) between Detroit, Mich., on the one hand, and, on the other, points in Virginia east of Interstate Highway 95; (4) between Chicago, Ill., on the one hand, and, on the other, points in Virginia east of Interstate Highway 94; and (5) between points in Indiana, on the one hand, and, on the other, points in Virginia east of U.S. Highway 15. The purpose of this filing is to eliminate the gateways of Alabama in (1) and (2), and Pennsylvania in (3), (4), and (5).

No. MC 9325 (Sub-No. E1), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Gray Rocks, Calif., to points in Oregon. The purpose of this filing is to eliminate the gateways of points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg.

No. MC 9325 (Sub-No. E2), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Gray Rocks, Calif., to points in Ada, Adams, Blaine, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho. The purpose of this filing is to eliminate the gateways of points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg., and Lime, Oreg.

No. MC 9325 (Sub-No. E3), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Gray Rocks, Calif., to points in Kootenai, Bonner, Boundary, Benewah, Latah, Nez Perce, Shoshone, Lewis, Clearwater, and Idaho Counties, Idaho, and points in Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont. The purpose of this filing is to eliminate the gateways of points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg., points in Umatilla County, Oreg., points in Benton and Franklin Counties, Wash., points in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash., and Irvin, Wash.

No. MC 9325 (Sub-No. E4), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Gray Rocks, Calif., to points in Washington west of the summit of the Cascade Mountains. The purpose of this filing is to eliminate the gateways of points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg., and points in Oregon.

No. MC 9325 (Sub-No. E5), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Gray Rocks, Calif., to points in that part of Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties. The purpose of this filing is to eliminate the gateways of points in Lake, Klamath, Deschutes, Jackson, Josephine, and Curry Counties, Oreg., points in Oregon, points in Hood River and Wasco Counties, Oreg., and points in Klickitat and Skamania Counties, Wash.

No. MC 9325 (Sub-No. E10), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Wahkiakum, Cowlitz, Skamania, and Clark Counties, Wash., and points in Oregon to points in Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, Idaho, and points in Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders County, Mont. The purpose of this filing is to eliminate the gateways of points in Oregon, points in Umatilla County, Oreg., points in Benton and Franklin Counties, Wash., points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash., and Irvin, Wash.

No. MC 9325 (Sub-No. E11), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in Oregon. The purpose of this filing is to eliminate the gateways of points in Curry, Josephine, and Jackson Counties, Oreg.

No. MC 9325 (Sub-No. E12), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in Ada, Adams, Blaine, Canyon, Classia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho. The purpose of this filing is to eliminate the gateways of points in Curry, Josephine, and Jackson Counties, Oreg., points in Oregon, and Lime, Oreg.

No. MC 9325 (Sub-No. E13), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in Kootenai, Boundary, Bonner, Benewah, Latah, Nez Perce, Shoshone, Lewis, Idaho, and Clearwater Counties, Idaho, and points in Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont. The purpose of this filing is to eliminate the gateways of points in

Curry, Josephine, and Jackson Counties, Oreg., points in Oregon, points in Umatilla County, Oreg., points in Benton and Franklin Counties, Wash., points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, Wash., and Irvin, Wash.

No. MC 9325 (Sub-No. E14), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in Washington west of the Cascade Mountain Range. The purpose of this filing is to eliminate the gateways of points in Curry, Josephine, and Jackson Counties, Oreg., points in Oregon, and points in Oregon west of the Cascade Mountains and north of a line beginning at Florence, Oreg., and extending along Oregon Highway 36 to junction U.S. Highway 99, thence along U.S. Highway 99 to junction U.S. Highway 126, thence along U.S. Highway 126 to the Cascade Mountains.

No. MC 9325 (Sub-No. E15), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Eureka, Calif., to points in that part of Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties. The purpose of this filing is to eliminate the gateways of points in Curry, Josephine, and Jackson Counties, Oreg., points in Oregon, (1) points in Umatilla County, Oreg., or (2) points in Wasco and Hood River Counties, Oreg., and (2) points in Benton and Franklin Counties, Wash., or (2) points in Klickitat and Skamania Counties, Wash., respectively.

No. MC 9325 (Sub-No. E17), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Washington in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, to points in Ada, Adams, Blaine, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Lincoln, Minidoka, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho, restricted against the transportation of shipments from points in Asotin, Garfield, Columbia, Walla Walla, and Whitman Counties, Wash., to points in Adams, Valley, Washington, Payette, Gem, Canyon, Ada, Elmore, and Owyhee Counties, Idaho. The purpose of this filing is to eliminate the gateways of points in Benton and Franklin Counties, Wash., points in Umatilla County, Oreg., points in Oregon, and Lime, Oreg.

No. MC 9325 (Sub-No. E18), filed May 13, 1974. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Michael P. Crew, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Tacoma, Wash., to points in that part of Idaho in and south of Adams, Valley, Custer, Butte, Clark, and Fremont Counties. The purpose of this filing is to eliminate the gateway of Portland, Oreg.

No. MC 14321 (Sub-No. E20), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and east of a line beginning at Texarkana, Tex., and extending along U.S. Highway 67 to Naples, thence along Texas Highway 338 to Rocky Branch, thence along U.S. Highway 259 to Longview, thence along U.S. Highway 80 to White Oaks, thence along U.S. Highway 271 to Tyler, thence along U.S. Highway 69 to Lufkin, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to Galveston, on the one hand, and, on the other, points in Colorado north of a line beginning at the Colorado-Kansas State line at U.S. Highway 40 and extending along U.S. Highway 40 to junction Colorado Highway 94, to Colorado Springs, thence along U.S. Highway 24 to junction Colorado Highway 82 to Glenwood Springs, thence along U.S. Highway 24 to Grand Junction, and thence along U.S. Highway 50 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Arkansas, and Eureka, Kans.

No. MC 14321 (Sub-No. E21), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in that part of Mississippi on and north of a line beginning at the Alabama-Mississippi State line and extending along Interstate Highway 20 to Meridian, thence along Mississippi Highway 19 to Philadelphia, thence along Mississippi Highway 21 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to Yazoo City, thence along U.S. Highway 49W to junction Mississippi Highway 14, thence along Mississippi Highway 14 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Arkansas.

No. MC 14321 (Sub-No. E22), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and north of a line beginning at New Orleans and extending along Interstate Highway 10 to Baton Rouge, thence along U.S. Highway 190 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in that part of Texas on and north of a line beginning at the Arkansas-Louisiana State line and extending along Texas Highway 77 to junction U.S. Highway 59, thence along U.S. Highway 59 to Linden, thence along Texas Highway 155 to Gilmer, thence along U.S. Highway 271 to Tyler, thence along Texas Highway 31 to Waco, thence along U.S. Highway 84 to junction Texas Highway 16, thence along Texas Highway 16 to San Saba, thence along U.S. Highway 190 to junction U.S. Highway 87, thence along U.S. Highway 87 to San Angelo, thence along U.S. Highway 67 to junction U.S. Highway 290 or Interstate Highway 10, thence along Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of points in Arkansas.

No. MC 14321 (Sub-No. E23), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Omaha, Nebr., on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Eureka, Kans.

No. MC 14321 (Sub-No. E24), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Denver, Fort Collins, Craig, and Sterling, Colo., on the one hand, and, on the other, Houston, Tex. The purpose of this filing is to eliminate the gateways of Eureka, Kans., and points in Oklahoma and Arkansas.

No. MC 14321 (Sub-No. E25), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Colorado on, south, and west of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to Den-

ver, thence along Interstate Highway 70 to the Colorado-Utah State line, on the one hand, and, on the other, points in Indiana; (2) between points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 24 to Logansport, thence along Indiana Highway 25 to junction Indiana Highway 28, thence along Indiana Highway 28 to Attica, thence along U.S. Highway 41 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line, on the one hand, and, on the other, points in that part of Colorado on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Missouri and Eureka, Kans.

No. MC 14321 (Sub-No. E26), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of the Lower Peninsula of Michigan on, north, and east of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to junction Interstate Highway 96, thence along Interstate Highway 96 to Muskegon, on the one hand, and, on the other, points in Colorado; (2) between points in that part of Colorado on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 40 to Limon, thence along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to Glenwood Springs, thence along Interstate Highway 70 to the Colorado-Utah State line, on the one hand, and, on the other, points in the Upper Peninsula of Michigan; (3) between points in that part of Colorado on and west of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25 to Denver, thence along Interstate Highway 70 to the Colorado-Utah State line, on the one hand, and, on the other, points in that part of the Lower Peninsula of Michigan on and south of a line beginning at the Ohio-Michigan State line and extending along U.S. Highway 23 to junction Interstate Highway 96, to Muskegon, and (4) between points in Michigan, on the one hand, and, on the other, points in Colorado on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Missouri, and Eureka, Kans.

No. MC 14321 (Sub-No. E29), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of points in Missouri and Arkansas.

No. MC 14321 (Sub-No. E30), filed June 4, 1974. Applicant: ENGLE VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Mississippi on and west of a line beginning at Vicksburg and extending along U.S. Highway 61 to Leland, thence along U.S. Highway 82 to Winona, thence along Interstate Highway 51 to Grenada, thence along Mississippi Highway 7 to the Mississippi-Tennessee State line, on the one hand, and, on the other, points in North Carolina; and (2) between Jackson, Miss., on the one hand, and, on the other, Winston-Salem, Greensboro, Burlington, Durham, Raleigh, Rocky Mount, Elizabeth City, Wilmington, Fayettville, Goldsboro, Kinston, New Bern, Jacksonville, Wilson, Greenville, Washington, Tarboro, Chapel Hill, High Point, Reidsville, and Roanoke Rapids, N.C. The purpose of this filing is to eliminate the gateways of points in Arkansas and Tennessee.

No. MC 14321 (Sub-No. E31), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and west of a line beginning at Greenville and extending along U.S. Highway 82 to junction U.S. Highway 61, thence along U.S. Highway 61 to Clarksdale, thence along Mississippi Highway 6 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Mississippi-Tennessee State line, on the one hand, and, on the other, points in that part of Florida on, south, and east of a line beginning at the Georgia-Florida State line and extending along Interstate Highway 95 to junction U.S. Highway 301, thence along U.S. Highway 301 to Waldo, thence along Florida Highway 24 to Gainesville, thence along Florida Highway 121 to Inglis, and thence along Florida Highway 40 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Arkansas and Alabama.

No. MC 14321 (Sub-No. E32), filed June 4, 1974. Applicant: ENGEL VAN LINES, 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Joseph W. Engel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Georgia on and east of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Interstate Highway 75, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 23 to the Georgia-Florida State line, on the one hand, and, on the other, points in that part of Mississippi on and west of a line beginning at Greenville, and extending along U.S. Highway 82 to Greenwood, thence along Mississippi Highway 7 to Grenada, and thence along Interstate Highway 55 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Alabama and Arkansas.

No. MC 52657 (Sub-No. E12), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Arizona to Connecticut, Deleware, Georgia (except that portion of Georgia, southwest of a line beginning at the Tennessee-Georgia border near Ringgold, Ga., extending south on Interstate Highway 75 to the junction of U.S. Highway 23 at Macon, Ga., thence south on U.S. Highway 23 to the Georgia-Florida border near Folkston, Ga.), Kentucky (except that portion west of a line beginning at the Ohio-Kentucky State line extending south on Interstate Highway 73 to the junction of U.S. Highway 25E near Corbin, Ky., thence southeast on U.S. Highway 25E to the Kentucky-Tennessee border near Middlesboro, Ky.),* Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio (except that portion of Ohio west of a line beginning at Cleveland, Ohio, extending southwest on Interstate Highway 71 to the Ohio-Kentucky border near Cincinnati, Ohio),* Pennsylvania, Rhode Island, South Carolina, Tennessee (except that portion southwest of a line beginning at the Kentucky-Tennessee border near Portland, Tenn., extending south on Interstate Highway 65 to the junction of U.S. Highway 41 at Nashville, Tenn., thence southeast on U.S. Highway 41 to the Tennessee-Georgia border near Chattanooga, Tenn., Vermont, Virginia, West Virginia, Wisconsin (except that portion of Wisconsin west of a line beginning at the Illinois-Wisconsin border near Dickeyville, Wis., extending north on U.S. Highway 61 to the junction of U.S. Highway 53 at La Crosse, Wis., thence north on U.S. Highway 53 to the junction of U.S. Highway 63 at Spooner, Wis., thence northeast on U.S. Highway 63 to Ashland, Wis.), and the District of Columbia, restricted against the transportation of fuel tanks to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateways of Mattoon (Coles County), Ill., and for those with an *Coles County and St. Clair, Mo.

No. MC 52657 (Sub-No. E13), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Missouri to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia (except that portion south of a line beginning at the West Virginia-Virginia border near Covington, Va., extending east on U.S. Highway 60 to its junction with U.S. Highway 17 near Hampton, thence south and east on U.S. Highway 17 to its junction with route U.S. Highway 13 near Deer Creek, thence north on U.S. Highway 13 to its junction with U.S. Highway 58 near Euclid, thence east on U.S. Highway 58 to Virginia Beach) and the District of Columbia. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E29), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailers chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities from points in Texas to points in Indiana (except that portion southwest of a line beginning at the Indiana-Michigan border near South Bend, extending south on U.S. Highways 31 and 33 to the junction of U.S. Highway 33 near South Bend, Ind., thence southeast on U.S. Highway 13 to the junction of U.S. Highway 30 at Fort Wayne, Ind., thence east on U.S. Highway 30 to the Indiana-Ohio border near Townley, Ind.), Michigan (except the Upper Peninsula), and Ohio (except that portion west and south of a line beginning at the Ohio-Indiana border near Van Wert, Ohio, extending east on U.S. Highway 30 to the junction of State Highway 117 near Lima, Ohio, thence south on State Highway 117 to the junction of U.S. Highway 68 at Bellefontaine, Ohio, thence south on U.S. Highway 68 to the junction of U.S. Highway 40, thence east on U.S. Highway 40 to the Ohio-West Virginia border near Bridgeport, Ohio). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E30), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in California, Colorado, Kansas, Nevada, and Utah, to points in Lower Peninsula of Michigan (except that part west of a line beginning at the Michigan-Indiana border and U.S. Highway 27 near Kinderhook, Mich., then north on U.S. Highway 27 to its junction with Michigan Highway 60 near Tekonsha, Mich., then west on Michigan Highway 60 to its junction with Michigan Highway 66 near Athens, Mich., then north on Michigan Highway 66 to its junction with Michigan Highway 42 near Lake City, Mich., then west on Michigan Highway 42 to Michigan Highway 37 near Sherman, Mich., then north on Michigan Highway 37 to Lake Michigan near Traverse City, Mich.), West Virginia (except that part south and west of a line beginning at the West Virginia-Ohio border and U.S. Highway 33 near Mason, W. Va., then east on U.S. Highway 33 to its junction with West Virginia Highway 16 near Arnoldsburg, W. Va., then south on West Virginia Highway 16 to its junction with U.S. Highway 60 near Gawley Bridge, W. Va., and then east on U.S. Highway 60 to the West Virginia-Virginia border near White Sulphur Springs, W. Va., and Ohio (except that part south of a line beginning at the Ohio-Indiana border and U.S. Highway 33 near Willshire, Ohio, then east on U.S. Highway 33 to its junction with Ohio Highway 29 near St. Marys, Ohio, then south on Ohio Highway 29 to its junction with U.S. Highway 40 near West Jefferson, Ohio, then east on U.S. Highway 40 to its junction with Interstate Highway 270 near New Rome, Ohio, then east on Interstate Highway 270 to its junction with U.S. Highway 33 on the south side of Columbus, Ohio, and then east on U.S. Highway 33 to the Ohio-West Virginia border near Pomeroy, Ohio). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E32), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service; *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Arizona, New Mexico, and Oklahoma, to points in that part of Indiana lying on and east of a line beginning at the Indiana-Michigan border near Angola, Ind., extending south on U.S. Highway 27 to the junction of U.S. Highway 30 at Fort Wayne thence east on U.S. Highway 30 to the Indiana-Ohio border near Townley, Ind., that portion of the Lower Peninsula of Michigan on and east of a line beginning at the Michigan-Indiana border near Sturgis, Mich., extending north on Michigan Highway 66 to the junction of U.S. Highway 12, thence west on U.S. Highway 12 to the junction of U.S. Highway 131, thence north on U.S. Highway 131 to the junction of State Highway 37 at Grand Rapids, Mich., thence north of State Highway 37 to the junction of State Highway 20, thence west of State Highway 20 to the junction of U.S. Highway 31, thence north on U.S. Highway 31 to the junction of U.S. Highway 10 and 31, thence west on U.S. Highway 10 and 31 to Ludington and Lake Michigan, and Ohio (except that portion south and west of a line beginning at the Ohio-Indiana border near Van Wert, Ohio, extending southeast on U.S. Highway 30 to the junction of Ohio Highway 117, thence southeast on Ohio Highway 117 to the junction of U.S. Highway 33 near Bellefontaine, thence southeast of U.S. Highway 33 to the junction of U.S. Highway 93, thence south on U.S. Highway 93 to the junction of U.S. Highway 35 at Jackson, Ohio, thence southeast on U.S. Highway 35 to the Ohio-West Virginia border near Thurman, Ohio.). The purpose of this filing is to eliminate the gateways of Delta, Ohio.

No. MC 52657 (Sub-No. E33), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Idaho, Montana, Oregon, South Dakota, and Washington, to points in Ohio, West Virginia, that part of Indiana on and east of a line beginning at the Indiana-Michigan border and Indiana Highway 3 near Brighton, Ind., then south on Indiana Highway 3 to its junction with U.S. Highway 421 near Greensburg, Ind., then east on U.S. Highway 421 to its junction with Indiana Highway 129 near Versailles, Ind., and then south on Indiana Highway 129 to the Ohio River near Vevay, Ind., Kentucky (except that part west of a line beginning at the Ohio River and Kentucky Highway 55 near Carrollton, Ky., then south on Kentucky Highway 55 to its junction with

Kentucky Highway 61 near Columbia, Ky., and then south on Kentucky Highway 61 to the Kentucky-Tennessee border near Raydure Ky.), the Lower Peninsula of Michigan (except that part west and north of a line beginning at U.S. Highway 27 and the Michigan-Indiana border near Kinderhook, Mich., north on U.S. Highway 72 to its junction with Michigan Highway 60 near Tekonsha, Mich., then west on Michigan Highway its junction with Michigan Highway 66 near Athens, Mich., thence north on Michigan Highway 66 to its junction with Michigan Highway 46 near Edmore, Mich.,; then west on Michigan Highway 46 to its junction with U.S. Highway 131 near Howard City, Mich., then north on U.S. Highway 131 to its junction with Michigan Highway 55 near Cadillac, Mich., and then east on Michigan Highway 55 to Lake Huron Near East Tawas, Mich. and Tennessee (except that part of Tennessee west of a line beginning at the Tennessee-Kentucky border and Tennessee Highway 56, then south on Tennessee Highway 56 to its junction with U.S. Highway 70N near Double Springs, Tenn., then east on U.S. Highway 70N to its junction with Tennessee Highway 42 near Cookeville, Tenn., then south on Tennessee Highway 42 to its junction with Tennessee Highway 111 near Sparta, Tenn., then south on Tennessee Highway 111 to its junction with Tennessee Highway 30 near Spencer, Tenn., then east on Tennessee Highway 30 to its junction with Tennessee Highway 60 near Dayton, and then south on Tennessee Highway 60 to the Tennessee-Georgia border near Cecilton, Tenn.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E34), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities from points in North Dakota to points in Ohio, West Virginia, that part of Indiana east of a line beginning at the Indiana-Michigan border and Indiana Highway 9, then south on Indiana Highway 9 to its junction with U.S. Highway 40 near Greenfield, Ind., then east on U.S. Highway 40 to its junction with Indiana Highway 3 near Dunreith, Ind., then south on Indiana Highway 3 to its junction with Indiana Highway 62 near Charlestown, Ind., and then south on Indiana Highway 62 to the Ohio River near Jeffersonville, Ind., Kentucky (except that part west of a line beginning at the Ohio River and U.S. Highway 31W near Louisville, Ky., and then south on U.S. Highway 31W to the Kentucky-Tennessee border near Franklin, Ky.), and Michigan (not including the Upper Peninsula and except that part north and west of a line beginning at the Michigan-Indiana border and Michigan Highway 66 near Sturgis, Mich., then north on Michigan Highway 66 to its junction with Michigan Highway 21 near Ola, Mich., then east on Michigan Highway 21 to its junction with U.S. Highway 27 near St. John's Mich., then north on U.S. Highway 27 to its junction with Michigan Highway 20 near Mt. Pleasant, Mich., then east on Michigan Highway 20 to its junction with Michigan Highway 30 near Olson, Mich., then north on Michigan Highway 30 to its junction with Michigan Highway 61 near Winegars, Mich., and then east on Michigan Highway 61 to Lake Huron near Pine River, Mich.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E35), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer* and *trailer chassis* (except those designed to be drawn by passenger automobiles) in secondary movements in truckaway service, *parts* of trailers and trailer chassis (except for trailers and trailer chassis designed to be drawn by passenger automobiles) and (except commodities in bulk or in bags), used in the manufacture, assembly, or servicing of trailers and trailer chassis, when moving in mixed loads with such commodities, from points in Alaska to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, West Virginia, Iowa (except that portion west of a line beginning at the Iowa-Wisconsin border near McGregor, Iowa, extending west on U.S. Highway 18 to the junction of State Highway 13, thence south on State Highway 13 to the junction of State Highway 149 at Cedar Rapids, Iowa, thence south on State Highway 149 to the junction of State Highway 92, thence west on State Highway 92 to the junction of State Highway 137 at Oskaloosa, thence south on State Highway 137 to the junction of State Highway 5, thence south on State Highway 5 to the Iowa-Missouri border near Centerville, Iowa), Escanaba, Menominee, and the Lower Peninsula of Michigan, Missouri (except that portion west of a line beginning at the Missouri-Iowa border near Unionville, Mo., extending south on State Highway 5 to the junction of State Highway 6, thence southwest on State Highway 6 to the junction of State Highway 13, thence south on State Highway 13 to the junction of State Highway 52, thence west on State Highway 52 to the junction of U.S. Highway 71 to the Missouri-Arkansas border near Pineville, Mo. and Wisconsin (except that portion north and west of a line beginning at the Wisconsin-Iowa border near Prairie du Chien, Wis., extending east on State Highway 60 to the junction of State Highway 78, thence northeast on State Highway 78 to the junction of U.S. Highway 51, thence north on U.S. Highway 51 to the junction of State Highway 66 at Stevens Pt., Wis., thence east on State Highway 66 to the junction of State Highway 49, thence north on State Highway 49 to the junction of State Highway 29, thence east on State Highway 29 to the junction of State Highway 22 at Shawano, Wis., thence east on State Highway 22 to the junction of U.S. Highway 41, thence northeast on U.S. Highway 41 to the Wisconsin-Michigan border at Marinette, Wis.). The purpose of this filing is to eliminate the gateway of Delta, Ohio.

No. MC 52657 (Sub-No. E39), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Wyoming to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts Michigan (Lower Peninsula), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to points in Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E42), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in North Dakota to points in Alabama, Arkansas (except that portion west of a line beginning near El Dorado, Ark., extending north on U.S. Highway 162 to junction U.S. Highway 67 at Little Rock, Ark., thence northeast on U.S. Highway 67 to the Arkansas-Missouri State line near Corning, Ark.), Connecticut, Delaware, Florida, Georgia, Louisiana (except that portion west of a line beginning near Creole, La., extending north on Louisiana Highway 27 to junction Interstate Highway 10 and U.S. Highway 171, thence north on U.S. Highway 171 to junction Interstate Highway 20 at Shreveport, La., thence along Interstate Highway 20 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to the Louisiana-Arkansas State line near Junction City, La.), Maine, Maryland, Massachusetts, Mississippi, Missouri (except that portion west of a line beginning near Naylor, Mo., extending north along U.S. Highway 67 to junction Interstate Highway 55 near Festus, Mo., thence along Interstate Highway 55 to junction Missouri Highway 140, thence along Missouri Highway 140 to junction

U.S. Highway 67 near Florissant, Mo., thence along U.S. Highway 67 to the Mississippi River near West Alton, Mo.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to points in Arkansas, Louisiana, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon (Coles County), Ill.

No. MC 52657 (Sub-No. E43), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in South Dakota to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana (except that portion of Louisiana west of a line beginning at New Orleans, extending northwest on U.S. Highway 61 to the Louisiana-Mississippi State line near Jackson, La.), Maine, Maryland, Massachusetts, Mississippi (except that portion west of a line beginning at the Louisiana-Mississippi State line near Woodville, Miss., extending along U.S. Highway 61 to the Mississippi-Tennessee State line near Walls, Miss.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to Louisiana and Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E44), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Montana to points in Alabama, Arkansas, (except that portion of Arkansas west of a line beginning at the Louisiana-Arkansas State line near El Dorado, Ark., extending along U.S. Highway 167 to junction U.S. Highway 67 near Little Rock, Ark., thence along U.S. Highway 67 to junction U.S. Highway 62 & 63 to the Arkansas-Missouri State line near Mammoth Springs, Ark.), Connecticut, Delaware, Florida, Georgia, Louisiana, (except that portion south and west of a line beginning near New Orleans, extending along U.S. Highway 61 to junction Interstate Highway 12, thence along Interstate Highway 12 to junction U.S. Highway 190 near Baton Rouge, La., thence along U.S. Highway 190 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 167 near Alexandria, La., thence along U.S. Highway 167 to the Louisiana-Arkansas State line near Junction City, La.), Maine, Maryland, Massachusetts, that part of Michigan lying south of a line beginning at the Indiana-Michigan State line near Sturgis, Mich., extending along U.S. Highway 12 to Detroit, Mich., Mississippi, Missouri (except that portion west of a line beginning at the Arkansas-Missouri State line near Thayer, Mo., extending along U.S. Highway 63 to junction Interstate Highway 44 near Rolla, Mo., thence along Interstate Highway 44 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Mississippi River at Hannibal, Mo.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to points in Arkansas, Louisiana, Missouri, and Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E45), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from points in Nebraska to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi (except that portion west of a line beginning at Gulfport, Miss., extending along U.S. Highway 49 to junction Interstate Highway 59 near Hattiesburg, Miss., thence along Interstate Highway 59 to junction U.S. Highway 45 near Meridian, Miss., thence along U.S. Highway 45 to the Mississippi-Tennessee State line near Corinth, Miss.), New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except that portion west of a line beginning at the Mississippi-Tennessee State line near Selmer, Tenn., extending along U.S. Highway 45 to junction U.S. Highway 79 near Milan, Tenn., thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line near Paris, Tenn.), Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of fuel tanks to points in Tennessee. The purpose of this filing is to eliminate the gateway of Mattoon, Coles County, Ill.

No. MC 52657 (Sub-No. E46), filed June 4, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Truck bodies*, from points in that part of California south of a line beginning at the Nevada-California State line on U.S. Highway 6 near Benton Station, Calif., extending along U.S. Highway 6 to junction California Highway 120 to Benton Station, Calif., thence along California Highway 120 to junction Interstate Highway 205 near Mantica, Calif., thence along Interstate Highway 205 to junction Interstate Highway 580 at Mountain House, Calif., thence along Interstate Highway 580 to junction California Highway 92 at Castro Valley, Calif., thence along California Highway 92 to the Pacific Ocean near Half Moon Bay, Calif.; (1) to points in Aalbama (except that part west of a line beginning at the Alabama-Mississippi State line on U.S. Highway 78, near Hamilton, Ala., extending along U.S. Highway 78 to U.S. Highway 31 at Birmingham, thence along U.S. Highway 31 to U.S. Highway 231 at Montgomery, thence along U.S. Highway 231 to the Alabama-Florida State line near Dothan, Ala.), Connecticut, Delaware, Florida (except that part west of a line beginning at the Florida-Alabama State line and Florida Highway 71 near Malone, Fla., and along Florida Highway 71 to the Gulf of Mexico near Port St. Joe, Fla., Georgia, that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line and Iowa Highway 150 near Docorah, Iowa, extending along Iowa Highway 150 to Iowa Highway 101.

Thence along Iowa Highway 101 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 61, and south on U.S. Highway 61 to the Iowa-Missouri State line near Summitville, Iowa, Maine, Maryland, Massachusetts, Michigan, that part of Missouri on and east of a line beginning at the Missouri-Iowa State line and Iowa Highway 81 near Kahoka, Mo., extending along Iowa Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Interstate Highway 244 near Deperes, thence along Interstate Highway 244 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Missouri Highway 51 near Perryville, thence along Missouri Highway 51 to junction Missouri Highway 91 near Dongola, thence along Missouri Highway 91 to junction Missouri Highway 25 at Advance, thence along Missouri Highway 25 to the Missouri-Arkansas State line near Arbyrd, Mo., New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except that part west of a line beginning at the Mississippi River and Tennessee Highway 20 extending east on Tennessee Highway 20 to junction U.S. Highway 45 at Jackson, thence along U.S. Highway 45 to the Tennessee-Mississippi State line near Selmer, Tenn.), Vermont, Virginia, West Virginia, Wisconsin (that part west of a line beginning at Wisconsin Highway 13 and Lake Superior near Bayfield, Wis., extending along Wisconsin Highway 13 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Wisconsin Highway 27 at Brule, thence along Wisconsin Highway 27 to junction U.S. Highway 63 at Hayward, thence along U.S. Highway 63 to the Mississippi River near Ellsworth, Wis.), and the District of Columbia, restricted against the transportation of fuel tanks to points in Missouri and Tennessee; (2) to points in Illinois (ex-

cept that part west and north of a line beginning at the Illinois-Wisconsin State line and U.S. Highway 12 near Fox Lake, Ill., thence along U.S. Highway 12 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 12, near Fox Lake, Ill., thence U.S. Highway 12 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 12, and Interstate Highway 55 near Lemont.

Thence along Interstate Highway 55 and U.S. Highway 12 to junction U.S. Highway 51 at Normal, thence along U.S. Highway 51 to junction Interstate Highway 70 at Vandalia, thence along Interstate Highway 70 to junction Interstate Highway 270, thence along Interstate Highway 270 to the Mississippi River near Granite City, Ill.), Kentucky (except that part west of a line beginning at the Ohio River and U.S. Highway 231 near Owensboro, Ky., and thence along U.S. Highway 231 to the Kentucky-Tennessee State line near Scottsville, Ky.), and St. Louis County, Mo., restricted against the transportation of fuel tanks to Illinois, Kentucky, and Missouri; (B) *Truck bodies*, from Paris, Ill., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan (except that part south and west of a line beginning at the Michigan-Ohio State line and U.S. Highway 127 near Munson, Mich., thence along U.S. Highway 127 to junction Interstate Highway 96 south of Lansing, Mich., and thence along Interstate Highway 96 to Lake Michigan near Muskegon Heights, Mich.), Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted against the transportation of fuel tanks to points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Tennessee, and Texas; (C) *Truck and truck bodies*, from Hazelwood, Mo., to points in California, Colorado (except that part of a line beginning at the Colorado-Nebraska State line and Interstate Highway 80S extending along Interstate Highway 80S to junction Interstate Highway 25 north of Denver, Colo., thence along Interstate Highway 25 to junction Interstate Highway 70 north of Denver, Colo., and thence west along Interstate Highway 70 to the Utah-Colorado State line near Loma, Colo., but including all of Adams County, Colo.), Idaho, Minnesota, Montana (except that part south of a line beginning at the Nebraska-Iowa State line south of Omaha, extending along Interstate Highway 80 to the Colorado-Nebraska State line near Big Springs, Nebr.), Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming;

(D) *Truck and trailer bodies and parts*, between Hazelwood, Mo., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia; (E) *Truck and trailer bodies*, from West Plains, Mo., to points in California (except that part south of a line beginning at the California-Nevada State line and U.S. Highway 6 near Benton Station, Calif., extending along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 68, thence along California Highway 68 to the Pacific Ocean near Monterey, Calif.), Idaho, Minnesota, Montana, Nevada (except that part south of a line beginning at the Nevada-Utah State line and Nevada Highway 25 near Panaca, Nev., extending along Nevada Highway 25 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Nevada Highway 25, thence along Nevada Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line near Basalt, Nev.), North Dakota, Oregon, South Dakota, the Utah Counties of Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, and Weber Counties, and Wyoming (except that part east of a line beginning at the Wyoming-South Dakota State line and U.S. Highway 16 near Newcastle, Wyo., extending along U.S. Highway 16 to junction Wyoming Highway 450, thence along Wyoming Highway 450 to junction Wyoming Highway 59, thence along Wyoming Highway 59 to junction Wyoming Highway 91, thence along Wyoming Highway 91 to junction Wyoming Highway 487, thence along Wyoming Highway 487 to junction U.S. Highway 30–287, thence along U.S. Highway 30–287 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction Wyoming Highway 230, thence along Wyoming Highway 230 to the Wyoming-Colorado State line near Riverside); (F) *Truck and trailer bodies and parts*, between West Plains, Mo., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina (except that part west of a line beginning at the North Carolina-Virginia State line and U.S. Highway 501 near Roxboro, N.C., extending along U.S. Highway 501 to junction North Carolina Highway 55.

Thence along North Carolina Highway 55 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 74–76, thence along U.S. Highway 74–76 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean near Carolina Beach, N.C., Pennsylvania, Rhode Island, Vermont, Virginia (except that part west of a line beginning at the Virginia-West Virginia State line and U.S. Highway 52 near Rocky Gap, Va., extending along U.S. Highway 52 to the North Carolina-Virginia State line near Fancy Gap, Va., and the District of Columbia; (G) *Cargo and shipping containers*, from Hazleton, Pa., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia; (H) *Cargo and shipping containers* (except such of these commodities which because of size or weight require the use of special equipment), from Hazleton, Pa., to points in Maryland; (I) *Cargo containers*, between Vineland, N.J., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted against the transportation of fuel tanks to points in New Mexico; and (J) *Refuse containers* (except those having a capacity of five gallons or less, or those having a capacity of nine cubic feet or less), from Vineland, N.J., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted against the transportation of fuel tanks to points in New Mexico. The purpose of this filing is to eliminate the gateways of Mattoon, Coles County, Ill., in (A)(1), (B) and (J); Coles County, Ill., and St. Claire, Mo., in (A)(2); Cedar Rapids, Iowa, in (C) and (E); Coles County, Ill., in (D), (F), and (I); Lansdale, Pa., in (G); and Lower Swatara Township, Dauphin County, Pa., in (H).

No. MC 61592 (Sub-No. E3), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Agricultural and garden tractors and agricultural implements in mixed loads with tractors (except truck tractors and commodities and transportation of which require because of their size or weight, the use of special equipment), from New Orleans, La., to points in Iowa, points in Illinois on and north of U.S. Highway 50, and points in Missouri on and north of a line beginning at Interstate Highway 44 at St. Louis, thence along Interstate Highway 44 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of O'Fallon Park, Mo.

No. Mc 61592 (Sub-No. E10), filed June 3, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Tractors and attachments* when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above specified commodities which because of size or weight, require the use of special equipment), from Waterloo, Iowa, to points in Alabama on and south of a line beginning at Moffett, Ala., to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Alabama-Florida State line; points in Florida on and west of U.S. Highway 29; points in Mississippi on and south of a line beginning at Mississippi Highway 26 at Crossroads, Miss., to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 61592 (Sub-No. E27), filed May 3, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts*, from points in Wisconsin on and south of U.S. Highway 10 to points in Alabama on and south of a line beginning at U.S. Highway 82 at the Alabama-Mississippi State line to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 10, thence along Alabama Highway 10 to the Alabama-Georgia State line, Arkansas, Florida, Georgia, on and south of U.S. Highway 84, Louisiana, Mississippi on and southwest of a line beginning at U.S. Highway 51 at the Mississippi-Tennessee State line, to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Alabama State line; Missouri on and south of a line beginning at U.S. Highway 65 at the Missouri-Arkansas State line, to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line; Oklahoma on and south of Interstate Highway 40; Memphis, Tenn.; Texas on and south of Interstate Highway 40. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Co., and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC 61825 (Sub-No. E17), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminative to other lading between points in Ohio and Pennsylvania within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, Lynchburg, Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E18), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading between points in Ohio and Pennsylvania within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Virginia (except Lynchburg) and North Carolina. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. and Lynchburg, Va.

No. MC 61825 (Sub-No. E29), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* and *closures*, and corrugated cartons except in bulk, from Huntington, W. Va., to New York, N.Y., and points in New Jersey within 15 miles of Newark. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 61825 (Sub-No. E31), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* and *mineral wool products*, except in bulk, from Birmingham and Leeds, Ala., to New York, N.Y., and points in New Jersey within 15 miles of Newark. The purpose of this filing is to eliminate the gateway of Lynchburg, Va., and Baltimore, Md.

No. MC 61825 (Sub-No. E32), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer, and sound deadening compounds*, in containers, from Emlenton and Farmers Valley, Pa., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Lynchburg, Va.

No. MC 107295 (Sub-No. E233), filed May 9, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including all component parts, materials, supplies, and fixtures, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof; (1) from points in Missouri to points in Virginia and West Virginia (points in Ohio)*; (2) from points in Missouri to points in North Carolina (points in Tennessee)*; (3) from points in Lincoln, Montgomery, Warren, St. Charles, St. Louis, St. Louis City, Jefferson, and Franklin Counties, Mo., to points in Kansas (points in Illinois)*; (4) from points in Perry, Ste. Genevieve, St. Francois, and Washington Counties, Mo., to points in that part of Kansas in and west of Doniphan, Atchison, Jackson, Pottawatomie, Wabaunsee, Morris, Marion, Harvey, Sedgwick, and Sumner Counties (points in Illinois)*; (5) from points in that part of Missouri in, south, and east of Cape Girardeau, Bollinger, Madison, Iron, Wayne, and Butler Counties to points in that part of Kansas in and north of Meade, Ford, Edwards, Stafford, Reno, Harvey, Marion, Morris, Wabaunsee, Shawnee, Jackson, Brown, and Doniphan Counties (points in Illinois)*; (6) from points in Reynolds, Carter, Ripley, Oregon, Phelps, Shannon, Dent, Crawford, Pulaski, Texas, Wright, Howell, Douglas, and Ozark Counties, Mo., to points in that part of Kansas in and west of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, and Harper Counties (points in Arkansas)*; (7) from points in Missouri to points in that part of Oklahoma in, south, and west of Harper, Ellis, Roger Mills, Beckham, Kiowa, Comanche, Stephens, Carter, Murray, Johnston, Atoka, Pushmataha, and McCurtain Counties, and points in Texas (points in Arkansas)*; (8) from points in Missouri to points in that part of South Carolina in and east of Allendale, Bamberg, Dorchester, Berkeley, Williamsburg, Clarendon, Sumter, Lee, Darlington, and Marlboro Counties (points in Tennessee and Lumberton, N.C.)*; (9) from points in Missouri to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and points in that part of California in, east, and north of Santa Barbara, Ventura, Los Angeles, and San Bernardino Counties, and points in that part of Minnesota in, north, and west of Freeborn, Steele, Rice, and Dakota Counties (Atlantic, Iowa)*; and (10) from points in that part of Missouri in and east of Ralls, Monroe, Randolph, Chariton, Saline, Cooper, Morgan, Camden, Dallas, Greene, Christian, and Taney Counties to points in that part of Minnesota in and east of Koochicking, Itasca, Aitkin,

Crow Wing, Morrison, Benton, Stearns, Meeker, McLeod, Sibley, Nicollet, Blue Earth, and Faribault Counties (points in Illinois)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107478 (Sub-No. E2), filed April 5, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Washington, D.C., on the one hand, and, on the other, those points in Georgia (except Augusta), on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 34 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction Interstate Highway 285, thence along Interstate Highway 285 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Georgia Highway 77, thence along Georgia Highway 77 to the Broad River, to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateways of Charleston, S.C., and points within 15 miles thereof.

No. MC 107515 (Sub-No. E593), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Cleveland, Ohio, and points in its commercial zone, to California, Oregon, Washington, Nevada, Arizona, New Mexico, Idaho, Utah, Montana, points in Colorado (except those north and east of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 36 to Colorado Highway 71, thence along Colorado Highway 71 to the Colorado-Nevada State line), and points in Wyoming (except those east of a line beginning at the Montana-Wyoming State line and extending along Wyoming Highway 59 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 85, thence along U.S. Highway 85 to the Wyoming-Colorado State line. The purpose of this filing is to eliminate the gateways of Detroit, Mich., and Columbus, Ohio.

No. MC 107515 (Sub-No. E601), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods*, (1) from points in Alabama on and south of U.S. Highway 78 to points in California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming; (2) from points in Alabama on and east of Interstate Highway 65 and on and north of U.S. Highway 78 to points in California, Idaho, Nevada, Oregon, Utah, Washington, and points in Montana on and west of a line beginning at the United States-Canadian border and extending along Montana Highway 247 to Glasgow, Mont., thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Montana-Wyoming State line ,and points in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 87 to Casper, Wyo., thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line; (3) from points in Alabama on and west of Interstate Highway 65 and on and north of U.S. Highway 78 to points in Oregon, Washington and points in California on and north of a line beginning at the California-Nevada State line and extending along U.S. Highway 6 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction California Highway 41, thence along California Highway 41 to junction California Highway 46, thence along California Highway 46 to junction California Highway 1, thence along California Highway 1 to San Simeon, Calif., and points in Nevada on and west of a line beginning at the Nevada-California State line and extending along U.S. Highway 50 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Nevada-Oregon State line, and points in Idaho on and west of U.S. Highway 95; and (4) from Gulfport, Miss., to points in Montana, Idaho, Washington and Oregon. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., Chattanooga, Tenn., and Dyersburg, Tenn.

No. MC 107515 (Sub-No. E602), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Chicago, Ill., and points in Cook and Lake Counties, Ill., to points in California in and south of Humboldt, Trinity, Shasta, and Lassen Counties, Calif.; (2) *cheese*, from points in Du Page and Will Counties, Ill., to points in California in and south of San Mateo, Santa Clara, Stanislaus, Mariposa, Madera, and Mono Counties, Calif.; and (3) *cheese*, from points in Lake County, Ind., to points in California and Oregon. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 107515 (Sub-No. E603), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cheese*, from points in Mississippi on and east of a line beginning at the Mississippi-Louisiana State line and extending along Interstate Highway 55 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Natchez Trace National Parkway, thence along Natchez Trace National Parkway to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, to points in Washington on and east of Interstate Highway 5 and points in Thurston, King, Pierce, Snohomish Counties, Wash., and points in Clark, Multnomah, Washington, Columbia, Clatsop Counties, Oreg.; and (B) *cheese*, from points in Mississippi on and east of a line beginning at the Mississippi-Louisiana State line and extending along Interstate Highway 59 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, to points in Oregon and Washington. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Chattanooga, Tenn.

No. MC 107515 (Sub-No. E604), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from points in Florida to points in Oregon and Washington on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Bristol, Va.-Tenn.

No. MC 107515 (Sub-No. E605), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Paris, Tex., to points in Virginia, and that part of West Virginia on and east of a line beginning at the West Virginia-Kentucky State line and extending along U.S. Highway 52 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E606), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Laredo, Tex., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Bryan, Ohio.

No. MC 110420 (Sub-No. E101), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisc. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from the facilities of CPC International, Inc., and Holly Sugar Corporation at or near Bonner Springs, Kans., (A) to points in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin (North Kansas City, Mo.)*; (B) to points in Tennessee (North Kansas City, Mo., and East St. Louis, Ill.)*; (C) to points in New York and Pennsylvania (North Kansas City, Mo., and Chicago, Ill.)*; (D) to points in North Carolina, South Carolina, Virginia and West Virginia (North Kansas City, Mo., and Pekin, Ill.)*; (E) to points in Maryland (North Kansas City, Mo., and Hammond, Ind.)*; (F) to points in the District of Columbia (North Kansas City, Mo., and Granite City, Ill.)*; (G) to points in Kentucky and South Dakota (North Kansas City, Mo.)*; (H) to points in Mississippi (St. Louis, Mo.)*; (I) to points in Alabama, Georgia and points in Louisiana in and east of West Feliciana, Pointe Coupe, St. Martin and Iberia Parishes (St. Louis, Mo.)*; (J) to points in Utah (North Kansas City, Mo.)*; and (K) to points in North Dakota in and north of Walsh, Ramsey, Benson, Pierce, McHenry, Ward, Mountrail, and McKenzie Counties (Cedar Rapids, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E109), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from East St. Louis, Ill., to Huntington, W. Va.

No. MC 110420 (Sub-No. E111), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 110420 (Sub-No. E159), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fatty acid products and epoxy resins*, in bulk, in tank vehicles, from the facilities of General Mills, Inc., at Kankakee, Ill., (a) to points in that part of Iowa in and north of Plymouth, Cherokee, Pocahontas, Buena Vista, Kossuth, Hancock, Cerro Gordo, Floyd, Chickasaw, Winneshiek and Allamakee Counties (Milwaukee, Wis.)*; (b) to points in Colorado, Idaho, Montana, Utah, Wyoming, and points in Nebraska on and west of US Highway 281 (Janesville, Wis.)*; (c) to points in Maine and New Hampshire (Janesville, Wis., and Carpentersville, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110420 (Sub-No. E161), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from Mishawaka, Ind., (a) to points in that part of Oklahoma in and west of Grant, Garfield, Logan, Seminole, Oklahoma, Pontotoc, Coal, Atoka, and Choctaw Counties (Saukville, Wis.)*; (b) to points in Arkansas, Tennessee, and points in North Carolina (except Stokes, Rockingham, Guilford, Caswell, Alamance, Orange, Person, Durham, Granville, Vance, Franklin, Warren, Halifax, Northampton, Hartford, Bertie, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties (the facilities of Mobil Finishes Company, Inc., at Kankakee, Ill.)*; (c) to points in North Carolina in and west of Renville, Ward, McLean, Sheridan, Kidder, Logan, McIntosh, and Dickey Counties (Clinton, Iowa, and Fremont, Nebr.)*; (d) to points in Maine (Carpentersville, Ill.)*; (e) to points in Nebraska, South Dakota, and Kansas (the facilities of Apple River Chemical Company at East Dubuque, Ill.)*; and (f) to points in Colorado, Idaho, Montana, Utah, and Wyoming (Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110420 (Sub-No. E167), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and sugar* (restricted to corn products) and *products of corn*, dry, in bulk, from Dayton, Ohio, to points in Wisconsin, Minnesota and points in Iowa (except Davis, Wapello, Jefferson, Van Buren, Henry, Des Moines, and Lee Counties). The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E168), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products* (except starch), dry, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, to points in Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and points in that part of New York on and east of a line beginning at Lake Ontario extending along US Highway 57 to junction US Highway 11, thence along US Highway 11 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Clinton, Iowa, and Indianapolis, Ind.

No. MC 110420 (Sub-No. E169), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, in tank vehicles, from the facilities of Grain Processing Corporation (or its subsidiary Kent Feeds) at Muscatine, Iowa, (a) to points in Pennsylvania, West Virginia, New York, North Carolina, Virginia, Georgia, Maryland, South Carolina and points in that part of Alabama on and south of US Highway 278, and points in that part of Mississippi on and south of Mississippi Highway 26 (Chicago, Ill.)*; (b) to points in Rhode Island, Massachusetts, Connecticut, Pennsylvania, points in that part of New Jersey on and north of US Highway 40, and points in that part of New York on and east of a line beginning at Lake Ontario extending along US Highway 57 to junction US Highway 11, thence along US Highway 11 to the New York-Pennsylvania State line (Indianapolis, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110420 (Sub-No. E170), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, in tank vehicles, from the facilities of Grain Processing Corporation (or its subsidiary Kent Feeds) at Muscatine, Iowa., to points in Penn-

sylvania, West Virginia, New York, North Carolina, Georgia, Maryland, Alabama, Mississippi, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 110420 (Sub-No. E171), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, dry, in bulk, in tank vehicles, from Chicago, Ill. (except points within the commercial zone thereof which are located in Indiana), and Pekin, Ill., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 110420 (Sub-No. E184), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisc. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanning extracts*, in bulk, in tank vehicles, from Noxen, Pa., (A) to points in Missouri, Wisconsin, and points in that part of Indiana on and west of a line beginning at Lake Michigan extending along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 57, thence along Indiana Highway 57 to the Indiana-Kentucky State line; and (B) to Red Wing, Minn. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E187), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisc. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanning extracts*, in bulk, in tank vehicles, from Baltimore, Md., (A) to points in Iowa, Minnesota, points in Illinois on and north of U.S. Highway 80 which are on and west of U.S. Highway 51, points in Kansas on and north of U.S. Highway 70, and points in Missouri on and north of U.S. Highway 36 (Milwaukee, Wis.)*; (B) to points in Colorado, Utah, Wyoming, Montana, Idaho and points in Nebraska on and west of U.S. Highway 281 (Milwaukee, Wisc., Ringwood, Ill., and Janesville, Wis.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115840 (Sub-No. E52), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such cast iron valves, and components, and cast iron fire hydrants*, as are embraced in iron and steel articles, from Anniston, Ala., to points in Mississippi, Arkansas, Oklahoma, Louisiana, Texas, and that portion of Tennessee beginning at the Alabama-Tennessee State line on and west of U.S. Highway 65 embracing Davidson County, Tenn., including that portion of Davidson County east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 112668 (Sub-No. E2) (Correction) filed May 16, 1974, published in the FEDERAL REGISTER February 4, 1975, republished in the FEDERAL REGISTER March 27, 1975. Applicant: HARVEY R. SHIPLEY & SONS, INC., RFD, Finksburg, Md. 21048. Applicant's representative: Norman E. Shipley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles (except feed ingredients, rock salt and rock salt compounds intended for use in the melting of ice and snow), from Retsof, N.Y., to points in Delaware. The purpose of this filing is to eliminate the gateway of Glyndon, Md. The purpose of this correction is to clarify the destination points.

No. MC 113855 (Sub-No. E140), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Loaders, conveyors, vibrating screens*, and *attachments, accessories and parts* therefor, the transportation of which, because of their size or weight require the use of special equipment, or which are (2) *self-propelled articles* described in (1) above not requiring special equipment for their transportation, each weighing 15,000 pounds or more and *related machinery and parts* moving in connection therewith (restricted to commodities transported on trailers), (a) from points in South Dakota to points in Maine, Vermont, and New Hampshire, and (b) from points in that part of South Dakota on and east of South Dakota Highway 47 to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Minnesota, and Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E153), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (except boats), the transportation of which, because of their size or weight, require the use of special equipment, and related machinery, parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith (restricted to commodities transported on trailers), between points in Washington, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateways of Montana or Wyoming and South Dakota east of Missouri River.

No. MC 113855 (Sub-No. E157), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Tractors, front end loaders, lift trucks* and attachments and parts of the above-named commodities when moving in mixed loads with the above-named commodities, from Duluth, Minn., to points in Nebraska, Kansas, Oklahoma (on and west of U.S. Highway 81), Texas and Louisiana (on and west of U.S. Highway 167 and points in Vermilion County, La.) Restriction: The operations authorized above are restricted to traffice originating at Duluth, Minn., and Baraga, Mich. (B) *tractors, front end loaders, lift trucks* and attachments and parts of the above-named commodities when moving in mixed loads with the above-named commodities, from the port of entry on the United States-Canada Boundary line at or near Pigeon River, Minn., to points in California, Oregon, Washington, Texas, Nebraska, Kansas and Oklahoma (points on and west of U.S. Highway 81), Louisiana (points on and west of U.S. Highway 167 and points in Vermilion County), Restriction: The operations authorized in (B) above are restricted to traffic moving in foreign commerce only. The purpose of this filing is to eliminate the gateway of Fargo or Gwinner, N. Dak.

No. MC 113855 (Sub-No. E162), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hay balers and parts*, (2) *agricultural and road construction and stump cutting, cable laying, trench digging, trench-back filling* and *tree-moving equipment*, and parts for the described commodities in (2) above, (A) from points in that part of Minnesota on and north of a line beginning at East Grand Forks, Minn., and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the boundary of United States and Canada near International Falls, Minn., includ-

ing the points named and points on the indicated portions of the highway specified, to points in Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Texas, Oklahoma, New Mexico, Arizona, Washington, D.C.; (B) from points in that part of Minnesota on and north of a line beginning at East Grand Forks, Minn., and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the boundary of the United States and Canada near International Falls, Minn., including the points named and points on the indicated portions of the highways specified (except points in Koochiching County), to points in Indiana and Ohio; (C) from points in that part of Minnesota on and north of a line beginning at East Grand Forks, Minn., and extending along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the boundary of the United States and Canada near International Falls, Minn., including the points named and points on the indicated portions of the highways specified (except points in Polk, Red Lake, Clear Water, Beltrami, Pennington and Marshall Counties), to points in Kansas, Colorado, Utah, and California. The purpose of this filing is to eliminate the gateway of Pella, Iowa.

No. MC 113855 (Sub-No. E180), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rollers, compactors, mobile aerial lifts, asphalt pavers, loading and grading equipment, and truck hitches for asphalt pavers*, which because of their size or weight, require the use of special equipment, and related machinery, parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, or which is (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts and supplies moving in connection therewith, from points in California, Montana, Nevada, Utah and Wyoming, to points in Alaska. The purpose of this filing is to eliminate the gateway of Salem, Oreg.

No. MC 113855 (Sub-No. E186), filed April 4, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated metal buildings and sections*, knocked down, *prefabricated metal building parts*, and *equipment, materials*, and *supplies*, used in the installation, construction, and erection of prefabricated metal buildings (that are iron and steel articles as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), (A) points in Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays, Harbor, Mason, Kitsap, Jefferson, Island, San Juan, and Clallam Counties, Wash., to points in Arizona; (B) points in Washington (except points in Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Mason, Kitsap, Jefferson, Island, San Juan, and Clallam Counties, Wash., to points in Yuma, Maricopa, Pinal, Pima, Santa Cruz, Cochise, and Graham Counties, Ariz.; and (C) points in Oregon on and west of U.S. Highway 97 to points in Arizona. The purpose of this filing is to eliminate the gateway of facilities of Varc-Pruden, Inc., at or near Turlock, Calif.

No. MC 113855 (Sub-No. E188), filed April 4, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Prefabricated metal buildings*, knocked down, *prefabricated metal building sections*, knocked down, *prefabricated prefinished metal panel sections, component parts* thereof, and *equipment, materials*, and *supplies* used in the installation, construction, or erection thereof (except metal buildings which are designed to be drawn by passenger automobiles), from Evansville, Wis., to points in California and Nevada; and (B) *Materials, equipment*, and *supplies* used in the manufacture of the commodities described above (except commodities in bulk), from points in California and Nevada to points in Evansville, Wis. Restriction: Both (A) and (B) above are restricted to the transportation of such commodities described above that are iron and steel articles as described in Appendix B to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and part (B) above further restricted to shipments destined to Evansville, Wis. The purpose of this filing is to eliminate the gateway of Utah.

No. MC 115840 (Sub-No. E39), filed December 20, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in iron and steel mill products, and commodities the transportation of which because of size or weight require the use of special equipment, and related machinery, parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (1) from Anniston, Ala., to points in that portion of Florida on, west and south of a line beginning at the Florida-Georgia State line extending along Interstate Highway 75 to the intersection of U.S. Highway 90, at Lake City, thence along U.S. Highway 90 to the intersection of Florida Highway 100, thence along Florida Highway 100 to the Atlantic Ocean; (2) from Anniston, Ala., to that portion of Tennessee beginning at the Alabama-Tenessee State line on and west of U.S. Highway 65, thence along U.S. Highway 65 bounded on the east by U.S. Highway 65 (but including Nashville and Davidson County, Tenn.), to the Tennessee-Kentucky State line; and (3) from Anniston, Ala., to points in Mississippi and Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115840 (Sub-No. E43), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles* from Anniston, Ala. to points in North Carolina. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 115840 (Sub-No. E44), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel articles*, and such cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes as are embraced in iron and steel articles from Anniston, Ala. to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115840 (Sub-No. E84), filed December 30, 1974. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles, cranes, sand hoppers, elevators, conveyors, dust collectors, and meter boxes* as are embraced in materials and supplies used in the agriculture, water treatment, food processing, wholesale groceries, and institutional supply industries (except in bulk), from Anniston, Ala., to points in Tennessee on and west of U.S. Highway 65 (including Davidson County, Tenn.), and to points in Florida on and south of a line beginning at Clearwater, Fla., and extending along U.S. Highway 60 to

junction Interstate Highway 4, thence along Interstate Highway 4 at Tampa and extending east to the Atlantic Ocean (including Daytona Beach, Orlando, Tampa, St. Petersburg, and Clearwater, Fla.), and that portion of North Carolina on and east of U.S. Highway 17. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E68), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen berries*, in vehicles equipped with mechanical refrigeration, from Glassboro and Hammonton, N.J., to points in Alabama, Arkansas, California, Louisiana, Mississippi, Oregon, Washington, and points in Georgia on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn. and/or Birmingham, Ala.

No. MC 115841 (Sub-No. E72), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration (except commodities in bulk, and liquid commodities in bulk), from Springfield, N.J., to points in Arkansas, California, Oklahoma, Oregon, Texas, Washington, and Georgia on and west of Interstate Highway 75. Restriction: Shipments to points in Texas and Oklahoma are restricted against transportation of commodities when frozen. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Chattanooga, Tenn.

No. MC 115841 (Sub-No. E73), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Memphis, Tenn., to points in California, Georgia, Oregon, South Carolina, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E74), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from the plant site of Swift and Company at Rochelle, Ill., to points in Louisiana, Mississippi, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Chattanooga, Tenn.

No. MC 115841 (Sub-No. E75), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), from points in Barren County, Ky., to points in California, Connecticut, Masachusetts, New Jersey, Oklahoma, Oregon, Pennsylvania, Rhode Island, Arkansas, Texas, and Washington, restricted to traffic originating at Barren County, Ky. Restriction: Shipments of dairy products to points in Oklahoma and Texas are restricted against the transportation of commodities when frozen. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., or Knoxville, Tenn., or Nashville, Tenn.

No. MC 115841 (Sub-No. E76), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, (except liquid commodities in bulk), from Heuvelton, N.Y., to points in Arkansas, Georgia, Louisiana, Mississippi, Texas, and California. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., or Birmingham, Ala., or Nashville, Tenn.

No. MC 115841 (Sub-No. E77), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E78), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, restricted against transportation of said commodities when frozen, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E79), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except in bulk), from Louisville, Ky., to points in Arkansas, California, Oregon, and Washington, restricted to the transportation of shipments originating at the plant site and warehouses utilized by Klarer of Kentucky, Inc., at Louisville, Ky. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Nashville, Tenn.

No. MC 116763 (Sub-No. E9) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER, August 19, 1974, republished in the FEDERAL REGISTER, September 23, 1974. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 61, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved vegetables, canned*, from the plant site and warehouse facilities of Bruce Foods Corporation, at Wilson, N.C., to Kenosha, Milwaukee, and Racine, Wisc., and points in Illinois, Iowa, Minnesota (except Duluth, Minneapolis and St. Paul), that part of Missouri west of U.S. Highway 67, and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, restricted to traffic originating at the above-specified plant site and warehouse facilities. The purpose of this filing is to eliminate the

gateway of points in Kentucky located in the Owensboro, Ky., Commercial Zone as defined by the Commission. The purpose of this correction is to correct U.S. Highway 67 and also to correct the name of the plant site and warehouse facilities.

No. MC 116915 (Sub-No. E14), filed February 20, 1975. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Owensburg, Ky. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, and *equipment, materials*, and *supplies* (except in bulk), used in the manufacture and processing of aluminum and aluminum products, which require the use of special equipment by reason of size or weight, from points in Florida east and south of Jefferson County to points in Illinois and Missouri. The purpose of this filing is to eliminate the gateway of Hawesville, Ky.

No. MC 124211 (Sub-No. E31), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New empty beverage containers*, from points in Arkansas to those points in Iowa on, north, and west of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 34 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, those in Minnesota on and west of U.S. Highway 71, and those in Nebraska (except those in Franklin, Furnas, Gage, Harlan, Jefferson, Johnson, Nemaha, Nuckolls, Pawnee, Richardson, Thayer, and Webster Counties); from those points in Illinois bounded on the north by U.S. Highway 6 and those on and bounded on the south by U.S. Highway 40 to points in California, and Nebraska (except Johnson, Nemaha, Pawnee, and Richardson Counties, Nebr.); from points in Kentucky to points in California and Nebraska; from points in Michigan to points in California, Nebraska, and Texas (except those east of U.S. Highway 77); from points in Minnesota to points in California, Texas, and Nebraska (except those east of U.S. Highway 30); from points in Montana to points in Louisiana and Texas (except those west of U.S. Highway 77); from points in North Dakota to points in Louisiana and Texas (except those west of U.S. Highway 77); from points in South Dakota to points in Louisiana and Texas (except those west of U.S. Highway 77); from those points in Texas on and west of U.S. Highway 77 to points in Nebraska and Detroit, Mich.; from points in Wisconsin to points in Nebraska; and from points in Wyoming to points in Louisiana and Detroit, Mich.; and *new empty beverage containers*, restricted to glassware, from points in Arkansas to points in Montana, North Dakota, South Dakota, and Wyoming.

From those points in Illinois bounded on the north by U.S. Highway 6 and on and bounded on the south by U.S. Highway 40, to points in Colorado (except those south of U.S. Highway 24), Kansas (except those east of U.S. Highway 81), Montana, North Dakota (except those east of U.S. Highway 281), South Dakota (except Day, Marshall, and Roberts Counties), and Wyoming, and Sioux City, Iowa; from those points in Kansas east of U.S. Highway 59 to points in Montana, North Dakota, South Dakota, and Wyoming; from points in Kansas on and west of U.S. Highway 59 to points in Minnesota, New Jersey, Wisconsin, and those in Illinois north of U.S. Highway 6; from points in Kentucky to points in Montana, North Dakota, South Dakota, Wyoming, those in Iowa north and west of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 34 to junction U.S. Highway 71 to the Iowa-Minnesota State line, and those in Minnesota on and west of U.S. Highway 71; from points in Michigan to points in Colorado, Montana, South Dakota, Wyoming, Kansas (except those east of U.S. Highway 77), North Dakota (except those east of U.S. Highway 281), and Oklahoma (except those east of U.S. Highway 77); from points in Minnesota to points in Colorado, Kansas (except those east of U.S. Highway 59), and Oklahoma; from points in Montana to points in Arkansas, Illinois, Indiana, Missouri, Iowa (except those north of U.S. Highway 6), Kansas (except those west of U.S. Highway 77), and Oklahoma (except those west of U.S. Highway 77); from points in Nebraska to points in Illinois (except those south of U.S. Highway 24), Indiana, and New Jersey; from those points in Nebraska south of U.S. Highway 30 to points in Wisconsin; from points in North Dakota to points in Arkansas, Illinois (except those north of U.S. Highway 36), Indiana (except those north of U.S. Highway 36), Kansas (except those west of U.S. Highway 59), Missouri, New Jersey, and Oklahoma (except those west of U.S. Highway 77); from those points in Oklahoma on, north, and east of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 75, to the Oklahoma-Kansas State line, and Okmulgee, Sand Springs, and Sapula, Okla., to points in Illinois (except those south of U.S. Highway 30), Iowa (except those south of Iowa Highway 92), Minnesota, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming.

From those points in Oklahoma south and west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 40 to junction U.S. Highway 75 to the Oklahoma-Texas State line (except Okmulgee, Sand Springs, and Sapula, Okla.), to points in Iowa (except those south of U.S. Highway 34), Minnesota and Wisconsin; from points in South Dakota to points in Arkansas, Illinois (except those north of U.S. Highway 24), Indiana (except those north of U.S. Highway 36), Kansas (except those west of U.S. Highway 77), New Jersey, and Oklahoma (except those west of U.S. Highway 77); from points in Texas on and west of U.S. Highway 77 to points in Illinois (except those south of U.S. Highway 6), Iowa, Minnesota, New Jersey, North Dakota (except those west of U.S. Highway 77), South Dakota (except those west of U.S. Highway 77), and Wisconsin; from points in Wisconsin to points in Kansas (except those east of U.S. Highway 59), Oklahoma (except those of U.S. Highway 75), Texas (except those east of U.S. Highway 77), and Colorado; and from points in Wyoming to points in Arkansas, Illinois, Indiana, Iowa (except those north of U.S. Highway 6), Missouri, and New Jersey. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 124211 (Sub-No. E36), filed April 22, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, supplies and accessories*, (except (1) commodities in bulk, and (2) commodities, which, because of their size or weight, require the use of special equipment), from Los Angeles and Gardena, Calif., to points in North Carolina, South Carolina, Tennessee, Virginia, Alabama (except points south of U.S. Highway 78), Florida (except points west of the eastern boundary of Jefferson County, Fla.), Georgia (except points south of U.S. Highway 82 and west of Interstate Highway 75), Kentucky (except Louisville and points in Kentucky within the Cincinnati, Ohio Commercial Zone as defined by the Commission), and those in Mississippi on and north of U.S. Highway 78 and, from Santa Clara, Calif., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Kentucky, (except Louisville, and points in Kentucky within the Cincinnati, Ohio Commercial Zone as defined by the Commission), and those in Louisiana on and east of U.S. Highway 61, restricted to the transportation of traffic destined to the above-named destination points. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 124211 (Sub-No. E40), filed April 29, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unfrozen beverages*, from points in New Jersey, to points in Arizona, California, Colorado, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, and to those points in Kansas, Oklahoma and Texas on, west and north of a line beginning at Kansas City, Kans., thence along In-

terstate Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35 approximately 3 miles west of Emporia, Kans., thence along Interstate Highway 35 to Oklahoma City, Okla., thence along Interstate Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 377 at or near Mason, Tex., thence along U.S. Highway 377 to Del Rio, Tex., thence along unnumbered highway to the United States-Mexico International boundary line approximately 4 miles southwest of Del Rio, Tex., and to Kansas City, St. Joseph, and Weston, Mo., restricted against the transportation of whiskey in containers from Linden, N.J. (Omaha, Nebr.)*; (2) *unfrozen alcoholic beverages* (except in bulk), from points in New Jersey to points in Idaho and New Mexico, restricted against the transportation of whiskey in containers from Linden, N.J. (Omaha, Nebr., and Weston, Mo.)*; and (3) *unfrozen alcoholic beverages* (except beer and malt beverages, and except commodities in bulk), from points in New Jersey to points in Nebraska, restricted against the transportation of whiskey in containers from Linden, N.J. (Omaha, Nebr.)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 124211 (Sub-No. E41), filed April 29, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except (a) frozen foodstuffs, (b) meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in* Motor Carrier Certificates, 61 M.C.C. 209 and 766, and (c) commodities in bulk), between points in Louisiana and Mississippi, on the one hand, and, on the other, those points in California on and north of a line beginning at the Pacific Ocean and extending along California Highway 92 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction California Highway 132, thence along California Highway 132 to junction California Highway 108, thence along California Highway 108 to junction California Highway 26, thence along California Highway 26 to junction California Highway 49, thence along California Highway 49 to junction U.S. Highway 50, thence along U.S. Highway 50 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 124211 (Sub-No. E42), filed April 29, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods, potato products, and meat and packinghouse products, dairy products, and commodities in bulk), from points in Tennessee (except Bells, Humboldt, Jackson, Milan, and Memphis and points in its commercial zone as defined by the Commission), to those points in California north of a line beginning at the California-Nevada State line extending along Interstate Highway 40 to junction unnumbered highway at Amboy, thence along unnumbered highway to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to junction California Highway 74, thence along California Highway 74 to junction California Highway 71, thence along California Highway 71 to junction California Highway 395, thence along California Highway 395 to junction California Highway 76, thence along California Highway 76 to the Pacific Ocean (Lincoln, Nebr.)*, and from points in Tennessee (except Bells, Humboldt, Jackson, Milan, and Memphis and points in its commercial zone as defined by the Commission), to points in North Dakota and South Dakota (points in Nebraska in the Omaha, Nebr., commercial zone as defined by the Commission)*. The purpose of the filing is to eliminate the gateways indicated by the asterisks above.

No. MC 124211 (Sub-No. E44), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen food products* (except commodities in bulk, dairy products, inedible grain products, coffee, and meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), between points in Missouri (except Carrollton, Mo., and those points on, south and west of a line beginning at the Missouri-Kansas State line and extending along Missouri Highway 52 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line), on the one hand, and, on the other, points in Nebraska on, north and west of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 77 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Nebraska State line, restricted against the transportation of flour from St. Louis, Mo., and restricted to the transportation of shipments destined to points in the above-described destination territory; and *food products* (except (a) frozen food products, (b) meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (c) dairy products, and (d) commodities in bulk), between points in Missouri (except Carrollton, Mo., and those points south and west of a line beginning at the Missouri-Kansas State line and extending along Missouri Highway 52 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line), on the one hand, and, on the other, points in Nevada, those in Utah on, north and west of a line beginning at the Utah-Arizona State line and extending along Interstate Highway 15 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Utah-Idaho State line, and those in California on and north of a line beginning at the California-Nevada State line and extending along Interstate Highway 40 to junction unnumbered highway at Amboy, to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 111, thence along California Highway 111 to junction California Highway 74, thence along California Highway 74 to junction California Highway 71, thence along California Highway 71 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 76, thence along California Highway 76 to the Pacific Ocean, restricted against the transportation of flour from St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 124211 (Sub-No. E45), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen alcoholic beverage* (except malt beverages and commodities in bulk), from points in Connecticut and Massachusetts to points in California, those in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 281 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction unnumbered highway, thence along unnumbered highway at Del Rio, to the United States-Mexico International Boundary line and Norfolk and Omaha, Nebr. (those points in South Dakota within the Sioux City, Iowa, Commercial Zone as defined by the Commission)* and points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming, and to those points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Oklahoma State line, and those in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 124211 (Sub-No. E46), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen alcoholic beverages* (except malt beverages and commodities in bulk), from points in New York, Maryland, and Pennsylvania to Omaha and Norfolk, Nebr. (points in South Dakota within the Sioux City, Iowa, Commercial Zone as described by the Commission) *, and points in California, Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, and those in New Mexico on, north and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 85 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line (points in South Dakota within the Sioux City, Iowa, Commercial Zone as defined by the Commission, and Omaha, Nebr. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 124211 (Sub-No. E47), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen alcoholic beverages* (except in bulk), from those points in Kentucky on and east of U.S. Highway 231, and Lawrenceburg, Ind., and Cincinnati, Ohio, to points in Colorado (except points in Baca County), Idaho, Montana, Nebraska (except points south of U.S. Highway 6), North Dakota, Oregon, South Dakota, Washington, and Wyoming, and those in New Mexico on, north, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 85 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Arizona-New Mexico State line. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 124211 (Sub-No. E49), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen* beverages, from Detroit, Mich., to points in Colorado, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 124211 (Sub-No. E50), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, unfrozen, from Pekin, Ill., to those points in the United States on, west and north of a line beginning at the United States-Canada International Boundary line and extending along the western boundaries of Minnesota and Iowa, to Omaha, Nebr., thence along U.S. Highway 6 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line, thence along the Kansas-Oklahoma State line to the Colorado-Oklahoma State line, thence along the Colorado-Oklahoma State line to the New Mexico-Colorado State line, thence along the New Mexico-Colorado State line to the New Mexico-Texas State line, thence along the New Mexico-Texas State line to the New Mexico-Mexico International Boundary line, and Junction City, Kans. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 124211 (Sub-No. E51), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen beverages*, from St. Louis, Mo., to points in Oregon, Washington, Wyoming, those in Colorado on, north and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 87 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line, and those in Kansas on, west and north of a line beginning at the Kansas-Nebraska State line, and extending along U.S. Highway 73 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 124211 (Sub-No. E52), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen beverages*, other than citrus, (1) from points in Louisiana and Mobile, Ala., to points in California, restricted to the transportation of shipments either originating at Mobile, Ala., or points in Louisiana, or having a prior movement by water, and (2) from New Orleans, La., and Mobile, Ala., to points in Arizona, restricted to the transportation of shipments either originating at Mobile, Ala., or New Orleans, La., or having a prior movement by water. The purpose of this filing is to eliminate the gateway of Muskogee, Okla.

No. MC 124211 (Sub-No. E53), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen beverages*, from Chicago, Ill., to points in Colorado, Oregon, Washington, Wyoming, and those in Kansas on, west, and north of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of points in South Dakota within the Sioux City, Iowa, commercial zone, as defined by the Commission, and Omaha, Nebr.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

By the Commission.

[FR Doc.75-12164 Filed 5-7-75;8:45 am]

[Ex Parte No. 241; Amdt. No. 1 to Rev. Exemption No. 89]

40-FT. PLAIN BOXCARS

Exemption From Mandatory Car Service Rules

It appearing, that the U.S. railroads own numerous 40-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars of railroad ownership described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less, and bearing reporting marks assigned to United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception No. 1, This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception No. 2, This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception No. 3, This exemption shall not apply to 40-ft. plain boxcars owned by the railroad named below:

Maine Central Railroad Company
Reporting Marks: MEC

Effective April 30, 1975.
Expires June 15, 1975.

Issued at Washington, D.C., April 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–12168 Filed 5–7–75;8:45 am]

[Ex Parte No. 241; Amdt. No. 5 to Exemption No. 63]

BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption From Mandatory Car Service Rules

In the matter of Bessemer and Lake Erie Railroad Co. and Penn Central Transportation Co. (Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees).

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire July 31, 1975.

This amendment shall become effective April 30, 1975.

Issued at Washington, D.C., April 22, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–12171 Filed 5–7–75;8:45 am]

[Ex Parte No. 241; Amdt. No. 4 to Exemption No. 70]

ERIE LACKAWANNA RAILWAY CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption From Mandatory Car Service Rules

In the matter of Erie Lackawanna Railway Co. (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees); Norfolk and Western Railway Co.

Upon further consideration of Exemption No. 70 issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire July 31, 1975.

This amendment shall become effective April 30, 1975.

Issued at Washington, D.C., April 22, 1975.

INTERSTATE COMMERCE COMMISSION
[SEAL] R. D. PFAHLER,
Agent

[FR Doc.75–12169 Filed 5–7–75;8:45 am]

[Ex Parte No. 241; Amdt. No. 8 to Exemption No. 56]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption From Mandatory Car Service Rules

In the matter of Erie Lackawanna Railway Co. (Thomas F. Patton and Ralph S. Tyler, Jr., Trustees); Penn Central Transportation Co. (Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees).

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby amended to expire July 31, 1975.

This amendment shall become effective April 30, 1975.

Issued at Washington, D.C., April 22, 1975.

INTERSTATE COMMERCE COMMISSION
[SEAL] R. D. PFAHLER,
Agent

[FR Doc.75–12166 Filed 5–7–75;8:45 am]

[Ex Parte No. 241; Amdt. No. 8 to Exemption No. 55]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption From Mandatory Car Service Rules

In the matter of Norfolk and Western Railway Co. and Penn Central Transportation Co. (Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees).

Upon further consideration of Exemption No. 55 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire July 31, 1975.

This amendment shall become effective April 30, 1975.

Issued at Washington, D.C., April 22, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–12167 Filed 5–7–75;8:45 am]

[Amdt. No. 7 to I.C.C. Order No. 88 Under Revised Service Order No. 994]

PENN CENTRAL TRANSPORTATION CO.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Co., Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 30, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 23, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–12170 Filed 5–7–75;8:45 am]

[Notice No. 761]

ASSIGNMENT OF HEARINGS

MAY 5, 1975.

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.

MC 107295, Sub 748, Pre-Fab Transit Co., now assigned June 3, 1975, at Dallas, Tex.; will be held in room 5A15–17 Federal Building, 1100 Commerce Street.

MC 111401, Sub 430, Groendyke Transport, Inc., now assigned June 4, 1975, at Dallas Tex.; will be held in room 5A15–17 Federal Building, 1100 Commerce Street.

MC 119988, Sub 74, Great Western Trucking Co., Inc., now assigned June 9, 1975, at Dallas, Tex.; will be held in room 5A15–17 Federal Building, 1100 Commerce Street.

MC 140211, Hi-Port Transport, Inc., now assigned June 10, 1975, at Dallas, Tex.; will be held in room 5A15–17 Federal Building, 1100 Commerce Street.

MC 123407, Sub 210, Sawyer Transport, Inc., now assigned June 12, 1975, at Dallas, Tex.; will be held in room 5A15–17 Federal Building, 1100 Commerce Street.

MC 94201, Sub 127, Bowman Transportation, Inc., now assigned June 4, 1975, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street, NW.

MC 124154, Sub 67, Wingate Trucking Co., Inc., now assigned June 3, 1975, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street, NW.

MC 138770, Sub 3, Boyd Trucking Company, Inc., now assigned June 9, 1975, at Atlanta, Ga., will be held in room 305, 1252 West Peachtree Street, NW.

I&S No. 9002, Increased Grain Rates, to Louisiana Gulf Ports, now assigned June 3, 1975, at Kansas City, Mo., will be held in room 609—Federal Office Building, 911 Walnut Street.

MC 139784, Sub 3, Cattle and Grain Transports, Inc., now assigned June 9, 1975, at Kansas City, Mo., will be held in room 609—Federal Office Building, 911 Walnut Street.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75–12165 Filed 5–7–75;8:45 am]

federal register

THURSDAY, MAY 8, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 90

PART II

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

TOXIC SUBSTANCES; KETONES

Proposed Exposure Standards

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. SCP-1]

TOXIC SUBSTANCES; KETONES

Proposed Standards for 2-Butane, 2-Pentanone, Cyclohexanone, Hexone, Methyl n-Amyl Ketone, Ethyl Butyl Ketone

I. *Introduction*. On March 18, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA/NIOSH Standards Completion Project. The purpose of the project is to issue more complete standards for all of the toxic substances listed in Tables G-1, G-2, and G-3 of 29 CFR 1910.93, with the exception of those substances which are or will be the subject of NIOSH Criteria Documents. These exceptions will be covered in separate rulemaking proceedings, outside of the Standards Completion Project.

II. *Background*. Section 1910.93 establishes permissible exposure limits for approximately 400 toxic substances. The permissible limits contained in § 1910.93 refer to airborne concentrations of a given substance. This is not to say, however, that other forms of the substance, e.g., liquid forms, are harmless. The permissible exposure limits (also referred to as eight-hour time weighted averages (TWA) listed in § 1910.93 are not at issue in this proceeding, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

As the first phase of the Standards Completion Project, the Occupational Safety and Health Administration (OSHA) proposes to amend Part 1910 of Title 29 Code of Federal Regulations by the addition of provisions for six ketones: 2-butanone, 2-pentanone, cyclohexanone, hexone, methyl n-amyl ketone and ethyl butyl ketone. The proposed standards, if adopted, will establish requirements for measurement of employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, recordkeeping, and sanitation and housekeeping, among other things.

In addition, the proposals are designed to enable employers to better understand and comply with existing OSHA safety and health standards that relate to the above listed substances. For example, the proposed standards attempt to compile in a single place, by the use of cross references, requirements appearing elsewhere in Part 1910 which are likely to be of particular importance where any of the above listed ketones are present or are used in the workplace. Further, many of the existing OSHA standards that would apply to the use of the ketones involve a classification system. For example, § 1910.309, which references the National Electrical Code, specifies the construction and installation of electrical equipment to be used in areas where various types of hazardous materials are present. These materials are listed in terms of classes, groups and divisions, e.g. Class I, Group D. Although the National Electrical Code lists classifications for a number of hazardous materials, the list does not attempt to encompass the large number of materials encountered in industry. Thus, it is often left to the employer to decide the classifications of substances found in his establishment.

To determine the classes and groups of materials found in a particular workplace, however, the employer must evaluate the explosion characteristics of the materials. Some of the properties that must be determined include: maximum explosion pressure; maximum safe clearance between parts of a clamped joint in an enclosure; and the minimum ignition temperature of the atmospheric mixture. Determination of these properties would be difficult for the average employer. The proposed standards will aid the employer in complying with § 1910.309 by supplying the proper classification of each substance in the text of the standards.

Toxic materials. The proposed standards apply to the following toxic substances:

2-Butanone (Common synonyms: methyl ethyl ketone, MEK), Chemical Abstracts Service Registry Number 78933, is a colorless, volatile liquid that is flammable. It has a fragrant, mint-like odor. Originally produced as a by-product of wood distillation, it is now commercially produced by the dehydrogenation of sec-butyl alcohol and from butlyene oxide. 2-butanone is used as a solvent, especially in conjunction with other solvents, for cellulose compounds. It is also used in the pharmaceutical and cosmetics industries. Demand for the chemical in 1973 was estimated at 532 million pounds.

2-Butanone is capable of causing narcosis and irritation of the eyes and mucous membranes. It is known to cause dermatitis upon repeated or prolonged contact with the skin.

2-Pentanone (Common synonym: methyl n-propyl ketone), Chemical Abstracts Service Registry Number 107879, is a colorless, volatile liquid. It is flammable and has an odor similar to 2-butanone. It is produced by the oxidation of 2-pentanol. 2-Pentanone is used as a solvent, as a substitute for diethyl ketone, and as a flavoring. It is not presently known to be in large-scale commercial production.

Improper exposure may produce narcosis, leading to coma. 2-pentanone is irritating to the eyes and mucous membranes. Prolonged or repeated skin contact can result in dermatitis.

Cyclohexanone (Common synonyms: cyclohexyl ketone; ketohexamethylene; pimelic ketone), Chemical Abstracts Service Registry Number 108941, is a colorless-to-pale yellow, volatile liquid that has the familiar mint-like odor peculiar to ketones. It is a combustible liquid, produced by the catalytic oxidation of cyclohexanol or by distillation of pimelic acid salts. The major uses for cyclohexanone are as an intermediate in the manufacture of nylon 6,6 polymer and as a solvent for lacquers and synthetic resins. Demand for the chemical in 1973 was 638 million pounds.

Inhalation of cyclohexanone vapor may result in irritation of the mucous membranes, depression of the central nervous system and narcosis. Cyclohexanone may cause eye irritation. Prolonged or repeated contact with liquid cyclohexanone is capable of defatting the skin, which may result in irritation or dermatitis.

Hexone (Common synonyms: methyl isobutyl ketone; 4-methyl-2-pentanone; MIBK), Chemical Abstracts Service Registry Number 108101, is a colorless, flammable liquid. Hexone has a fragrant, mint-like odor peculiar to ketones. It is made commercially by the catalytic hydrogenation of mesityl oxide. Hexone is commonly used as a solvent for lacquers, cellulose esters, vinyl polymers and copolymers, and for many natural and synthetic resins. The demand for the substance in 1973 was 215 million pounds.

Hexone has an irritating odor at low concentrations. The vapor is irritating to the eyes and mucous membranes, and may cause headache and nausea. Repeated or prolonged skin contact with liquid hexone can cause defatting of the skin, which may result in irritation or dermatitis.

Methyl n-amyl ketone (Common synonyms: 2-heptanone, MAK), Chemical Abstracts Service Registry Number 110430, is a colorless, volatile, combustible liquid. It has a mild, banana oil-like odor. Methyl n-amyl ketone is produced commercially by the catalytic dehydrogenation of 2-heptanol. The substance is used in perfume making as a constituent of artificial carnation oils, and as an industrial solvent.

Methyl n-amyl ketone is a toxic material that is absorbed into the blood through inhalation and, to a much lesser extent, absorbed through the skin. Symptoms of exposure include eye and mucosal irritation, headache, dizziness and narcosis, eventually leading to unconsciousness. Prolonged or repeated skin contact with liquid methyl n-amyl ketone may result in irritation and dermatitis.

Ethyl butyl ketone (Common synonyms: 3-heptanone, EBK), Chemical Abstracts Service Registry Number 106354, is a clear, volatile, combustible liquid with a mild, fruity odor. Ethyl butyl ketone is produced commercially by dehydrogenation of the mixed alcohol condensation product of propionaldehyde and methyl ethyl ketone, or by catalytic dehydrogenation of 3-heptanol. It is used primarily as a solvent for organic materials, and as an intermediate in the making of other organic products. Demand for the substance in 1973 was less than 200,000 pounds.

Ethyl butyl ketone is irritating to the eyes and mucous membranes. Inhalation of ethyl butyl ketone vapor may also cause headache, drowsiness and nausea.

Acute overexposure may cause pharyngitis and bronchitis. Repeated or prolonged skin contact with liquid ethyl butyl ketone may result in irritation and dermatitis.

The proposal. OSHA proposes to amend Part 1910 by the addition of standards for 2-butanone, 2-pentanone, cyclohexanone, hexone, methyl n-amyl ketone, and ethyl butyl ketone. The proposal includes the following major points.

Definitions. The proposal defines permissible exposure by reference to the TWA's currently found in Table G–1 of § 1910.93. As previously stated, these exposure limits are not at issue in this proceeding, and no changes have been made in the TWA's stated in Table G–1.

The proposed standards define action level as one half of the permissible exposure limit. The action level is the point at which certain provisions of the proposed standards must be initiated, such as employee exposure measurement, training of employees and medical surveillance.

Section 6(b)(7) of the Act directs that, where appropriate, occupational health standards shall prescribe employee exposure measurements and medical examinations. OSHA recognized the need to designate a level of exposure at which these procedures become appropriate. The function of the action level is to designate this level of exposure.

OSHA decided that the action level, which triggers the measurement requirements, be set well below the permissible exposure level to better protect employees from overexposure. It was determined that this method was the most reasonable approach to a recurring problem, that is, how to provide the maximum employee protection necessary with the minimum burden to the employer. Thus where the results of employee exposure measurements demonstrate that no employee is exposed to airborne concentrations of a substance in excess of the action level, employers are, in effect, exempted from major provisions of the standard. In particular, for those employees not exposed to concentrations exceeding the action level, it would not be necessary to provide special training, obtain medical history statements, or monitor such employees unless there is a change in production, process, or control measures which could result in an increase in airborne concentrations of the substance.

A duty to measure employee exposure and provide medical surveillance only when the employee exposure was equal to or over the permissible level was rejected as not providing sufficient protection for the exposed employees. Among other things, such a scheme would not protect the employee from overexposure because the employer would have no way of knowing when airborne concentrations of a regulated substance approach the TWA. It would not be possible to ensure that exposures are kept within the permissible limits if sampling is done only when an employee's exposure is at the permissible level.

Also, no measuring system is completely accurate. The proposal requires that the method of measurement used should have an accuracy of plus or minus 35 percent when concentrations are between the action level and the permissible exposure level. While there are some measuring methods with greater accuracy than the minimum prescribed in the proposal, it was decided to allow a measurement method of this accuracy at these concentrations because, among other reasons, this would allow the employer to use simple inexpensive gas detector tubes to fulfill the measurement requirements. In view of the limitations on the accuracy of the measurement program, measuring must be started well below the permissible exposure level to assure a sufficiently reliable indication that exposures are within permissible limits.

It was determined that three key duties should be triggered by the action level: exposure measurement, medical surveillance and employee training. All three actions were considered necessary before employee exposure reached the permissible level or higher. As noted above, it is important to begin measurement procedures when approaching the permissible exposure level to ensure that employee exposure does not exceed the permissible exposure. Similarly, employees should be screened for pre-existing medical conditions and trained so that they learn suitable precautions against dangerous properties of the substance when there is some chance that their exposure is significant.

An alternative to having an action level would be to require the medical and measurement procedures at any level of exposure, no matter how minor. This alternative, however, would unnecessarily burden employers because they would be required to implement the medical and measurement provisions even where concentrations were so low that they presented no health problem.

Exposure measurement. In establishments where any of the regulated ketones are released into the workplace air, the employer is required to make a written initial determination, which is an estimate of whether any employee may be exposed to concentrations in excess of the action level. This written determination must be made even if the results are negative; that is, even if the employer determines that no employee is exposed above the action level. The initial determination is normally a simple calculation of exposure based on the amount of the regulated substance present in the workplace, the size of the workplace, the type of operation being performed, the amount and type of ventilation, and the proximity of employees to the substance emission source. The proposal does not require the employer to measure or sample airborne concentrations when performing this initial determination, but if any measurements are taken, they must be considered. However, the employer must be certain that the initial determination accurately reflects employee exposure conditions over the working day.

The determination must also include any information or any observations that indicate an employee may be exposed in excess of the action level. Such information may include: employee complaints of signs or symptoms that may be attributed to overexposure; reports from OSHA or NIOSH on the results of surveys or inspections; results of a survey performed by a professional industrial hygienist; and relevant information from insurance companies and trade associations.

In establishments having more than one work situation involving a regulated substance, an initial determination must be made for each situation. For example, in a plant where a regulated substance is used in dip tank and spray finishing operations, an initial determination must be made for both operations. This determination must be repeated each time there is a change in production, process or control measures which could result in an increase in airborne concentrations of the regulated substance.

When the initial exposure determination indicates that any employee may be exposed in excess of the action level, the employer must measure the exposure of the employee most likely to have the highest exposure. If the results of this measurement indicate that the employee is exposed to concentrations in excess of the action level, the employer must implement a program to measure the exposures of all employees similarly affected.

If such measurements show that an employee is exposed to concentrations above the action level, but below the permissible exposure level, measurements of that employee's exposure must be made every two months. If the measurements show that an employee is exposed to concentrations above the permissible limit, the employer must measure the employee's exposure at least monthly, inform the employee of his overexposure, and institute control measures to reduce exposure to within permissible limits. If the results of two consecutive measurements, taken at least one week apart, show that an employee is not exposed above the action level, the measurement program may be terminated for that employee.

The measurement provisions are designed in this step-by-step fashion so that employers having workplaces where only low concentrations of ketones are present will not be required to measure the exposure of each individual employee. The intent of this procedure is to provide adequate protection for employees while minimizing the administrative and financial burden on employers.

The frequency of measurement would depend on the degree of employee exposure. Bi-monthly measurement for employees whose exposures are in the range between the action level and permissible level is intended to assure that the permissible exposure is not exceeded and to provide sufficient warning when

exposures are approaching the permissible limit. A minimum bi-monthly sampling frequency would be required because the data from fewer samples would not provide statistical information of an accuracy necessary to assure protection of employees.

Where employee exposures are above the permissible limit, monthly measurements would be required because OSHA believes that exposure above the permissible level presents a hazard to the employee. Monthly measurements would also be required even when employees routinely wear respirators, because the type of respirator to be worn is determined by the concentrations of the regulated substance present in the workplace air.

The proposal provides for the termination of exposure measurement when two samples indicate levels below the action level. Two samples, rather than one, are required in order to allow for the normal variability of individual exposure measurements, which may produce unrepresentative results. A requirement for a period of one week between samples has been included to ensure that any recorded decrease in exposure levels is not merely a short-term reduction in exposure resulting from temporary process or weather changes. It should be noted that the termination of measurement requirements would be effective only as long as there is no change in production, process or control which could result in new or increased exposure. If such a change occurs, the procedure, beginning with the initial determination, must be repeated.

Methods of measurement. The provisions of the proposed standards regarding methods of measurement are designed to assure that employee exposures are measured according to methods that will produce relatively accurate results.

There are no specifications in the proposed standards concerning the duration or number of samples which must be taken to determine individual employee exposures. Any appropriate combination of long-term or short-term samples would be acceptable, although the proposal would require that all exposures be calculated on an eight-hour time-weighted average basis. Moreover, the employer is not required to use a specific measurement method, but rather can use any method meeting specified precision and accuracy requirements. This leaves the employer with a wide range of choices in selecting the method which best fits the particular situation.

The required accuracy values do allow the use of relatively inexpensive measurement methods, such as NIOSH-certified gas detector tubes. Appendix B, the Substance Technical Guidelines, recommends that the eight hour exposure be determined from a single sample or from two four hour samples. Appendix B is intended to be an information source for the employer and is provided to aid the employer in meeting the requirements of the standard.

The accuracy of the sampling method must have a confidence level of 95 percent. "Accuracy" refers to the difference between a measured value and the true concentration. It allows for both the random variation of the measurement method (its precision), and the difference between the average result from the method and the true value (bias of the method). For example, the required accuracy for concentrations of the regulated ketones above the permissible exposure limit is 25 percent at a 95 percent confidence level. This means that out of a long series of measurements, 95 percent must be within 25 percent of the true value.

Methods of compliance. The proposed standard requires that engineering or work practice controls shall be used to reduce exposure to the regulated substances to at or below the permissible exposure limit. However, in situations where engineering and work practice controls are not sufficient to reduce exposures to the permissible limit, they shall nonetheless be used to reduce exposures to the lowest level feasible, and shall be supplemented by the use of respirators.

Engineering controls are the preferred means of compliance because they reduce airborne concentrations of a substance at the source of emission, and they are not highly subject to human error. Work practice controls, such as good housekeeping, which reduce spills and other sources of emissions, and actions taken by employees to stay out of high concentration areas when the work does not require them to be there, are only as good as the supervision provided. Also, failures of work practice controls are not generally as easily detected and controlled as are failures of engineering controls. While work practice controls may not be as reliable as engineering controls in reducing employee exposures, they share a preferred position with engineering as acceptable methods of compliance.

When mechanical ventilation is used as an engineering control, the system must be tested at least every three months to ensure proper functioning. This test frequency will detect minor changes which may reduce the expected efficiency of the ventilation system. Massive failures provide adequate warning.

Changes in production, process, or control, however, require retesting of the ventilation system to assure that no reduction in control has inadvertently occurred. A mechanical ventilation system is a safety device, and like all safety devices, should be tested periodically.

Respiratory protection. Respirators are the least satisfactory means of exposure control because they are capable of providing good protection only if they are properly selected, properly fitted, and if they are worn by the employee, and if they are replaced when they cease to provide adequate protection. While it is possible for all of these conditions to be met, it is more often the case that they are not, and as a consequence the protection of employees by respirators is not effective. Further, employees with impaired respiratory function may not be able to wear certain types of respirators, such as those operating in the negative pressure mode.

Despite the inherent difficulties associated with respirator use, they remain the only form of protection when engineering and work practice controls are not feasible or are inadequate. The proposed standard allows respirators to be used to control employee exposure in certain other specific situations, including operations requiring respirator use for not more than one hour per day, one day per week, and in emergencies. The proposal requires the employer to select NIOSH–MESA approved respirators. Acceptable respirators prescribed in this proposal were selected after consideration of the concentration of toxic substance present, warning properties of the substance, whether the vapor causes eye irritation, the level of the substance that would be immediately dangerous to life or health, protection factors and other related information. Table 2 lists the respirators acceptable under various conditions. However, the employer may always select a respirator providing greater protection; that is, one prescribed in Table 2 for higher concentrations of a substance than are present in the workplace.

Fire and safety. The proposed standards would require the employer to familiarize himself with the guidelines for the safe handling and use of the regulated materials. These guidelines are found in Appendix B. The guidelines deal with fire and explosion hazards inherent in the ketones and together with other provisions of this paragraph, provide a basic reference of the known safety and health hazards of the regulated substances.

Personal protection equipment. The ketones are defatting agents, capable of causing or aggravating skin irritations which may create susceptibility to infections. The proposal provides for use of impervious clothing, gloves, face shields and other appropriate protective clothing needed to prevent employees from being subjected to repeated or prolonged skin contact with liquid ketones. Such protection is not mandatory in situations which present no danger of repeated skin contact, since occasional contact with the regulated substances does not present a health hazard.

However, if clothing becomes wet with one of the substances, the proposed standard requires the employer to ensure that such clothing be removed and not reworn until the substance is removed from the clothing. In the case of volatile substances such as the ketones, removal from the clothing may be achieved by simply allowing the clothing to dry. The requirement for prompt removal of clothing that has become wet with one of the regulated substances is based on two types of hazards. First, skin contact with the wet clothing could result in irritation or dermatitis. Second, such clothing can easily catch fire.

Spills. The proposed standard requires that ketone spills be cleaned up immediately after eliminating potential

sources of ignition and providing all available ventilation. In addition, to decrease the risk of fire or explosion, this paragraph prohibits allowing liquid ketones to enter confined spaces, such as sewers or drainage systems.

Training and information. Whenever the ketones are present, the employer is required to have copies of these regulations present in the workplace and make them available to employees. This merely assures that those who wish to do so can readily obtain information concerning possible hazards in their work environment.

The proposal would require the employer to provide an annual training program for: employees exposed to airborne concentrations of the regulated ketones in excess of the action level; employees having skin contact with liquid ketones; or employees working where the regulated substances present a fire or explosion hazard. This employee training program must at a minimum present the information contained in the Substance Safety Data Sheet (Appendix A), review the signs and symptoms of exposure, and the medical conditions which may be aggravated by exposure to the regulated materials, and instruct the employees to report any such signs, symptoms or medical conditions to the employer. Also, employees must be trained in the safe use of the substances, emergency procedures, and correct use of protective equipment. This training will contribute to employee protection by providing information which will enable employees to protect themselves from hazards which may be encountered in working with these toxic substances.

Medical surveillance. The proposal requires the employer to obtain a limited medical history from all employees who are, or who will be, subject to skin contact with liquid forms of the substances or will be exposed to airborne concentrations at or above the action level. The purpose of a medical history is to reveal known, pre-existing medical conditions which could be affected by exposure to the ketones. Preplacement medical examinations are required only if an employee indicates a history of certain conditions which may place him at increased risk. Medical examinations must also be made available to any employee who reports that he has developed any of the specified medical conditions, or that he has developed any of the signs or symptoms of over exposure to the ketones listed in the Substance Safety Data Sheet in Appendix A.

When a medical examination is required, the employer must provide the examining physician with a copy of these standards; a description of the employee's duties as they relate to his exposure so that the physician will understand the circumstances which lead to exposure to the substance; a description of any personal protective equipment to be used by the employee, including respirators; and information concerning actual and estimated exposures to which the employee has been or may be exposed. If requested by the physician, the employer must also provide any available employee medical history information. This provision will assure that the physician has enough information readily available so that he may provide an opinion based on all the relevant facts. Appendix C is provided to aid the physician in evaluating any health hazard to the employee.

Following the medical examination, the employer must obtain a written opinion from the examining physician stating whether the employee has any medical condition that would place him at increased risk to his health, or that would be aggravated by exposure to one of the regulated ketones. The written opinion must also state any recommended limitations on the employee's exposure to the ketones and any limitations upon the employee's ability to wear respirators or other protective equipment. Further, the opinion must state that the employee has been informed of any medical conditions which would require further examination or treatment. However, the written opinion shall not contain specific findings or diagnoses unrelated to the employee's exposure to any of the regulated substances encountered in the workplace. The proposal also provides that no employee shall be exposed to a regulated substance in such a way as would put the employee at increased risk of material impairment of his health from such exposure.

Recordkeeping. The proposal requires the employer to maintain written records of the following: written initial exposure determinations, measurements of employee exposures, tests of mechanical ventilation systems (where such systems constitute engineering controls), annual training sessions, and records required by employee medical surveillance provisions.

Access to Records. The proposals provide for access to records of exposure measurements by employees, former employees or their representatives, and access to medical records by physicians designated by employees or former employees. In the case of former employee medical records, however, it should be noted that the employer is only required to retain such records for the duration of the employment of the affected employee.

Observation of measurement. Section 8(c)(3) of the Act provides that where measuring of employee exposure to a toxic substance is required by a standard, the Secretary shall by regulation ensure that employees or their representatives have an opportunity to observe such measurement.

Accordingly, the proposed standard would require employers to give affected employees or their representatives an opportunity to observe any measuring of employee exposure to any of the regulated substances conducted pursuant to these regulations. The proposal requires the observers to use whatever personal protective devices are required, and to comply with all other applicable safety procedures.

In order to effectively exercise the opportunity, observers would be entitled to receive an explanation of the measurement procedure, observe all the steps related to the measurement procedure that are performed at the place of exposure, and to record the results obtained.

As stated in 29 CFR 1910.5 specific rules prevail over more general ones. It should be noted that this proposal, if adopted, will supersede §§ 1910.134 (c) and (g), 1910.93(e), 1910.133(a)(1) as they relate to these ketones and any other provision of Part 1910 which is not consistent with the provisions contained herein. A notice of intent to prepare an environmental impact statement was published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843).

Public participation. Interested persons are invited to comment on the proposed standard. Written data, views and arguments concerning the proposal must be submitted in quadruplicate to Nancy Hucke, Docket Officer, Docket SCP–1, Occupational Safety and Health Administration, Room 200, 1726 M Street, NW., Washington, D.C. 20210, on or before June 20, 1975. Written submissions must clearly identify the provision of the proposal addressed and the position taken with respect to each such provision. The data, views and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding.

In order to expedite this rulemaking proceeding and in anticipation of requests for a hearing, we are scheduling an informal public hearing, pursuant to section 6(b) of the Act and 29 CFR Part 1911, to begin on August 5, 1975 in the Departmental Auditorium, Conference Room B, U.S. Department of Labor, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. All aspects of the proposed standard, including its environmental impact will be at issue in the hearing.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before June 20, 1975, with Nancy Hucke, OSHA Committee Management Office, Docket SCP–1, 1726 M Street, NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210 (Telephone: 202/961–2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific provisions of the proposal that will be addressed;

(5) A brief statement of the position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for

an expeditious and orderly proceeding. Therefore the notices of intent to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position. Persons filing notices of intent to appear which are not sufficiently detailed will be so informed and given fifteen days from the date they are so informed to file a proper notice of intent to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of this fact. The participant will have fifteen days from the date on which he was so informed to demonstrate why the allocated time is inappropriate.

The hearing will commence at 9:30 a.m. with the establishment of the order and time for presentation of statements and the resolution of any other procedural matters relating to the proceeding. The hearing will be conducted, and the decisions made, in accordance with 29 CFR Part 1911.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate.

The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceedings;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed standard;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witnesses; and

(f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

All relevant oral and written information, data, views, or arguments will be considered subsequent to the certification of the record and the proposal will be modified appropriately if the submissions so warrant.

Accordingly, pursuant to sections 6(b) and 8(c)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations by adding six new sections as set forth below.

Sec.
1910.93s 2-Butanone.
1910.93t 2-Pentanone.
1910.93u Cyclohexanone.
1910.93v Hexone.
1910.93w Methyl (n-amyl) ketone.
1910.93x Ethyl Butyl ketone.

§ 1910.935 2-Butanone.

(a) *Definitions.* (1) "Permissible exposure" means exposure of employees to airborne concentrations of 2-butanone, not in excess of 200 parts per million (ppm) or 590 milligrams per cubic meter (mg/cu m) averaged over an eight-hour work shift (time weighted average), as stated in § 1910.93, Table G–1.

(2) "Action level" means one half (½) of the permissible exposure for 2-butanone.

(b) *Exposure determination and measurement.* (1) Each employer who has a place of employment in which 2-butanone is released into the workplace air shall determine if any employee may be exposed to airborne concentrations of 2-butanone at or above the action level. The determination shall be made each time there is a change in production, process or control measures which could result in an increase in airborne concentrations of 2-butanone.

(2) A written record of the determination shall be made and shall contain at least the following information:

(i) Any information, observation, or calculations which may indicate employee exposure to 2-butanone;

(ii) Any measurements of 2-butanone taken;

(iii) Any employee complaints of symptoms which may be attributable to exposure to 2-butanone; and

(iv) Date of determination, work being performed at the time, location within the work site, name, and social security number of each employee considered.

(3) If the employer determines that any employee may be exposed to 2-butanone at or above hte action level, the exposure of the employee in each work operation who is believed to have the greatest exposure shall be measured. The exposure measurement shall be representative of the maximum eight-hour time weighted average exposure of the employee.

(4) If the exposure measurement taken pursuant to paragraph (b)(3) of this section reveals employee exposure to 2-butanone at or above the action level, the employer shall:

(i) Identify all employees who may be exposed at or above the action level; and

(ii) Measure the exposure of the employees so identified.

(5) If an employee exposure measurement reveals that an employee is exposed to 2-butanone at or above the action level, but not above the permissible exposure, the exposure of that employee shall be measured at least every two months.

(6) If an employee exposure measurement reveals an employee is exposed to 2-butanone above the permissible exposure, the employer shall:

(i) Measure the exposure of the employee so exposed monthly;

(ii) Institute control measures as required by paragraph (d) of this section; and

(iii) Individually notify, in writing, within five days, every employee who is found to be exposed to 2-butanone above the permissible exposure. The employee shall also be notified of the corrective action being taken to reduce the exposure to at or below the permissible exposure.

(7) If two consecutive employee exposure measurements taken at least one week apart reveal that the employee is exposed to 2-butanone below the action level, the employer may terminate measurement for the employee.

(8) For purposes of this paragraph employee exposure is that which would occur if the employee were not using a respirator.

(c) *Methods of measurement.* (1) An employee's exposure shall be obtained by any combination of long term or short term samples which represents the employee's actual exposure averaged over an eight-hour work shift (see Appendix B(IV) of this section for suggested measurement methods).

(2) The method of measurement shall have an accuracy, to a confidence level of 95 percent, of not less than that given in Table 1.

TABLE 1

Concentration:	Required accuracy (percent)
Above permissible exposure	±25
At or below the permissible exposure and above the action level	±35
At or below the action level	±50

(d) *Compliance.* (1) No employee shall be exposed to 2-butanone above the permissible exposure as defined in paragraph (a)(1) of this section.

(2) Employee exposures to airborne concentrations of 2-butanone shall be controlled to at or below the permissible exposure by engineering and work practice controls:

(i) Engineering and work practice controls shall be instituted to reduce exposures to at or below the permissible exposure, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering and work practice controls are not sufficient to reduce exposures to at or below the permissible exposure, they shall nonetheless be used to reduce exposure to the lowest level feasible and shall be supplemented by respirators in accordance with paragraph (d)(4) of this section.

(3) Engineering controls. (i) When mechanical ventilation is used to control exposure, measurements which demonstrate system effectiveness, for example, air velocity, static pressure, or air volume, shall be made at least every three months. Measurements of system effectiveness shall also be made within five days of any change in production, process, or control which might result in an

increase in airborne concentrations of 2-butanone.

(ii) In the design of open-surface tank ventilation for the purposes of § 1910.94(d), operations involving 2-butanone shall be classified as B–1 at 70 degrees F.

(4) Compliance with the permissible exposure shall not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement engineering or work practice controls; or

(ii) In work situations in which engineering and work practice controls are technically not feasible; or

(iii) To supplement engineering and work practice controls when such controls fail to reduce airborne concentrations of 2-butanone to at or below the permissible exposure; or

(iv) For operations which require respirator use for not longer than one hour per day and not more frequently than one day per week; or

(v) In emergencies.

(5) Where respirators are needed and permitted under this paragraph to reduce employee exposure, the employer shall select and provide the appropriate respirator from Table 2 and shall ensure that the employee uses the respirator provided.

TABLE 2.—RESPIRATORY PROTECTION FOR 2-BUTANONE

Condition vapor concentration:	*Respiratory protection*
1,000 p/m or less	Chemical cartridge respirator with full facepiece and organic vapor cartridge.
3,000 p/m or less	A gas mask with a chin-style organic vapor canister. A gas mask with a front- or back-mounted organic vapor canister. Any supplied-air respirator with a full facepiece, helmet, or hood. Any self-contained breathing apparatus with a full facepiece.
Greater than 3,000 p/m or entry and escape from unknown concentrations	Self - contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode. A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in the pressure-demand (positive pressure) or continuous flow mode and an auxiliary self - contained breathing apparatus operated in the pressure-demand (positive pressure) mode.
Condition vapor concentration:	*Respiratory protection*
Firefighting	Self - contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.

(6) Respirators shall be approved by the Mining Enforcement and Safety Administration (formerly Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(7) The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(e) *Fire and safety.* (1) The employer shall familiarize himself with the information contained in the Substance Technical Guidelines (Appendix B of this section) for 2-butanone.

(2) For the purpose of compliance with § 1910.309, locations classified as hazardous locations due to the presence of 2-butanone shall be Class I, Group D.

(3) For the purpose of compliance with § 1910.157, 2-butanone is classified as a Class B fire hazard.

(4) For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of 2-butanone shall be Class I, Group D.

(5) For the purpose of compliance with § 1910.106, liquid 2-butanone is classified as a Class 1B flammable liquid.

(6) Spray finishing operations shall be performed in accordance with §§ 1910.107 and 1910.94(c).

(7) Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(8) Where a fan is located in ductwork and where 2-butanone is present in the ductwork in concentrations greater than 4500 ppm (25 percent of the lower flammable limit), the fan rotating element shall be of nonsparking material or the casing shall consist of, or be lined with, nonsparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(9) Sources of ignition such as smoking or open flames are prohibited where 2-butanone presents a fire or explosion hazard.

(f) *Personal protective equipment.* (1) Employers shall provide and ensure that employees use impervious clothing, gloves, face shields (eight-inch minimum) and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid 2-butanone. Face shields shall comply with § 1910.133(a)(2), (4), (5), and (6).

(2) Employers shall ensure that clothing which becomes wet with 2-butanone be removed immediately and not reworn until the 2-butanone is removed from the clothing.

(3) Employers shall ensure that clothing wet with 2-butanone is placed in closed containers for storage until it can be discarded or until the employer provides for the removal of 2-butanone from the clothing. If the clothing is to be laundered or otherwise cleaned to remove the 2-butanone, the employer shall inform the person performing the operation of the hazardous properties of 2-butanone.

(4) Employers shall provide and ensure that employees use cup-cover type dust and splash safety goggles which comply with § 1910.133 (a)(2)–(a)(6) where liquid 2-butanone may contact the eyes.

(g) *Spills and disposal.* (1) In the event that liquid 2-butanone is spilled the employer shall immediately eliminate potential sources of ignition, provide available ventilation, and then clean up the spill.

(2) Liquid 2-butanone shall not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

(h) *Sanitation.* Employers shall ensure that employees whose skin becomes wet with liquid 2-butanone promptly wash or shower as necessary to remove any 2-butanone from the skin.

(i) *Training and information.* (1) Each employer who has a workplace in which 2-butanone is present shall keep a copy of this regulation with Appendixes A, B and C at the workplace. This material shall be made readily available to affected employees.

(2) Each employer who has employees exposed to 2-butanone above the action level or employees who have skin contact with liquid 2-butanone or employees who work where 2-butanone presents a fire or explosion hazard shall annually:

(i) Inform affected employees of the information contained in the Substance Safety Data Sheet for 2-Butanone (Appendix A of this section);

(ii) Advise affected employees of the signs and symptoms of exposure to 2-butanone;

(iii) Instruct affected employees to advise the employer of the development of signs or symptoms of exposure to 2-butanone which are listed in Appendix A of this section;

(iv) Instruct affected employees to inform the employer if they develop any of the medical conditions listed in paragraph (j)(2) of this section; and

(v) Provide training to ensure that employees understand the precautions of safe use, emergency procedures, and the correct use of protective equipment relative to 2-butanone.

(j) *Medical surveillance.* (1) The employer shall provide medical procedures as required by this paragraph. All medical procedures shall be performed by or under the supervision of a physician at no cost to the employee.

(2) The employer shall obtain from each employee who is exposed, or will be exposed, to liquid 2-butanone or airborne concentrations of 2-butanone at or above the action level, without regard to the use of respirators, information as to whether such employee has a history of any of the following medical conditions:

(i) Kidney disease;

(ii) Liver disease;

(iii) Chronic respiratory disease;

(iv) Skin disease.

(3) The employer shall provide a medical examination for the employee if:

(i) The employee provides a history of any of the medical conditions listed in paragraph (j)(2) of this section; or

(ii) The employee informs the employer of the development of any of the medical conditions listed in paragraph (j)(2) of this section, or any of the signs or symptoms of exposure to 2-butanone which are listed in Appendix A which the employee suspects are caused by exposure to 2-butanone.

(4) The employer shall provide to the examining physician the following information:

(i) A copy of this regulation with Appendixes, A, B and C for 2-butanone;

(ii) A description of the affected employee's duties as they relate to his exposure to 2-butanone;

(iii) A description of any personal protective equipment and respirators required to be used;

(iv) The results of any measurements which may indicate the affected employee's exposure;

(v) The affected employee's anticipated exposure level; and

(vi) Upon request of the physician, any available information from previous medical examinations of the affected employee.

(5) Where a medical examination is required by paragraph (j)(3) of this section, following such examination the employer shall obtain a written opinion from the examining physician which conforms with paragraph (j)(6) of this section.

(6)(i) The physician's written opinion shall be a signed statement by the examining physican specifically stating:

(A) Whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to 2-butanone or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to 2-butanone, including limitations upon the use of personal protective equipment and respirators;

(C) That the employee has been informed by the physician of any detected medical conditions which require further medical examination or treatment.

(ii) The physician's written opinion shall not reveal specific medical findings or diagnosis unrelated to exposure to 2-butanone.

(iii) The employer shall provide the employee with a copy of the physician's written opinion.

(7) No employee shall be exposed to liquid 2-butanone or airborne concentrations of 2-butanone in such a way as would put the employee at increased risk of material impairment of his health from such exposure. This determination may be based on the physician's written opinion.

(8) The employer shall provide emergency medical treatment for any employee injured through exposure to 2-butanone.

(9) If an employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by refusal to be examined.

(10) No medical procedure which would be performed pursuant to this section need be performed if records of a previous such procedure performed within the past six months are acceptable to the examining physician.

(k) *Recordkeeping*—(1) *Exposure determination.* (i) The employer shall keep an accurate record of all determinations required to be made pursuant to paragraph (b)(1) of this section.

(ii) The record shall include the written determination required in paragraph (b)(2) of this section.

(iii) This record shall be maintained until replaced by a more recent record.

(2) *Exposure measurements.* (i) The employer shall keep an accurate record of all measurements taken to determine employee exposure to 2-butanone.

(ii) This record shall include:

(A) The date of measurement;

(B) Operations involving exposure to 2-butanone which are being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy, including the method, results, and date of calibration of sampling equipment;

(D) Number, duration, and results of samples taken; and

(E) Name, social security number, and exposure of the employee monitored.

(iii) This record shall be maintained until replaced by a more recent record but in no event for less than one year.

(3) *Mechanical ventilation.* (i) When mechanical ventilation is used as an engineering control, the employer shall maintain an accurate record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (d)(3)(i) of this section.

(ii) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(iii) These records shall be maintained for at least one year.

(4) *Employee training and information.* (i) The employer shall keep an accurate record of all employee training and information required by paragraph (i) of this section.

(ii) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(iii) This record shall be maintained until replaced by a more recent record.

(5) *Medical surveillance.* (i) The employer shall keep an accurate record of employee medical surveillance required by paragraph (j) of this section.

(ii) This record shall include:

(A) Information concerning medical conditions obtained from the employee pursuant to paragraph (j)(2) of this section;

(B) Any employee medical complaints relative to exposure to 2-butanone;

(C) A copy of information provided to the physician pursuant to paragraph (j)(4)(ii), (iii), (iv), (v), and (vi) of this section;

(D) Physician's written opinion; and

(E) A signed statement of any refusal to be examined.

(iii) This record shall be maintained for the duration of the employment of the affected employee.

(6) *Access to records.* (i) All records required to be maintained by this section shall be made available upon request to authorized representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health.

(ii) Employee exposure determination and exposure measurement records required to be maintained by this section shall be made available to employees and former employees and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon written request to a physician designated by the employee or former employee.

(l) *Employee observation of measurement.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measurement of employee exposure to 2-butanone which is conducted pursuant to this section.

(2) When observation of measurement of employee exposure to 2-butanone requires entry into an area where the use of personal protective devices, including respirators, is required, the observer shall be provided with and required to use such equipment and comply with all other applicable safety procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Visually observe all steps related to the measurement of airborne 2-butanone that are being performed at the place of exposure; and

(iii) Record the results obtained.

NOTE: The information contained in the following appendixes to § 1910.935 is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR 2-BUTANONE

I. SUBSTANCE IDENTIFICATION

A. SUBSTANCE: 2-butanone

B. PERMISSIBLE EXPOSURE: 200 parts of 2-butanone per million parts of air (ppm) or 590 milligrams of 2-butanone per cubic meter of air (mg/cu m) averaged over an eight-hour work shift.

C. APPEARANCE AND ODOR: Colorless liquid with a fragrant, mintlike, moderately sharp odor.

II. HEALTH HAZARD DATA

A. Ways in Which the Chemical Affects Your Body: 2-Butanone can affect your body if you inhale it, swallow it, or if it comes in contact with your skin or eyes.

B. Effects of Exposure: 1. Short-Term Exposure: 2-Butanone may cause irritation of the eyes, nose, and throat, headache, dizziness, upset stomach, vomiting and unconsciousness.

2. Long-Term Exposure: Prolonged or repeated exposure to liquid 2-butanone may cause drying and irritation of the skin.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any of the above signs or symptoms and suspect they are associated with 2-butanone exposure.

III. EMERGENCY FIRST AID PROCEDURES

A. Eye Exposure: If 2-butanone gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. If irritation persists, get medical attention. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If 2-butanone gets on your skin, promptly wash the skin using soap or mild detergent. If 2-butanone soaks through your clothing, remove the clothing immediately and wash the skin using soap or mild detergent. If irritation persists get medical attention.

C. Breathing: If you or any other person breathes in large amounts of 2-butanone, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When 2-butanone has been swallowed get medical attention immediately. If medical attention is not immediately available get the affected person to vomit by having him touch the back of the throat with his finger or by giving him large amounts (one pint or more) of warm salt water (two tablespoons of salt per pint of water). Do not make an unconscious person vomit.

E. Rescue: Move affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING

A. RESPIRATORS: Respirators are not the best way to control exposure to 2-butanone. You can only be required to wear them for routine use if your employer is in the process of installing controls or control measures prove inadequate. You may be required to wear respirators for nonroutine activities or in emergencies. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required. If you can smell 2-butanone while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. PROTECTIVE CLOTHING: You must wear impervious clothing, gloves, face shield, or other appropriate protective clothing to prevent repeated or prolonged skin contact with liquid 2-butanone.

C. EYE PROTECTION: You must wear splash-proof safety goggles where eye contact with liquid 2-butanone may occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE

2-Butanone is a flammable liquid and its vapors can easily form explosive mixtures in air. It must be stored in tightly closed containers, in a cool, well-ventilated area away from ignition sources and strong oxidizing agents. Sources of ignition such as smoking and open flames are prohibited wherever 2-butanone is handled, used, or stored in a manner that could create a potential fire or explosion hazard. You must use non-sparking tools when opening or closing metal containers of 2-butanone and containers must be bonded and grounded when pouring or transferring liquid 2-butanone. You must promptly wash or shower using soap or mild detergent to remove any 2-butanone from your skin. You must immediately remove any clothing that becomes wet with liquid 2-butanone and this clothing must not be reworn until the 2-butanone has been removed from the clothing. Fire extinguishers, where provided, must be readily available and you should know where they are and how to operate them. Ask your supervisor where 2-butanone is used in your work area and for any additional safety and health rules.

VI. EMPLOYEE MEDICAL AND EXPOSURE RECORDS.

Your employer is required to retain records of exposure measurement for one year or until replaced by a more recent record and medical records for the length of the employment. You may wish to request that copies of these records be made available to your personal physician.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES FOR 2-BUTANONE (MEK)

I. PHYSICAL AND CHEMICAL DATA

A. Substance Identification

1. Synonyms: Methyl Ethyl Ketone (MEK), Ethyl Methyl Ketone

2. Formula: $CH_3COCH_2CH_3$

B. Physical Data

1. Boiling Point (760 mm hg): 79.6 C (175 F)

2. Specific Gravity (water = 1): 0.806

3. Vapor Density (air = 1): 2.5

4. Melting Point: −86.3 C (−122.8 F)

5. Vapor Pressure @ 20 C (68 F): 70 mm Hg

6. Solubility in Water, % by weight @ 20 C (68 F): 27.1

7. Evaporation Rate (Butyl Acetate = 1): 5.7

8. Appearance and Odor: clear and colorless liquid with fragrant, mintlike, moderately sharp odor

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA

A. Fire. 1. Flash Point: −6.1 C (21 F) (closed cup)

2. Autoignition Temperature: 515.5 C (959 F)

3. Flammable Limits in Air, % by volume: Lower 1.8%; Upper: 10 %.

4. Extinguishing media: carbon dioxide, dry chemical, or alcohol foam

5. Special Fire-fighting Procedures: Do not use solid stream of water since the stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.

6. Unusual Fire and Explosion Hazards: 2-Butanone is a flammable liquid. Its vapors can easily form explosive mixtures in air All ignition sources must be controlled when 2-butanone is used, handled, and stored in a manner that could create a potential fire or explosion hazard. 2-Butanone vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which the 2-butanone is handled.

7. For the purpose of conforming to the requirements of 29 CFR 1910.106, 2-butanone is classified as a class IB flammable liquid. For example 4500 ppm, one fourth of the lower flammable limit, is one situation in which 2-butanone is considered to be a potential fire and explosion hazard.

8. For the purpose of complying with 29 CFR 1910.309, the classification of hazardous locations as described in Article 500 of the National Electrical Code for 2-butanone shall be Class I, Group D.

B. Reactivity. 1. Conditions contributing to instability: Heat.

2. Incompatibility: Contact with strong oxidizing agents may cause fire and explosion.

3. Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide) may be released in a fire involving 2-butanone.

4. Special Precautions: 2-Butanone will attack and dissolve many forms of plastics, resins, and rubber.

III. SPILL, LEAK AND DISPOSAL PROCEDURES

A. If 2-butanone is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. Ventilate area of spill or leak.

3. For small quantities, absorb on paper towels. Evaporate in a safe place (such as a fume hood) and burn the paper. Large quantities can be collected and atomized in a suitable combustion chamber, or absorbed on vermiculite, dry sand, earth, or similar material and disposed of in a sanitary landfill. 2-Butanone may not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

B. Persons not wearing protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste Disposal Methods:

2-Butanone may be disposed of:

1. By atomizing in a suitable combustion chamber.

2. By absorbing it in vermiculite, dry sand, earth, or similar material and disposing in a sanitary landfill.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. EXPOSURE ABOVE THE ACTION LEVEL: Measurements taken for the purpose of determining employee exposure under this section are best taken in a fashion such that the average 8-hour exposure may be determined from a single 8-hour sample or two 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analyses may be performed by calibrated instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor adsorption tubes with subsequent chemical analyses, or dosimeters. The method of measurement must determine the concentration of 2-butanone to plus or minus 35%.

B. EXPOSURE ABOVE THE PERMISSIBLE EXPOSURE: The monitoring under this section should be essentially the same as described under paragraph (IV)(A). The method of measurement must determine the concentration of 2-butanone to plus or minus 25%.

C. Methods meeting these accuracy requirements are available from NIOSH.

D. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. MISCELLANEOUS PRECAUTIONS

A. High exposures to 2-butanone can occur when transferring the liquid from one container to another.

B. Non-sparking tools must be used to open and close metal 2-butanone containers which must then be effectively grounded and bonded prior to pouring.

C. Store 2-butanone in tightly closed containers in a cool, well-ventilated area away from ignition sources and strong oxidizing agents.

D. Employers must advise employees of all areas and operations in which exposures to 2-butanone could occur.

VI. COMMON OPERATIONS

Some common operations in which exposure to 2-butanone is likely to occur are during its use as a solvent for plastics, gums, resins, lacquers, varnishes, and waxes. It is also used in the manufacture of pharmaceuticals, cosmetics, and synthetic rubber.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

I. ROUTE OF ENTRY

Inhalation; insignificant skin absorption

II. TOXICOLOGY

There is some local irritation of tissues by the solvent effect of 2-butanone on lipids, and central nervous system depression may occur on exposure to high concentrations producing narcosis. Effects may be more pronounced in unacclimated individuals. No chronic systemic effects reported.

III. SIGNS AND SYMPTOMS

Irritation of eyes and mucous membranes of upper respiratory tract; headache. Exesive skin contact may produce a dermatitis. Narcosis leading to coma may occur at sustained high levels.

IV. SPECIAL TESTS

None in common usage.

V. TREATMENT

None specific. Remove from exposure, give artificial resuscitation if indicated, and wash eyes and contaminated skin. Recovery is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. *General.* Most reported effects of 2-butanone are caused by its irritant properties. It is important that the physician become familiar with the operating conditions in which exposure to 2-butanone occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Preplacement.* Routine medical histories and physical examinations are not required. However the employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure. Only those giving a positive history of these conditions must be referred for further medical examinations.

1. Renal disease—Although 2-butanone is not known as a kidney toxin, the importance of the organ in the elimination of toxic substances and metabolites justifies special consideration in those with possible impairment of renal function.

2. Chronic respiratory disease—In persons with impaired pulmonary function, especially those with obstructive airway diseases, the breathing of 2-butanone might cause exacerbation of symptoms due to irritant properties or psychic reflex bronchospasm.

3. Liver disease—Although 2-butanone is not known as a liver toxin in humans, the importance of this organ in the biotransformation and detoxification of foreign substances should be considered before exposing persons with impaired liver function.

4. Skin disease—2-butanone is a defatting agent and can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of 2-butanone.

C. *Periodic examinations.* Routine periodic examinations are not required. However, if the employer becomes aware of an employee with the above listed conditions, he must refer such employee for further medical examination.

REFERENCES

1. Grant, W. Morton: Toxicology of the Eye, (Second Edition), Charles C. Thomas, Illinois, 1974, page 663.

2. Browning, Ethel: Toxicity and Metabolism of Industrial Solvents, Elsevzer Publishing Company, Amsterdam, 1965, pp. 440–442.

3. Patty, F. A.: Industrial Hygiene and Toxicology, Volume II—Toxicology, Interscience Publishers, New York, 1953, pp. 1756–1758.

§ 1910.93t 2-Pentanone.

(a) *Definitions.* (1) "Permissible exposure" means exposure of employees to airborne concentrations of 2-pentanone, not in excess of 200 parts per million (ppm) or 700 milligrams per cubic meter (mg/cu m) averaged over an eight-hour work shift (time weighted average), as stated in § 1910.93, Table G–1.

(2) "Action level" means one half (½) of the permissible exposure for 2-pentanone.

(b) *Exposure determination and measurement.* (1) Each employer who has a place of employment in which 2-pentanone is released into the workplace air shall determine if any employee may be exposed to airborne concentrations of 2-pentanone at or above the action level. The determination shall be made each time there is a change in production, process, or control measures which could result in an increase in airborne concentrations of 2-pentanone.

(2) A written record of the determination shall be made and shall contain at least the following information:

(i) Any information, observation, or calculations which may indicate employee exposure to 2-pentanone;

(ii) Any measurements of 2-pentanone taken;

(iii) Any employee complaints of symptoms which may be attributable to exposure to 2-pentanone; and

(iv) Date of determination, work being performed at the time, location within the work site, name, and social security number of each employee considered.

(3) If the employer determines that any employee may be exposed to 2-pentanone at or above the action level, the exposure of the employee in each work operation who is believed to have the greatest exposure shall be measured. The exposure measurement shall be representative of the maximum eight-hour time weighted average exposure of the employee.

(4) If the exposure measurement taken pursuant to paragraph (b)(3) of this section reveals employee exposure to 2-pentanone at or above the action level, the employer shall:

(i) Identify all employees who may be exposed at or above the action level; and

(ii) Measure the exposure of the employees so identified.

(5) If an employee exposure measurement reveals that an employee is exposed to 2-pentanone at or above the action level, but not above the permissible exposure, the exposure of that employee shall be measured at least every two months.

(6) If an employee exposure measurement reveals an employee is exposed to 2-pentanone above the permissible exposure, the employer shall:

(i) Measure the exposure of the employee so exposed monthly;

(ii) Institute control measures as required by paragraph (d) of this section; and

(iii) Individually notify, in writing, within five days, every employee who is found to be exposed to 2-pentanone above the permissible exposure. The employee shall also be notified of the corrective action being taken to reduce the exposure to at or below the permissible exposure.

(7) If two consecutive employee exposure measurements taken at least one week apart reveal that the employee is exposed to 2-pentanone below the action level, the employer may terminate measurement for the employee.

(8) For purposes of this pargaraph employee exposure is that which would occur if the employee were not using a respirator.

(c) *Methods of measurement.* (1) An employee's exposure shall be obtained by any combination of long term or short term samples which represents the employee's actual exposure averaged over an eight-hour work shift (see Appendix B(IV) of this section for suggested measurement methods).

(2) The method of measurement shall have an accuracy, to a confidence level of 95 percent, of not less than that given in Table 1.

TABLE 1

Concentration:	*Required accuracy (percent)*
Above permissible exposure	±25
At or below the permissible exposure and above the action level	±33
At or below the action level	±50

(d) *Compliance.* (1) No employee shall be exposed to 2-pentanone above the permissible exposure as defined in paragraph (a)(1) of this section.

(2) Employee exposures to airborne concentrations of 2-pentanone shall be controlled to at or below the permissible exposure by engineering and work practice controls:

(i) Engineering and work practice controls shall be instituted to reduce exposures to at or below the permissible exposure, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering and work practice controls are not sufficient to reduce exposures to at or below the permissible exposure, they shall nonetheless be used to reduce exposure to the lowest level feasible and shall be supplemented by respirators in accordance with paragraph (d)(4) of this section.

(3) Engineering controls. (i) When mechanical ventilation is used to control exposure, measurements which demonstrate system effectiveness, for example, air velocity, static pressure, or air volume, shall be made at least every three months. Measurements of system effectiveness shall also be made within five days of any change in production, process, or control which might result in an increase in airborne concentrations of 2-pentanone.

(ii) In the design of open-surface tank ventilation for the purposes of § 1910.94 (d), operations involving 2-pentanone shall be classified as B–1 at 70 degrees F.

(4) Compliance with the permissible exposure shall not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement engineering or work practice controls; or

(ii) In work situations in which engineering and work practice controls are technically not feasible; or

(iii) To supplement engineering and work practice controls when such controls fail to reduce airborne concentrations of 2-pentanone to at or below the permissible exposure; or

(iv) For operations which require respirator use for not longer than one hour per day and not more frequently than one day per week; or

(v) In emergencies.

(5) Where respirators are needed and permitted under this paragraph to reduce employee exposure, the employer shall select and provide the appropriate respirator from Table 2 and shall ensure that the employee uses the respirator provided.

TABLE 2.—*Respiratory Protection for 2-Pentanone*

Condition vapor concentration:	*Respiratory protection*
1,000 p/m or less	Chemical cartridge respirator with an organic vapor cartridge. Any self-contained breathing apparatus. Any supplied-air respirator.
5,000 p/m or less	A gas mask with a chin-style organic vapor canister. A gas mask with a front- or back-mounted organic vapor canister. Any supplied-air respirator with a full facepiece, helmet, or hood. Any self-contained breathing apparatus with a full facepiece.
Greater than 5,000 p/m or entry and escape from unknown concentrations.	Self - contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode. A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in the pressure-demand (positive pressure) mode or continuous flow mode and an auxiliary self - contained breathing apparatus operated in the pressure-demand (positive pressure) mode.
Firefighting	Self - contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.

(6) Respirators shall be approved by the Mining Enforcement and Safety Administration (formerly Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(7) The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(e) *Fire and safety.* (1) The employer shall familiarize himself with the information contained in the Substance Technical Guidelines (Appendix B of this section) for 2–pentanone.

(2) For the purpose of compliance with § 1910.309, locations classified as hazardous locations due to the presence of 2-pentanone shall be Class I, Group D.

(3) For the purpose of compliance with § 1910.157, 2-pentanone is classified as a Class B fire hazard.

(4) For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of 2-pentanone shall be Class I, Group D.

(5) For the purpose of compliance with § 1910.106, liquid 2-pentanone is classified as a Class IB flammable liquid.

(6) Spray finishing operations shall be performed in accordance with §§ 1910.107 and 1910.94(c).

(7) Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(8) Where a fan is located in ductwork and where 2-pentanone is present in the ductwork in concentrations greater than 3750 ppm (25 percent of the lower flammable limit), the fan rotating element shall be of nonsparking material or the casing shall consist of, or be lined with, nonsparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(9) Sources of ignition such as smoking or open flames are prohibited where 2-pentanone presents a fire or explosion hazard.

(f) *Personal protective equipment.* (1) Employers shall provide and ensure that employees use impervious clothing, gloves, face shields (eight-inch minimum) and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid 2-pentanone. Face shields shall comply with § 1910.133(a) (2), (4), (5), and (6).

(2) Employers shall ensure that nonimpervious clothing which becomes contaminated with 2-pentanone be removed promptly and not reworn unitl the 2-pentanone is removed from the clothing.

(3) Employers shall ensure that clothing wet with 2-pentanone is placed in closed containers for storage until it can be discarded or until the employer provides for the removal of 2-pentanone from the clothing. If the clothing is to be laundered or otherwise cleaned to remove the 2-pentanone, the employer shall inform the person performing the operation of the hazardous properties of 2-pentanone.

(4) Employers shall ensure that clothing which becomes wet with liquid 2-pentanone be removed immediately and not reworn until the 2-pentanone is removed from the clothing.

(5) Employers shall provide and ensure that employees use cup-cover type dust and splash safety goggles which comply with § 1910.133(a)(2)–(a)(6) where liquid 2-pentanone may contact the eyes.

(g) *Spills and disposal.* (1) In the event that liquid 2-pentanone is spilled the employer shall immediately eliminate potential sources of ignition, provide available ventilation, and then clean up the spill.

(2) Liquid 2-pentanone shall not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

(h) *Sanitation.* Employers shall ensure that employees whose skin becomes contaminated with 2-pentanone promptly wash or shower to remove any 2-pentanone from the skin.

(i) *Training and information.* (1) Each employer who has a workplace in which 2-pentanone is present shall keep a copy of this regulation with Appendixes A, B, and C at the workplace. This material shall be made readily available to affected employees.

(2) Each employer who has employees exposed to 2-pentanone above the action level or employees who have skin contact with liquid 2-pentanone or employees who work where 2-pentanone presents a fire or explosion hazard shall annually:

(i) Inform affected employees of the information contained in the Substance Safety Data Sheet for 2-Pentanone (Appendix A of this section);

(ii) Advise affected employees of the signs and symptoms of exposure to 2-pentanone;

(iii) Instruct affected employees to advise the employer of the development of signs or symptoms of exposure to 2-pentanone which are listed in Appendix A of this section;

(iv) Instruct affected employees to inform the employer if they develop any of the medical conditions listed in paragraph (j)(2) of this section; and

(v) Provide training to ensure that employees understand the precautions of safe use, emergency procedures, and the correct use of protective equipment relative to 2-pentanone.

(j) *Medical surveillance.* (1) The employer shall provide medical procedures as required by this paragraph. All medical procedures shall be performed by or under the supervision of a physician at no cost to the employee.

(2) The employer shall obtain from each employee who is exposed, or will be exposed, to liquid 2-pentanone or airborne concentrations of 2-pentanone at or above the action level, without regard to the use of respirators, information as to whether such employee has a history of any of the following medical conditions:

(i) Kidney disease;

(ii) Liver disease;

(iii) Chronic respiratory disease;

(iv) Skin disease.

(3) The employer shall provide a medical examination for the employee if:

(i) The employee provides a history of any of the medical conditions listed in paragraph (j)(2) of this section; or

(ii) The employee informs the employer of the development of any of the medical conditions listed in paragraph (j)(2) of this section, or any of the signs or symptoms of exposure to 2-pentanone which are listed in Appendix A which the employee suspects are caused by exposure to 2-pentanone.

(4) The employer shall provide to the examining physician the following information:

(i) A copy of this regulation with Appendixes A, B and C for 2-pentanone;

(ii) A description of the affected employee's duties as they relate to his exposure to 2-pentanone;

(iii) A description of any personal protective equipment and respirators required to be used;

(iv) The results of any measurement which may indicate the affected employee's exposure;

(v) The affected employee's anticipated exposure level; and

(vi) Upon request of the physician, any available information from previous medical examinations of the affected employee.

(5) Where a medical examination is required by paragraph (j)(3) of this section, following such examination the employer shall obtain a written opinion from the examining physician which conforms with paragraph (j)(6) of this section.

(6)(i) The physician's written opinion shall be a signed statement by the examining physician specifically stating:

(A) Whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to 2-pentanone or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to 2-pentanone, including limitations upon the use of personal protective equipment and respirators;

(C) That the employee has been informed by the physician of any detected medical conditions which require further medical examination or treatment.

(ii) The physician's written opinion shall not reveal specific medical findings or diagnoses unrelated to exposure to 2-pentanone.

(iii) The employer shall provide the employee with a copy of the physician's written opinion.

(7) No employee shall be exposed to liquid 2-pentanone or airborne concentrations of 2-pentanone in such a way as would put the employee at increased risk of material impairment of his health from such exposure. This determination may be based on the physician's written opinion.

(8) The employer shall provide emergency medical treatment for any employee injured through exposure to 2-pentanone.

(9) If an employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by refusal to be examined.

(10) No medical procedure which would be performed pursuant to this section need be performed if records of a previous such procedure performed within the past six months are acceptable to the examining physician.

(k) *Recordkeeping.*—(1) *Exposure determination.* (i) The employer shall keep an accurate record of all determinations required to be made pursuant to paragraph (b)(1) of this section.

(ii) The record shall include the written determination required in paragraph (b)(2) of this section.

(iii) This record shall be maintained until replaced by a more recent record.

(2) *Exposure measurements.* (i) The employer shall keep an accurate record of all measurements taken to determine employee exposure to 2-pentanone.

(ii) This record shall include:

(A) The date of measurement;

(B) Operations involving exposure to 2-pentanone which are being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy, including the method, results, and date of calibration of sampling equipment;

(D) Number, duration, and results of samples taken; and

(E) Name, social security number, and exposure of the employee monitored.

(iii) This record shall be maintained until replaced by a more recent record but in no event for less than one year.

(3) *Mechanical ventilation.* (i) When mechanical ventilation is used as an engineering control, the employer shall maintain an accurate record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (d)(3)(i) of this section.

(ii) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(iii) These records shall be maintained for at least one year.

(4) *Employee training and information.* (i) The employer shall keep an accurate record of all employee training and information required by paragraph (i) of this section.

(ii) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(iii) This record shall be maintained until replaced by a more recent record.

(5) *Medical surveillance.* (i) The employer shall keep an accurate record of employee medical surveillance required by paragraph (j) of this section.

(ii) This record shall include:

(A) Information concerning medical conditions obtained from the employee pursuant to paragraph (j)(2) of this section;

(B) Any employee medical complaints relative to exposure to 2-pentanone;

(C) A copy of information provided to the physician pursuant to paragraph (j)(4)(ii), (iii), (iv), (v), and (vi) of this section;

(D) Physician's written opinion; and

(E) A signed statement of any refusal to be examined.

(iii) This record shall be maintained for the duration of the employment of the affected employee.

(6) *Access to records.* (i) All records required to be maintained by this section shall be made available upon request to authorized representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health.

(ii) Employee exposure determination and exposure measurement records required to be maintained by this section shall be made available to employees and former employees and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon written request to a physician designated by the employee or former employee.

(l) *Employee observation of measurement.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measurement of employee exposure to 2-pentanone which is conducted pursuant to this section.

(2) When observation of measurement of employee exposure to 2-pentanone requires entry into an area where the use of personal protective devices, including respirators, is required, the observer shall be provided with and required to use such equipment and comply with all other applicable safety procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Visually observe all steps related to the measurement of airborne 2-pentanone that are being performed at the place of exposure; and

(iii) Record the results obtained.

NOTE: The information contained in the following appendixes to § 1910.93t is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR 2-PENTANONE

I. SUBSTANCE IDENTIFICATION

A. SUBSTANCE: 2-pentanone.

B. PERMISSIBLE EXPOSURE: 200 parts of 2-pentanone per million parts of air (ppm) or 700 milligrams of 2-pentanone per cubic meter of air (mg/cu m) averaged over an eight-hour work shift.

C. APPEARANCE AND ODOR: Colorless liquid with a characteristic ketone odor.

II. HEALTH HAZARD DATA

A Ways in Whtich the Chemical Affects Your Body: 2-Pentanone can affect your body if you inhale it, swallow it, or it comes in contact with your skin or e yes.

B. Effects of Exposure: 1. Short-Term Exposure: 2-pentanone may cause irritation of the eyes and nose. The exposed person may become droway and lose consciousness.

2. Long-Term Exposure: Prolonged or repeated exposure of the skin to liquid 2-pentanone may cause a rash.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any signs or symptoms and suspect they are associated with 2-pentanone exposure.

III. EMERGENCY FIRST AID PROCEDURES

A. Eye Exposure: If 2-pentanone gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. If irritation persists, get medical attention. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If 2-pentanone gets on your skin, promptly wash the contaminated skin using soap or mild detergent. If 2-pentanone soaks through your clothing, remove the clothing immediately and wash the skin using soap or mild detergent. If irritation persists get medical attention.

C. Breathing: If you or any other person breathes in large amounts of 2-pentanone, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When 2-pentanone has been swallowed, do not cause vomiting. Get medical attention immediately.

E. Rescue: Move affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING

A. RESPIRATORS: Respirators are not the best way to control exposure to 2-pentanone. You can only be required to wear them for routine use if your employer is in the process of installing controls or control measures prove inadequate. You may be required to wear respirators for non-routine activities or in emergencies. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required. If you can smell 2-pentanone while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. PROTECTIVE CLOTHING: You must wear impervious clothing, gloves, face shield, or other appropriate protective clothing to prevent repeated or prolonged skin contact with liquid 2-pentanone.

C. EYE PROTECTION: You must wear splash-proof safety goggles where eye contact with liquid 2-pentanone may occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE

2-Pentanone is a flammable liquid and its vapors can easily form explosive mixtures in air. It must be stored in tightly closed containers, in a cool, well-ventilated area away from ignition sources and strong oxidizing agents. Sources of ignition such as smoking and open flames are prohibited wherever 2-pentanone is handled, used, or stored in a manner that could create a potential fire or explosion hazard. You must use non-sparking tools when opening or closing metal containers of 2-pentanone and containers must be bonded and grounded when pouring or transferring liquid 2-pentanone. If your skin becomes contaminated with 2-pentanone, you must promptly wash or shower using soap or mild detergent to remove any 2-pentanone from your skin. You must immediately remove any clothing that becomes wet with liquid 2-pentanone and this clothing must not be reworn until the 2-pentanone has been removed from the clothing. Fire extinguishers, where provided, must be readily available and you should know where they are and how to operate them. Ask your supervisor where 2-pentanone is used in your work area and for any additional safety and health rules.

VI. EMPLOYEE MEDICAL AND EXPOSURE RECORDS.

Your employer is required to retain records of exposure measurement for one year or until replaced by a more recent record and medical records for the length of the employment. You may wish to request that copies of these records be made available to your personal physician.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES FOR 2-PENTANONE

PHYSICAL AND CHEMICAL DATA

A. Subatance Identification

1. Synonyms: Methyl propyl ketone; ethyl acetone; MPK

2. Formula: CH3COC3H7

B. Physical Data

1. Boiling Point (760 mm HG): 102.3 C (216 F)

2. Specific gravity (water=1): 0.8

3. Vapor density (air=1): 3.0

4. Melting point: −77.5 C (−108 F)

5. Vapor pressure at 20 C (68 F): 27 mm HG

6. Solubility in water, percent by weight at 20 C (68 F): 4.3

7. Evaporation rate (butyl acetate=1): 2.69

8. Appearance and odor: Colorless liquid with a characteristic ketone odor.

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA

A. *Fire.* 1. Flash point: 7.2 C (45 F) (closed cup)

2. Autoignition temperature: 505 C (941 F)

3. Flammable limits in air, percent by volume: Lower: 1.5; Upper: 8.2

4. Extinguishing media: Carbon dioxide, dry chemical or alcohol foam.

5. Special fire fighting procedures: Do not use solid stream of water since the stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.

6. Unusual fire and explosion hazards: 2-pentanone is a flammable liquid. Its vapors can easily form explosive mixtures in air. All ignition sources must be controlled when 2-pentanone is used, handled, and stored in a manner that could create a potential fire or explosion hazard. 2-pentanone vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which the 2-pentanone is handled.

7. For the purpose of conforming to the requirements of 29 CFR 1910.106, 2-pentanone is classified as a Class IB flammable liquid. For example, 3750 ppm, one fourth of the lower flammable limit, is one situation in which 2-pentanone is considered a potential fire and explosion hazard.

8. For the purpose of complying with 29 CFR 1910.309, the classification of hazardous locations as described in Article 500 of the National Electrical Code for 2-pentanone shall be Class I, Group D.

B. *Reactivity.* 1. Conditions contributing to instability: Heat.

2. Incompatibilities: Contact with strong oxidizing agents may cause fire and explosion.

3. Hazardous Decomposition Products: Toxic gases and vapors (such as carbon monoxide) may be released in a fire involving 2-pentanone.

4. Special Precautions: 2-pentanone attacks many plastics and rubbers.

III. SPILL, LEAK AND DISPOSAL PROCEDURES

A. If 2-pentanone is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. Ventilate area of spill or leak.

3. For small quantities, absorb on paper towels. Evaporate in a safe place (such as a fume hood) and burn the paper. Large quantities can be collected and atomized in a suitable combustion chamber, or absorbed on vermiculite, dry sand, earth, or similar material and disposed in a sanitary landfill. 2-Pentanone may not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

B. Persons not wearing protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste Disposal Methods:

2-Pentanone may be disposed of:

1. By atomizing in a suitable, combustion chamber.

2. By absorbing it in vermiculite, dry sand, earth or similar material and disposing in a sanitary landfill.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. EXPOSURE ABOVE THE ACTION LEVEL: Measurements taken for the purpose of determining employee exposure under this section are best taken in a fashion such that the average 8-hour exposure may be determined from a single eight-hour sample or two 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analyses may be performed by calibrated instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor adsorption tubes with subsequent chemical analyses, or dosimeter. The method of measurement must determine the concentration of 2-pentanone to plus or minus 35%.

B. EXPOSURE ABOVE THE PERMISSIBLE EXPOSURE: The monitoring under this section should be essentially the same as described under paragraph (IV)(A). The

method of measurement must determine the concentration of 2-pentanone to plus or minus 25%.

C. Methods meeting these accuracy requirements are available from NIOSH.

D. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. MISCELLANEOUS PRECAUTIONS.

A. High exposures to 2-pentanone can occur when transferring the liquid from one container to another.

B. Non-sparking tools must be used to open and close metal 2-pentanone containers which must then be effectively grounded and bonded prior to pouring.

C. Store 2-pentanone in tightly closed containers in a cool, well-ventilated area away from ignition sources and strong oxidizing agents.

D. Employers must advise employees of all areas and operations where exposure to 2-pentanone could occur.

VI. COMMON OPERATIONS.

Some common operations in which exposure to 2-pentanone is likely to occur are during its use as a solvent for inks, varnishes, lacquers and coatings.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

I. ROUTE OF ENTRY

Inhalation; insignificant skin absorption.

II. TOXICOLOGY.

The main toxic effect of overexposure to 2-pentanone is irritation of the eyes, skin, and upper respiratory tract. Removal of lipids and irritation of the skin occurs when there is prolonged contact or repeated exposure to the liquid. Systemic absorption of high doses causes central nervous system depression. No chronic systemic effects are reported.

III. SIGNS AND SYMPTOMS.

Irritation of eyes and mucous membranes of upper respiratory tract; headache; excessive skin contact may produce adermatitis. At sustained high levels, narcosis leading to coma may occur.

IV. SPECIAL TESTS

None in common usage.

V. TREATMENT

None specific. Remove from exposure, give artificial resuscitation if indicated, and wash eyes and contaminated skin. Recovery is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS.

A. *General.* Most reported effects of 2-pentanone are caused by its irritant properties. It is important that the physician become familiar with the operating conditions in which exposure to 2-pentanone occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Preplacement.* Routine medical histories and physical examinations are not required. However, the employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from 2-pentanone exposure. Only those giving a positive history of these conditions must be referred for further medical examinations.

1. Kidney disease—Although 2-pentanone is not known as a kidney toxin, the importance of the organ in the elimination of toxic substances justifies special consideration in those with possible impairment of renal function.

2. Chronic respiratory disease—In persons with impaired pulmonary function, especially those with obstructive airway diseases, the breathing of 2-pentanone might cause exacerbation of symptoms due to its irritant properties or psychic reflex bronchospasm.

3. Liver disease—Although 2-pentanone is not known as a liver toxin in humans, the importance of this organ in the biotransformation and detoxification of foreign substances should be considered before exposing persons with impaired liver functions.

4. Skin disease—2-Pentanone is a defatting agent and can cause dermatitis on prolonged exposure. Persons with pre-existing skin disorders may be more susceptible to the effects of 2-pentanone.

C. *Periodic Examinations.* Routine periodic examinations are not required. However, if the employer becomes aware of an employee with the above-listed conditions, he must refer such employees for further medical examination.

REFERENCES

1. Browning, Ethel: Toxicity and Metabolism of Industrial Solvents, Elsevier Publishing Company, Amsterdam, 1965, pp. 425–427.

2. Patty, Frank A.: Industrial Hygiene and Toxicology, Vol. II. Toxicology (2d ed. revised), Interscience Publishers, New York, 1963, pp. 1734–1735.

3. American Conference of Goverhmental Industrial Hygienists, Documentation of the Threshold Limit Values (3d ed.), 1971, p. 700.

§ 1910.93u Cyclohexanone.

(a) *Definitions.* (1) "Permissible exposure" means exposure of employees to airborne concentrations of cyclohexanone, not in excess of 50 parts per million (ppm) of 200 milligrams per cubic meter (mg/cu m) averaged over an eight-hour work shift (time weighted average), as stated in § 1910.93, Table G–1.

(2) "Action level" means one half (½) of the permissible exposure for cyclohexanone.

(b) *Exposure determination and measurement.* (1) Each employer who has a place of employment in which cyclohexanone is released into the workplace air shall determine if any employee may be exposed to airborne concentrations of cyclohexanone at or above the action level. The determination shall be made each time there is a change in production, process, or control measures which could result in an increase in airborne concentrations of cyclohexanone.

(2) A written record of the determination shall be made and shall contain at least the following information:

(i) Any information, observations, or calculations which may indicate employee exposure to cyclohexanone;

(ii) Any measurements of cyclohexanone taken;

(iii) Any employee complaints of symptoms which may be attributable to exposure to cyclohexanone; and

(iv) Date of determination, work being performed at the time, location within the work site, name, and social security number of each employee considered.

(3) If the employer determines that any employee may be exposed to cyclohexanone at or above the action level, the exposure of the employee in each work operation who is believed to have the greatest exposure shall be measured. The exposure measurement shall be representative of the maximum eight-hour time weighted average exposure of the employee.

(4) If the exposure measurement taken pursuant to paragraph (b)(3) of this section reveals employee exposure to cyclohexanone at or above the action level, the employer shall:

(i) Identify all employees who may be exposed at or above the action level; and

(ii) Measure the exposure of the employees so identified.

5) If an employee exposure measurement reveals that an employee is exposed to cyclohexanone at or above the action level, but not above the permissible exposure, the exposure of that employee shall be measured at least every two months.

(6) If an employee exposure measurement reveals an employee is exposed to cyclohexanone above the permissible exposure, the employer shall:

(i) Measure the exposure of the employee so exposed monthly;

(ii) Institute control measures as required by paragraph (d) of this section; and

(iii) Individually notify, in writing, within five days, every employee who is found to be exposed to cyclohexanone above the permissible exposure. The employee shall also be notified of the corrective action being taken to reduce the exposure to at or below the permissible exposure.

(7) If two consecutive employee exposure measurements taken at least one week apart reveal that the employee is exposed to cyclohexanone below the action level, the employer may terminate measurement for the employee.

(8) For purposes of this paragraph employee exposure is that which would occur if the employee were not using a respirator.

(c) *Methods of measurment.* (1) An employee's exposure shall be obtained by any combination of long term or short term samples which represents the employee's actual exposure averaged over an eight-hour work shift (see Appendix B(IV) of this section for suggested measurement methods).

(2) The method of measurement shall have an accuracy, to a confidence level of 95 percent, of not less than that given in Table 1.

TABLE 1

Concentration:	Required accuracy (percent)
Above permissible exposure	±25
At or below the permissible exposure and above the action level	±35
At or below the action level	±50

(d) *Compliance.* (1) No employee shall be exposed to cyclohexanone above the permissible exposure as defined in paragraph (a)(1) of this section.

(2) Employee exposures to airborne concentrations of cyclohexanone shall be controlled to at or below the permissible exposure by engineering and work practice controls:

(i) Engineering and work practice controls shall be instituted to reduce ex-

posures to at or below the permissible exposure, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering and work practice controls are not sufficient to reduce exposures to at or below the permissible exposure, they shall nonetheless be used to reduce exposure to the lowest level feasible and shall be supplemented by respirators in accordance with paragraph (d)(4) of this section.

(3) Engineering controls. (i) When mechanical ventilation is used to control exposure, measurements which demonstrate system effectiveness, for example, air velocity, static pressure, or air volume, shall be made at least every three months. Measurements of system effectiveness shall also be made within five days of any change in production, process, or control which might result in an increase in airborne concentrations of cyclohexanone.

(ii) In the design of open-surface tank ventilation for the purposes of § 1910.94 (d), operations involving cyclohexanone shall be classified as B–4 at 70 degrees F.

(4) Compliance with the permissible exposure shall not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement engineering or work practice controls; or

(ii) In work situations in which engineering and work practice controls are technically not feasible; or

(iii) To supplement engineering and work practice controls when such controls fail to reduce airborne concentrations of cyclohexanone to at or below the permissible exposure; or

(iv) For operations which require respirator use for not longer than one hour per day and not more frequently than one day per week; or

(v) In emergencies.

(5) Where respirators are needed and permitted under this paragraph to reduce employee exposure, the employer shall select and provide the appropriate respirator from Table 2 and shall ensure that the employee uses the respirator provided.

TABLE 2.—*Respiratory protection for cyclohexanone*

Condition vapor concentration	*Respiratory protection*
1,000 p/m or less	Chemical cartridge respirator with full facepiece and organic vapor cartridge.
2,500 p/m or less	Gas mask, chin style, front or back mounted organic vapor canister.
	Supplied air respirator with a full facepiece, hood, or helmet.
	Self - contained breathing apparatus with a full facepiece.
5,000 p/m or less	Type C supplied air respirator with full facepiece operated in the pressure demand (positive presure) or with a full facepiece, hood, o helmet operated in continuous flow mode.
Greater than 5,000 p/m or entry and escape from unknown concentrations.	Any self-contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.
	A combination respirator with a full facepiece which includes a type C supplied-air respirator operated in the pressure-demand (positive pressure) or continuous-flow mode and an auxiliary self - contained breathing apparatus operated in the pressure-demand (positive pressure) mode.
Firefighting	Any self-contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.

(6) Respirators shall be approved by the Mining Enforcement and Safety Administration (formerly Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(7) The employer shall institute a respiratory protection program in accordance with § 1910.134(b), (d), (e) and (f).

(e) *Fire and safety.* (1) The employer shall familiarize himself with the information contained in the Substance Technical Guidelines (Appendix B of this section) for cyclohexanone.

(2) For the purpose of compliance with § 1910.309, locations classified as hazardous locations due to the presence of cyclohexanone shall be Class I, Group D.

(3) For the purpose of compliance with § 1910.157, cyclohexanone is classified as a Class B fire hazard.

(4) For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of cyclohexanone shall be Class I, Group D.

(5) For the purpose of compliance with § 1910.106, liquid cyclohexanone is classified as a Class II combustible liquid.

(6) Spray finishing operations shall be performed in accordance with §§ 1910.107 and 1910.94(c).

(7) Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(8) Where a fan is located in ductwork and where cyclohexanone is present in the ductwork in concentrations greater than 2750 ppm (25 percent of the lower flammable limit), the fan rotating element shall be of nonsparking material or the casing shall consist of, or be lined with, nonsparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(9) Sources of ignition such as smoking or open flames are prohibited where cyclohexanone presents a fire or explosion hazard.

(f) *Personal protective equipment.* (1) Employers shall provide and ensure that employees use impervious clothing, gloves, face shields (eight-inch minimum) and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid cyclohexanone. Face shields shall comply with § 1910.133(a)(2), (4), (5), and (6).

(2) Employers shall ensure that nonimpervious clothing which becomes contaminated with cyclohexanone be removed promptly and not reworn until the cyclohexanone is removed from the clothing.

(3) Employers shall ensure that clothing wet with cyclohexanone is placed in closed containers for storage until it can be discarded or until the employer provides for the removal of cyclohexanone from the clothing. If the clothing is to be laundered or otherwise cleaned to remove the cyclohexanone, the employer shall inform the person performing the operation of the hazardous properties of cyclohexanone.

(4) Employers shall provide and ensure that employees use cup-cover type dust and splash safety goggles which comply with § 1910.133 (a)(2)–(a)(6) where liquid cyclohexanone may contact the eyes.

(g) *Spills and disposal.* (1) In the event that liquid cyclohexanone is spilled the employer shall immediately eliminate potential sources of ignition, provide available ventilation, and then clean up the spill.

(2) Liquid cyclohexanone shall not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

(h) *Sanitation.* Employers shall ensure that employees whose skin becomes contaminated with cyclohexanone promptly wash or shower to remove any cyclohexanone from the skin.

(i) *Training and information.* (1) Each employer who has a workplace in which cyclohexanone is present shall keep a copy of this regulation with Appendixes A, B and C at the workplace. This material shall be made readily available to affected employees.

(2) Each employer who has employees exposed to cyclohexanone above the action level or employees who have skin contact with liquid cyclohexanone or employees who work where cyclohexanone presents a fire or explosion hazard shall annually:

(i) Inform affected employees of the information contained in the Substance Safety Data Sheet for Cyclohexanone (Appendix A of this section);

(ii) Advise affected employees of the signs and symptoms of exposure to cyclohexanone;

(iii) Instruct affected employees to advise the employer of the development of signs or symptoms of exposure to

cyclohexanone which are listed in Appendix A of this section;

(iv) Instruct affected employees to inform the employer if they develop any of the medical conditions listed in paragraph (j)(2) of this section; and

(v) Provide training to ensure that employees understand the precautions of safe use, emergency procedures, and the correct use of protective equipment relative to cyclohexanone.

(j) *Medical surveillance.* (1) The employer shall provide medical procedures as required by this paragraph. All medical procedures shall be performed by or under the supervision of a physician at no cost to the employee.

(2) The employer shall obtain from each employee who is exposed, or will be exposed, to liquid cyclohexanone or airborne concentrations of cyclohexanone at or above the action level, without regard to the use of respirators, information as to whether such employee has a history of any of the following medical conditions:

(i) Kidney disease;

(ii) Liver disease;

(iii) Chronic respiratory disease;

(iv) Skin disease.

(3) The employer shall provide a medical examination for the employee if:

(i) The employee provides a history of any of the medical conditions listed in paragraph (j)(2) of this section; or

(ii) The employee informs the employer of the development of any of the medical conditions listed in paragraph (j)(2) of this section, or any of the signs or symptoms of exposure to cyclohexanone which are listed in Appendix A which the employee suspects are caused by exposure to cyclohexanone.

(4) The employer shall provide to the examining physician the following information:

(i) A copy of this regulation with Appendixes A, B and C for cyclohexanone;

(ii) A description of the affected employee's duties as they relate to his exposure to cyclohexanone;

(iii) A description of any personal protective equipment and respirators required to be used;

(iv) The results of any measurements which may indicate the affected employee's exposure;

(v) The affected employee's anticipated exposure level; and

(vi) Upon request of the physician, any available information from previous medical examinations of the affected employee.

(5) Where a medical examination is required by paragraph (j)(3) of this section, following such examination the employer shall obtain a written opinion from the examining physician which conforms with paragraph (j)(6) of this section.

(6) (i) The physician's written opinion shall be a signed statement by the examining physician specifically stating:

(A) Whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to cyclohexanone or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to cyclohexanone, including limitations upon the use of personal protective equipment and respirators;

(C) That the employee has been informed by the physician of any detected medical conditions which require further medical examination or treatment.

(ii) The physician's written opinion shall not reveal specific medical findings or diagnoses unrelated to exposure to cyclohexanone.

(iii) The employer shall provide the employee with a copy of the physician's written opinion.

(7) No employee shall be exposed to liquid cyclohexanone or airborne concentrations of cyclohexanone in such a way as would put the employee at increased risk of material impairment of his health from such exposure. This determination may be based on the physician's written opinion.

(8) The employer shall provide emergency medical treatment for any employee injured through exposure to cyclohexanone.

(9) If an employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by refusal to be examined.

(10) No medical procedure which would be performed pursuant to this section need be performed if records of a previous such procedure performed within the past six months are acceptable to the examining physician.

(k) *Recordkeeping.*—(1) *Exposure determination.* (i) The employer shall keep an accurate record of all determinations required to be made pursuant to paragraph (b)(1) of this section.

(ii) The record shall include the written determination required in paragraph (b)(2) of this section.

(iii) This record shall be maintained until replaced by a more recent record.

(2) *Exposure measurements.* (i) The employer shall keep an accurate record of all measurements taken to determine employee exposure to cyclohexanone.

(ii) This record shall include:

(A) The date of measurement;

(B) Operations involving exposure to cyclohexanone which are being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy, including the method, results, and date of calibration of sampling equipment;

(D) Number, duration, and results of samples taken; and

(E) Name, social security number, and exposure of the employee monitored.

(iii) This record shall be maintained until replaced by a more recent record but in no event for less than one year.

(3) *Mechanical ventilation.* (i) When mechanical ventilation is used as an engineering control, the employer shall maintain an accurate record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (d)(3)(i) of this section.

(ii) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(iii) These records shall be maintained for at least one year.

(4) *Employee training and information.* (i) The employer shall keep an accurate record of all employee training and information required by paragraph (i) of this section.

(ii) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(iii) This record shall be maintained until replaced by a more recent record.

(5) *Medical surveillance.* (i) The employer shall keep an accurate record of employee medical surveillance required by paragraph (j) of this section.

(ii) This record shall include:

(A) Information concerning medical conditions obtained from the employee pursuant to paragraph (j)(2) of this section;

(B) Any employee medical complaints relative to exposure to cyclohexanone;

(C) A copy of information provided to the physician pursuant to paragraph (j)(4)(ii), (iii), (iv), (v), and (vi) of this section;

(D) Physician's written opinion; and

(E) A signed statement of any refusal to be examined.

(iii) This record shall be maintained for the duration of the employment of the affected employee.

(6) *Access to records.* (i) All records required to be maintained by this section shall be made available upon request to authorized representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health.

(ii) Employee exposure determination and exposure measurement records required to be maintained by this section shall be made available to employees and former employees and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon written request to a physician designated by the employee or former employee.

(l) *Employee observation of measurement.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measurement of employee exposure to cyclohexanone which is conducted pursuant to this section.

(2) When observation of measurement of employee exposure to cyclohexanone requires entry into an area where the use of personal protective devices, including respirators, is required, the observer shall be provided with and required to use such equipment and comply

with all other applicable safety procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Visually observe all steps related to the measurement of airborne cyclohexanone that are being performed at the place of exposure; and

(iii) Record the results obtained.

NOTE: The information contained in the following appendixes to § 1910.93u is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR CYCLOHEXANONE

I. SUBSTANCE IDENTIFICATION.

A. SUBSTANCE: Cyclohexanone.

B. PERMISSIBLE EXPOSURE: 50 parts of cyclohexanone per million parts of air (ppm) or 200 milligrams of cyclohexanone per cubic meter of air (mg/cu m) averaged over an eight-hour work shift.

C. APPEARANCE AND ODOR: Colorless or slightly yellow liquid with a peppermint-like odor.

II. HEALTH HAZARD DATA.

A. Ways in Which the Chemical Affects Your Body: Cyclohexanone can affect your body if it is inhaled or if it comes in contact with your skin or eyes. It may also affect your body if you swallow it.

B. Effects of Exposure: 1. Short-Term Exposure: Cyclohexanone may cause irritation of the eyes, nose, and throat. It may also cause dizziness and unconsciousness.

2. Long-Term Exposure: Prolonged or repeated exposure of the skin to liquid cyclohexanone can cause a rash.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any signs or symptoms and suspect they are associated with cyclohexanone exposure.

III. EMERGENCY FIRST AID PROCEDURES.

A. Eye Exposure: If cyclohexanone gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. If irritation persists get medical attention. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If cyclohexanone gets on your skin promptly wash the contaminated skin using soap or mild detergent. If cyclohexanone soaks through your clothing, remove the clothing promptly and wash the skin using soap or mild detergent. If irritation persists, get medical attention.

C. Breathing: If you or any other person breathes in large amounts of cyclohexanone move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When cyclohexanone has been swallowed get medical attention immediately. If medical attention is not immediately available get the affected person to vomit by having him touch the back of his throat with his finger or by giving him large amounts (one pint or more) of warm salt water (two tablespoons of salt per pint of water). Never try to make an unconscious person vomit.

E. Rescue: Move affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the establishment emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING.

A. RESPIRATORS: Respirators are not the best way to control exposure to cyclohexanone. You can only be required to wear them for routine use if your employer is in the process of installing controls or control measures prove inadequate. You may be required to wear respirators for nonroutine activities or in emergencies. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required. If you can smell cyclohexanone while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. PROTECTIVE CLOTHING: You must wear impervious clothing, gloves, face shield, and other appropriate protective clothing to prevent repeated or prolonged skin contact with liquid cyclohexanone.

C. EYE PROTECTION: You must wear splash-proof safety goggles where eye contact with liquid cyclohexanone may occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE.

Cyclohexanone is a combustible liquid and its vapors can form explosive mixtures in air at elevated temperatures. It must be stored in tightly closed containers, in a cool, well-ventilated area away from ignition sources and strong oxidizing agents. Sources of ignition such as smoking and open flames are prohibited wherever cyclohexanone is handled, used, or stored in a manner that could create a potential fire or explosion hazard. You must use non-sparking tools when opening or closing metal containers of cyclohexanone, and containers must be bonded and grounded when pouring or transferring liquid cyclohexanone. If your skin becomes contaminated with cyclohexanone you must promptly wash or shower using soap or mild detergent to remove any cyclohexanone from your skin. You must promptly remove any nonimpervious clothing that becomes contaminated with liquid cyclohexanone and this clothing must not be reworn until the cyclohexanone has been removed from the clothing. Fire extinguishers, where provided, must be readily available and you should know how to operate them. Ask your supervisor where cyclohexanone is used in your work area and for any additional safety rules.

VI. EMPLOYEE MEDICAL AND EXPOSURE RECORDS.

Your employer is required to retain records of exposure measurement for one year or until replaced by a more recent record and medical records for the length of the employment. You may wish to request copies of these records be made available to your personal physician.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES FOR CYCLOHEXANONE

I. PHYSICAL AND CHEMICAL DATA.

A. Substance Identification.

1. Synonyms: Pimelic ketone; cyclohexyl ketone

2. Formula: $C_6H_{10}O$

B. Physical Data.

1. Boiling point (760 mm Hg): 156.7 C (314 F)

2. Specific gravity (water=1): 0.95

3. Vapor density (air=1): 3.4

4. Melting point: −47 C (−52.6 F)

5. Vapor pressure at 20 C (68 F): 2 mm Hg

6. Solubility in water, % by weight at 20 C (68 F): 15

7. Evaporation rate (butyl acetate=1): 0.23

8. Appearance and odor: Clear to slightly yellow liquid. Peppermint-like odor.

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA.

A. *Fire.* 1. Flash point: 43.9 C (111 F) (closed cup)

2. Autoignition temperature: 420 C (788 F)

3. Flammable limits in air, % by volume: Lower: 1.1 at 100 C (212 F)

4. Extinguishing media: Alcohol foam, dry chemical, or carbon dioxide.

5. Special fire-fighting procedures: Do not use solid stream of water, since the stream will scatter and spread the fire. Use water spray to keep containers exposed to a fire cool.

6. Unusual fire and explosion hazards: Cyclohexanone is a combustible liquid. Its vapors can form explosive mixtures in air at elevated temperatures. All ignition sources must be controlled when cyclohexanone is used, handled, and stored in a manner that could create a potential fire or explosion hazard. Cyclohexanone vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which the cyclohexanone is handled.

7. For the purpose of conforming to the requirements of 29 CFR 1910.106, cyclohexanone is classified as a Class II combustible liquid. For example, 2750 ppm, one fourth of the lower flammable limit, is one situation in which cyclohexanone is considered to be a potential fire and explosion hazard.

8. For the purpose of complying with 29 CFR 1910.309, the classification of hazardous locations as described in Article 500 of the National Electrical Code for cyclohexanone shall be Class I, Group D.

B. *Reactivity.* 1. Conditions contributing to instability: Heat.

2. Incompatibilities: Contact with oxidizing agents (especially nitric acid) may cause fire and explosion.

3. Hazardous Decomposition Products: Toxic gases and vapors (such as carbon monoxide) may be released in a fire involving cyclohexanone.

4. Special Precautions: Cyclohexanone will attack and dissolve most plastics, resins, and rubbers.

III. SPILL, LEAK AND DISPOSAL PROCEDURES.

A. If cyclohexanone is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. Ventilate area of spill or leak.

3. For small quantities, absorb on paper towels. Evaporate in a safe place (such as a fume hood) and burn the paper. Large quantities can be collected and atomized in a suitable combustion chamber or absorbed on vermiculite, dry sand, earth or similar material and disposed in a sanitary land fill. Cyclohexanone may not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

B. Persons not wearing protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

C. Waste Disposal Methods:

Cyclohexanone may be disposed of:

1. By absorbing it in vermiculite, dry sand, earth or a similar material and disposing in a sanitary land fill.

2. By atomizing in a suitable combustion chamber.

IV. MONITORING AND MEASUREMENT PROCEDURES.

A. EXPOSURE ABOVE THE ACTION LEVEL: Measurements taken for the purpose of determining employee exposure under this section are best taken in a fashion such that the average 8-hour exposure may be determined from a single 8-hour sample or two 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analyses may be performed by calibrated instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor adsorption tubes with subsequent chemical analyses, or dosimeters. The method of measurement must determine the concentration of cyclohexanone to plus or minus 35%.

B. EXPOSURE ABOVE THE PERMISSIBLE EXPOSURE: The monitoring under this section should be essentially the same as described in paragraph (IV)(A). The method of measurement must determine the concentration of cyclohexanone to plus or minus 25%.

C. Methods meeting these accuracy requirements are available from NIOSH.

D. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. MISCELLANEOUS PRECAUTIONS.

A. High exposures to cyclohexanone can occur when transferring the liquid from one container to another.

B. Non-sparking tools must be used to open and close metal cyclohexanone containers which must then be effectively grounded and bonded prior to pouring.

C. Store cyclohexanone in tightly closed containers in a cool well-ventilated area away from ignition sources and strong oxidizing agents.

D. Employers must advise employees of all areas and operations where exposure to cyclohexanone could occur.

IV. COMMON OPERATIONS.

Some common operations in which exposure to cyclohexanone is likely to occur are use as a solvent for many inks, coatings, plastics, pesticides and explosives (RDX), as a lubricating oil additive, and as an intermediate in a commercial process for the manufacture of nylon 6, 6.

APPENDIX C

MEDICAL SURVEILLANCE GUIDLINES

I. ROUTE OF ENTRY.

Inhalation; insignificant skin absorption.

II. TOXICOLOGY.

There may be marked local irritation of the eyes and mucous membranes at relatively low levels of exposure to cyclohexanone, and central nervous system depression may occur on exposure to high concentrations, producing narcosis. Skin effects from the defatting action of liquid cyclohexanone could occur. No chronic efforts reported in humans.

III. SIGNS AND SYMPTOMS.

Irritation of eyes and mucous membranes of upper respiratory tract; headache; narcosis leading to coma may occur at sustained high levels. Excessive skin contact may produce a dermatitis.

IV. SPECIAL TESTS.

None in common usage.

V. TREATMENT.

None specific. Remove from exposure, give artificial resuscitation if indicated, and wash eyes and contaminated skin. Recovery is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS.

A. *General.* Most reported effects of cyclohexanone are caused by its irritant properties. It is important that the physician become familiar with the operating conditions in which exposure to cyclohexanone occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Preplacement.* Routine medical histories and physical examinations are not required. However the employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure. Only those giving a positive history of these conditions must be referred for further medical examinations.

1. Renal disease—Although cyclohexanone is not known as a kidney toxin, the importance of the organ in the elimination of toxic substances and metabolites justifies special consideration in those with possible impairment or renal function.

2. Chronic respiratory disease—In persons with impaired pulmonary function, especially those with obstructive airway diseases, the breathing of cyclohexanone might cause exacerbation of symptoms due to irritant properties or psychic reflex bronchospasm.

3. Liver disease—Although cyclohexanone is not known as a liver toxin in humans, the importance of this organ in the biotransformation and detoxification of foreign substances should be considered before exposing persons with impaired liver function.

4. Skin disease—Cyclohexanone is a defatting agent and can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of cyclohexanone.

C. *Periodic examinations.* Routine periodic examinations are not required. However, if the employer becomes aware of an employee with the above listed conditions, he must refer such employee for further medical examination.

REFERENCES

1. Browning, Ethel: Toxicity and Metabolism of Industrial Solvents, El
ing Company, Amsterdam, 1965, pp. 443-445.

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3. Patty, F. A.: Industrial Hygiene and Toxicology, Volume II—Toxicology, Interscience Publishers, New York, 1962, pp. 1765-1768.

4. Grant, W. Morton: Toxicology of the Eye, Charles C. Thomas, Illinois, 1962, p. 159.

§ 1910.93v Hexone.

(a) *Definitions.* (1) "Permissible exposure" means exposure of employees to airborne concentrations of hexone, not in excess of 100 parts per million (ppm) or 410 milligrams per cubic meter (mg/cu m) averaged over an eight-hour work shift (time weighted average), as stated in § 1910.93, Table G-1.

(2) "Action level" means one half (½) of the permissible exposure for hexone.

(b) *Exposure determination and measurement.* (1) Each employer who has a place of employment in which hexone is released into the workplace air shall determine if any employee may be exposed to airborne concentrations of hexone at or above the action level. The determination shall be made each time there is a change in production, process, or control measures which could result in an increase in airborne concentrations of hexone.

(2) A written record of the determination shall be made and shall contain at least the following information:

(i) Any information, observation, or calculations which may indicate employee exposure to hexone;

(ii) Any measurements of hexone taken;

(iii) Any employee complaints of symptoms which may be attributable to exposure to hexone; and

(iv) Date of determination, work being performed at the time, location within the work site, name, and social security number of each employee considered.

(3) If the employer determines that any employee may be exposed to hexone at or above the action level, the exposure of the employee in each work operation who is believed to have the greatest exposure shall be measured. The exposure measurement shall be representative of the maximum eight-hour time weighted average exposure of the employee.

(4) If the exposure measurement taken pursuant to paragraph (b)(3) of this section reveals employee exposure to hexone at or above the action level, the employer shall:

(i) Identify all employees who may be exposed at or above the action level; and

(ii) Measure the exposure of the employees so identified.

(5) If an employee exposure measurement reveals that an employee is exposed to hexone at or above the action level, but not above the permissible exposure, the exposure of that employee shall be measured at least every two months.

(6) If an employee exposure measurement reveals an employee is exposed to hexone above the permissible exposure, the employer shall:

(i) Measure the exposure of the employee so exposed monthly;

(ii) Institute control measures as required by paragraph (d) of this section; and

(iii) Individually notify, in writing, within five days, every employee who is found to be exposed to hexone above the permissible exposure. The employee shall also be notified of the corrective action being taken to reduce the exposure to at or below the permissible exposure.

(7) If two consecutive employee exposure measurements taken at least one week apart reveal that the employee is exposed to hexone below the action level, the employer may terminate measurement for the employee.

(8) For purposes of this paragraph employee exposure is that which would occur if the employee were not using a respirator.

(c) *Methods of measurement.* (1) An employee's exposure shall be obtained by any combination of long term or short term samples which represents the employee's actual exposure averaged over an eight-hour work shift (see Appendix B(IV) of this section for suggested measurement methods).

(2) The method of measurement shall have an accuracy, to a confidence level of 95 percent, of not less than that given in Table 1.

TABLE 1

Concentration:	*Required accuracy* (percent)
Above permissible exposure	±25
At or below the permissible exposure and above the action level	±35
At or below the action level	±50

(d) *Compliance.* (1) No employee shall be exposed to hexone above the permissible exposure as defined in paragraph (a)(1) of this section.

(2) Employee exposures to airborne concentrations of hexone shall be controlled to at or below the permissible exposure by engineering and work practice controls:

(i) Engineering and work practice controls shall be instituted to reduce exposures to at or below the permissible exposure, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering and work practice controls are not sufficient to reduce exposures to at or below the permissible exposure, they shall nonetheless be used to reduce exposure to the lowest level feasible and shall be supplemented by respirators in accordance with paragraph (d)(4) of this section.

(3) Engineering controls. (i) When mechanical ventilation is used to control exposure, measurements which demonstrate system effectiveness, for example, air velocity, static pressure, or air volume, shall be made at least every three months. Measurements of system effectiveness shall also be made within five days of any change in production, process, or control which might result in an increase in airborne concentrations of hexone.

(ii) In the design of open-surface tank ventilation for the purposes of § 1910.94(d), operations involving hexone shall be classified as B-2 at 70 degrees F.

(4) Compliance with the permissible exposure shall not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement engineering or work practice controls; or

(ii) In work situations in which engineering and work practice controls are technically not feasible; or

(iii) To supplement engineering and work practice controls when such controls fail to reduce airborne concentrations of hexone to at or below the permissible exposure; or

(iv) For operations which require respirator use for not longer than one hour per day and not more frequently than one day per week; or

(v) In emergencies.

(5) Where respirators are needed and permitted under this paragraph to reduce employee exposure, the employer shall select pdanor ffL

shall select and provide the appropriate respirator from Table 2 and shall ensure that the employee uses the respirator provided.

TABLE 2.—RESPIRATORY PROTECTION FOR HEXONE

Condition vapor concentration:	*Respiratory Protection*
1,000 p/m or less	Chemical cartridge respirator with full facepiece and organic vapor cartridge.
	A gas mask with a chin-style organic vapor canister.
3,000 p/m or less	A gas mask with a front or back-mounted organic vapor canister.
	Any supplied-air respirator with a full facepiece, helmet, or hood.
	Any self-contained breathing apparatus with a full facepiece.
Greater than 3,000 p/m or entry and escape from unknown concentration	Self-contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.
	A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in the pressure-demand (positive pressure) or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in the pressure-demand (positive pressure) mode.
Firefighting	Self-contained breathing apparatus with a full facepiece operated in the pressure-demand. (positive pressure) mode.

(6) Resporators shall be approved by the Mining Enforcement and Safety Administration (formerly Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(7) The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(e) *Fire and safety.* (1) The employer shall familiarize himself with the information contained in the Substance Technical Guidelines (Appendix B of this section) for hexone.

(2) For the purpose of compliance with § 1910.309, locations classified as hazardous locations due to the presence of hexone shall be Class I, Group D.

(3) For the purpose of compliance with § 1910.157, hexone is classified as a Class B fire hazard.

(4) For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of hexone shall be Class I, Group D.

(5) For the purpose of compliance with § 1910.106, liquid hexone is classified as a Class 1C flammable liquid.

(6) Spray finishing operations shall be performed in accordance with §§1910.107 and 1910.94(c).

(7) Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(8) Where a fan is located in ductwork and where hexone is present in the ductwork in concentrations greater than 3500 ppm (25 percent of the lower flammable limit), the fan rotating element shall be of nonsparking material or the casing shall consist of, or be lined with, nonsparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(9) Sources of ignition such as smoking or open flames are prohibited where hexone presents a fire or explosion hazard.

(f) *Personal protective equipment.* (1) Employers shall provide and ensure that employees use impervious clothing, gloves, face shields (eight-inch minimum) and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid hexone. Face shields shall comply with § 1910.133(a)(2), (4), (5), and (6).

(2) Employers shall ensure that nonimpervious clothing which becomes contaminated with hexone be removed promptly and not reworn until the hexone is removed from the clothing.

(3) Employers shall ensure that clothing wet with hexone is placed in closed containers for storage until it can be discarded or until the employer provides for the removal of hexone from the clothing. If the clothing is to be laundered or otherwise cleaned to remove the hexone, the employer shall inform the person performing the operation of the hazardous properties of hexone.

(4) Employers shall provide and ensure that employees use cup-cover type dust and splash safety goggles which comply with § 1910.133(a)(2)–(a)(6) where liquid hexone may contact the eyes.

(5) Employers shall ensure that clothing which becomes wet with liquid hexone be removed immediately and not reworn until the hexone is removed from the clothing.

(g) *Spills and disposal.* (1) In the event that liquid hexone is spilled the employer shall immediately eliminate potential sources of ignition, provide available ventilation, and then clean up the spill.

(2) Liquid hexone shall not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

(h) *Sanitation.* Employers shall ensure that employees whose skin becomes contaminated with hexone promptly wash or shower to remove any hexone from the skin.

(i) *Training and information.* (1) Each employer who has a workplace in which hexone is present shall keep a copy of this regulation with Appendixes

A, B and C at the workplace. This material shall be made readily available to affected employees.

(2) Each employer who has employees exposed to hexone above the action level or employees who have skin contact with liquid hexone or employees who work where hexone presents a fire or explosion hazard shall annually:

(i) Inform affected employees of the information contained in the Substance Safety Data Sheet for Hexone (Appendix A of this section);

(ii) Advise affected employees of the signs and symptoms of exposure to hexone;

(iii) Instruct affected employees to advise the employer of the development of signs or symptoms of exposure to hexone which are listed in Appendix A of this section;

(iv) Instruct affected employees to inform the employer if they develop any of the medical conditions listed in paragraph (j)(2) of this section; and

(v) Provide training to ensure that employees understand the precautions of safe use, emergency procedures, and the correct use of protective equipment relative to hexone.

(j) *Medical surveillance.* (1) The employer shall provide medical procedures as required by this paragraph. All medical procedures shall be performed by or under the supervision of a physician at no cost to the employee.

(2) The employer shall obtain from each employee who is exposed, or will be exposed, to liquid hexone or airborne concentrations of hexone at or above the action level, without regard to the use of respirators, information as to whether such employee has a history of any of the following medical conditions:

(i) Kidney disease;

(ii) Liver disease;

(iii) Chronic respiratory disease;

(iv) Skin disease.

(3) The employer shall provide a medical examination for the employee if:

(i) The employee provides a history of any of the medical conditions listed in paragraph (j)(2) of this section; or

(ii) the employee informs the employer of the development of any of the medical conditions listed in paragraph (j)(2) of this section or any of the signs or symptoms of exposure to hexone which are listed in Appendix A which the employee suspects are caused by exposure to hexone.

(4) The employer shall provide to the examining physician the following information:

(i) A copy of this regulation with Appendixes A, B and C for hexone;

(ii) A description of the affected employee's duties as they relate to his exposure to hexone;

(iii) A description of any personal protective equipment and respirators required to be used;

(iv) The results of any measurements which may indicate the affected employee's exposure;

(v) The affected employee's anticipated exposure level; and

(vi) Upon request of the physician, any available information from previous medical examinations of the affected employee.

(5) Where a medical examination is required by paragraph (j)(3) of this section, following such examination the employer shall obtain a written opinion from the examining physician which conforms with paragraph (j)(6) of this section.

(6) (i) The physician's written opinion shall be a signed statement by the examining physician specifically stating:

(A) Whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to hexone or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to hexone, including limitations upon the use of personal protective equipment and respirators;

(C) That the employee has been informed by the physician of any detected medical conditions which require further medical examination or treatment.

(ii) The physician's written opinion shall not reveal specific medical findings or diagnoses unrelated to exposure to hexone.

(iii) The employer shall provide the employee with a copy of the physician's written opinion.

(7) No employee shall be exposed to liquid hexone or airborne concentrations of hexone in such a way as would put the employee at increased risk of material impairment of his health from such exposure. This determination may be based on the physician's written opinion.

(8) The employer shall provide emergency medical treatment for any employee injured through exposure to hexone.

(9) If an employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by refusal to be examined.

(10) No medical procedure which would be performed pursuant to this section need be performed if records of a previous such procedure performed within the past six months are acceptable to the examining physician.

(k) *Recordkeeping.* (1) *Exposure determination.* (i) The employer shall keep an accurate record of all determinations required to be made pursuant to paragraph (b)(1) of this section.

(ii) The record shall include the written determination required in paragraph (b)(2) of this section.

(iii) This record shall be maintained until replaced by a more recent record.

(2) *Exposure measurements.* (i) The employer shall keep an accurate record of all measurements taken to determine employee exposure to hexone.

(ii) This record shall include:

(A) The date of measurement;

(B) Operations involving exposure to hexone which are being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy, including the method, results, and date of calibration of sampling equipment.

(D) Number, duration, and results of samples taken; and

(E) Name, social security number, and exposure of the employee monitored.

(iii) This record shall be maintained until replaced by a more recent record but in no event for less than one year.

(3) *Mechanical ventilation.* (i) When mechanical ventilation is used as an engineering control, the employer shall maintain an accurate record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (d)(3)(i) of this section.

(ii) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(iii) These records shall be maintained for at least one year.

(4) *Employee training and information.* (i) The employer shall keep an accurate record of all employee training and information required by paragraph (i) of this section.

(ii) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(iii) This record shall be maintained until replaced by a more recent record.

(5) *Medical surveillance.* (i) The employer shall keep an accurate record of employee medical surveillance required by paragraph (j) of this section.

(ii) This record shall include:

(A) Information concerning medical conditions obtained from the employee pursuant to paragraph (j)(2) of this section;

(B) Any employee medical complaints relative to exposure to hexone;

(C) A copy of information provided to the physician pursuant to paragraph (j)(4)(ii), (iii), (iv), (v), and (vi) of this section;

(D) Physician's written opinion; and

(E) A signed statement of any refusal to be examined.

(iii) This record shall be maintained for the duration of the employment of the affected employee.

(6) *Access to records.* (i) All records required to be maintained by this section shall be made available upon request to authorized representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health.

(ii) Employee exposure determination and exposure measurement records required to be maintained by this section shall be made available to employees and former employees and their designated representatives.

(iii) Employee medical records required to be maintained by this section

shall be made available upon written request to a physician designated by the employee or former employee.

(l) *Employee observation of measurement.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measurement of employee exposure to hexone which is conducted pursuant to this section.

(2) When observation of measurement of employee exposure to hexone requires entry into an area where the use of personal protective devices, including respirators, is required, the observer shall be provided with and required to use such equipment and comply with all other applicable safety procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Visually observe all steps related to the measurement of airborne hexone that are being performed at the place of exposure; and

(iii) Record the results obtained.

NOTE: The information contained in the following appendixes to § 1910.93v is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR HEXONE

I. SUBSTANCE IDENTIFICATION.

A. SUBSTANCE: Hexone.

B. PERMISSIBLE EXPOSURE: 100 parts of hexone per million parts of air (ppm) or 410 milligrams of hexone per cubic meter of air (mg/cu m) averaged over an eight-hour work shift.

C. APPEARANCE AND ODOR: Colorless liquid with a mint-like odor.

II. HEALTH HAZARD DATA.

A. Ways in Which the Chemical Affects Your Body: Hexone can affect your body if you inhale it, swallow it, or if it comes in contact with your skin or eyes.

B. Effects of Exposure: 1. Short-Term Exposure: Hexone may cause irritation of the eyes, nose, throat, and respiratory tract. Exposure to high concentrations may cause nausea, headaches, dizziness or unconsciousness.

2. Long-Term Exposure: Prolonged or repeated skin contact to liquid hexone may cause dryness and irritation of your skin.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any signs or symptoms and suspect they are associated with hexone exposure.

III. EMERGENCY FIRST AID PROCEDURES.

A. Eye Exposure: If hexone gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. If irritation persists, get medical attention. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If hexone gets on your skin, promptly wash the contaminated skin using soap or mild detergent. If hexone soaks through your clothing, remove the clothing and wash the skin using soap or mild detergent. If irritation persists, get medical attention.

C. Breathing. If you or any other person breathes in large amounts of hexone, move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When hexone has been swallowed, do not cause vomiting. Get medical attention immediately.

E. Rescue: Move affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING.

A. RESPIRATORS: Respirators are not the best way to control exposure to hexone. You can only be required to wear them for routine use if your employer is in the process of installing controls or control measures prove inadequate. You may be required to wear respirators for non-routine activities or in emergencies. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required. If you can smell hexone while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. PROTECTIVE CLOTHING: You must wear impervious clothing, gloves, face shield, and other appropriate protective clothing to prevent repeated or prolonged skin contact with liquid hexone.

C. EYE PROTECTION: You must wear splash-proof safety goggles where eye contact with liquid hexone may occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE.

Hexone is a flammable liquid and its vapors can easily form explosive mixtures in air. It must be stored in tightly closed containers, in a cool, well-ventilated area away from ignition sources and strong oxidizing agents. Sources of ignition such as smoking and open flames are prohibited wherever hexone is handled, used, or stored in a manner that could create a potential fire or explosion hazard. You must use non-sparking tools when opening or closing metal containers of hexone, and containers must be bonded and grounded when pouring or transferring liquid hexone. If your skin becomes contaminated with hexone, you must promptly wash or shower using soap or mild detergent to remove any hexone from your skin. You must immediately remove any clothing that becomes wet with liquid hexone and this clothing must not be reworn until the hexone has been removed from the clothing. Fire extinguishers, where provided, must be readily available and you should know where they are and how to operate them. Ask your supervisor where hexone is used in your work area and for any additional safety and health rules.

VI. EMPLOYEE MEDICAL AND EXPOSURE RECORDS.

Your employer is required to retain records of exposure measurement for one year or until replaced by a more recent record and medical records for the length of the employment. You may wish to request copies of these records be made available to your personal physician.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES FOR HEXONE

I. PHYSICAL AND CHEMICAL DATA.

A. Substance Identification.

1. Synonyms: 4-methyl-2-pentanone; methyl isobutyl ketone; isobutyl methyl ketone; MIBK.

2. Formula: $CH_3COCH_2C_3H_7$.

B. *Physical Data.* 1. Boiling point (76mm Hg): 116 C (241 F).

2. Specific gravity (water=1): 0.8.

3. Vapor density (air=1): 3.5.

4. Melting point: −84 C (−119 F).

5. Vapor pressure at 20 C (68 F): 15mm Hg.

6. Solubility in water, % by weight at 20 C (68 F): 1.9.

7. Evaporation rate (butyl acetate=): 1.64.

8. Appearance and odor: Colorless liquid with a mint-like odor.

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA.

A. *Fire.* 1. Flash point: 22.8 C (73 F) (closed cup).

2. Autoignition temperature: 460 C (860 F).

3. Flammable limits in air, percent by volume: Lower: 1.4; Upper: 7.5.

4. Extinguishing media: Dry chemical, carbon dioxide or alcohol foam.

5. Special fire-fighting procedures: Do not use solid stream of water, since the stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.

6. Unusual fire and explosion hazards: Hexone is a flammable liquid. Its vapors can form explosive mixtures in air. All ignition sources must be controlled when hexone is used, handled, and stored in a manner that could create a potential fire or explosion hazard. Hexone vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which the hexone is handled.

7. For the purpose of conforming to the requirements of 29 CFR 1910.106, hexone is classified as a Class IC flammable liquid. For example, 3500 ppm, one fourth of the lower flammable limit, is one situation in which hexone is considered to be a potential fire and explosion hazard.

8. For the purpose of complying with 29 CFR 1910.309, the classification of hazardous locations as described in Article 500 of the National Electrical Code for hexone shall be Class I, Group D.

B. *Reactivity.* 1. Conditions contributing to instability: Heat.

2. Incompatibilities: Contact with strong oxidizing agents may cause fire and explosion.

3. Hazardous Decomposition Products: Toxic gases and vapors (such as carbon monoxide) may be released in a fire involving hexone.

4. Special Precautions: Dissolves some resins and rubbers.

III. SPILL, LEAK AND DISPOSAL PROCEDURES.

A. If hexone is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. Ventilate area of spill or leak.

3. For small quantities, absorb on paper towels. Evaporate in a safe place (such as a fume hood) and burn the paper. Large quantities, can be collected and atomized in a suitable combustion chamber, or absorbed on vermiculite, dry sand, earth, or similar material and disposed of in a sanitary landfill. Hexone may not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

B. Persons not wearing protective equipment should be restricted from areas of spills until cleanup has been completed.

C. Waste Disposal Methods:

Hexone may be disposed of:

1. By atomizing in a suitable combustion chamber.

2. By absorbing it in vermiculite, dry sand, earth, or similar material and disposing in a sanitary landfill.

IV. MONITORING AND MEASUREMENT PROCEDURES.

A. EXPOSURE ABOVE THE ACTION LEVEL: Measurements taken for the purpose of determining employee exposure under this section are best taken in a fashion such that the average 8-hour exposure may be determined from a single 8-hour sample or two 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analyses may be performed by calibrated instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor adsorption tubes with subsequent chemical analyses, dosimeters. The method of measurement must determine the concentration of hexone to plus or minus 35%.

B. EXPOSURE ABOVE THE PERMISSIBLE EXPOSURE: The monitoring under this section should be essentially the same as described under paragraph (IV) (A). The method of measurement must determine the concentration of hexone to plus or minus 25%.

C. Methods meeting these accuracy requirements are available from NIOSH.

D. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. MISCELLANEOUS PRECAUTIONS.

A. High exposures to hexone can occur when transferring the liquid from one container to another.

B. Non-sparking tools must be used to open and close metal hexone containers which must then be effectively grounded and bonded prior to pouring.

C. Store hexone in tightly closed containers in a cool, well-ventilated area away from ignition sources and strong oxidizing agents.

D. Employers must advise employees of all areas and operations where exposure to hexone could occur.

VI. COMMON OPERATIONS.

Some common operations in which exposure to hexone is likely to occur are when it is used as a solvent in the manufacture or application of inks, lacquers and varnishes.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

I. ROUTE OF ENTRY.

Inhalation; insignificant skin absorption.

II. TOXICOLOGY.

There is local irritation of mucous membranes. Skin irritation may occur because of the solvent effect of hexone on the lipids. Central nervous system depression may occur on exposure to high concentrations. No chronic systemic effects reported.

III. SIGNS AND SYMPTOMS.

Intense irritation of eyes and mucous membranes of upper respiratory tract; headache; narcosis leading to coma may occur at sustained high levels. Excessive skin contact may produce a dermatitis.

IV. SPECIAL TESTS.

None in common usage.

V. TREATMENT.

None specific. Remove from exposure, give artificial resuscitation if indicated, and wash eyes and contaminated skin. Recovery is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS.

A. *General.* Most reported effects of hexone are caused by its irritant properties. It is important that the physician become familiar with the operating conditions in which exposure to hexone occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Preplacement.* Routine medical histories and physical examinations are not required. However the employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure. Only those giving a positive history of these conditions must be referred for further medical examinations.

1. Renal disease—Although hexone is not known as a kidney toxin, the importance of the organ in the elimination of toxic substances and metabolites justifies special consideration in those with possible impairment of renal function.

2. Chronic respiratory disease—In persons with impaired pulmonary function, especially those with obstructive airway diseases, the breathing of hexone might cause exacerbation of symptoms due to irritant properties or psychic reflex bronchospasm.

3. Liver disease—Athough hexone is not known as a liver toxin in humans, the importance of this organ in the biotransformation and detoxification of foreign substances should be considered before exposing persons with impaired liver function.

4. Skin disease—Hexone is a defatting agent and can cause dermatitis on prolonged exposure. Persons with pre-existing skin disorders may be more susceptible to the effects of hexone.

C. *Periodic examinations.* Routine periodic examinations are not required. However, if the employer becomes aware of an employee with the above listed conditions, he must refer such employee for further medical examination.

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2. American Industrial Hygiene Association: Methyl Ethyl Ketone (Revised) Second Printing, Hygienic Guide Series, April 1964.

3. Patty, F. A.: Industrial Hygiene and Toxicology, Volume II—Toxicology, Interscience Publishers, New York, 1962, pp. 1731–1733.

4. Grant, W. Morton: Toxicology of the Eye, Charles C. Thomas, Illinois, 1974, pp. 358–359.

§ 1910.93w Methyl (n-amyl) ketone.

(a) *Definitions.* (1) "Permissible exposure" means exposure of employees to airborne concentrations of methyl (n-amyl) ketone, not in excess of 100 parts per million (ppm) or 465 milligrams per cubic meter (mg/cu m) averaged over an eight-hour work shift (time weighted average), as stated in § 1910.93, Table G–1.

(2) "Action level" means one half (½) of the permissible exposure for methyl (n-amyl) ketone.

(b) *Exposure determination and measurement.* (1) Each employer who has a place of employment in which methyl (n-amyl) ketone is released into the workplace air shall determine if any employee may be exposed to airborne concentrations of methyl (n-amyl) ketone at or above the action level. The determination shall be made each time there is a change in production, process, or control measures which could result in an increase in airborne concentrations of methyl (n-amyl) ketone.

(2) A written record of the determination shall be made and shall contain at least the following information:

(i) Any information, observation, or calculations which may indicate employee exposure to methyl (n-amyl) ketone;

(ii) Any measurements of methyl (n-amyl) ketone taken;

(iii) Any employee complaints of symptoms which may be attributable to exposure to methyl (n-amyl) ketone; and

(iv) Date of determination, work being performed at the time, location within the worksite, name, and social security number of each employee considered.

(3) If the employer determines that any employee may be exposed to methyl (n-amyl) ketone at or above the action level, the exposure of the employee in each work operation who is believed to have the greatest exposure shall be measured. The exposure measurement shall be representative of the maximum eight-hour time weighted average exposure of the employee.

(4) If the exposure measurement taken pursuant to paragraph (b)(3) of this section reveals employee exposure to methyl (n-amyl) ketone at or above the action level, the employer shall:

(i) Identify all employees who may be exposed at or above the action level; and

(ii) Measure the exposure of the employees so identified.

(5) If an employee exposure measurement reveals that an employee is exposed to methyl (n-amyl) ketone at or above the action level, but not above the permissible exposure, the exposure of that employee shall be measured at least every two months.

(6) If an employee exposure measurement reveals an employee is exposed to methyl (n-amyl) ketone above the permissible exposure, the employer shall:

(i) Measure the exposure of the employee so exposed monthly;

(ii) Institute control measures as required by paragraph (d) of this section; and

(iii) Individually notify, in writing, within five days, every employee who is found to be exposed to methyl (n-amyl) ketone above the permissible exposure. The employee shall also be notified of the corrective action being taken to reduce the exposure to at or below the permissible exposure.

(7) If two consecutive employee exposure measurements taken at least one week apart reveal that the employee is exposed to methyl (n-amyl) ketone below the action level, the employer may terminate measurement for the employee.

(8) For purposes of this paragraph employee exposure is that which would occur if the employee were not using a respirator.

(c) *Method of measurement.* (1) An employee's exposure shall be obtained by any combination of long term or short term samples which represents the employee's actual exposure averaged over an eight-hour work shift (see Appendix B (IV) of this section for suggested measurement methods).

(2) The method of measurement shall have an accuracy, to a confidence level of 95 percent, of not less than that given in Table 1.

TABLE 1

Concentration:	Required accuracy (percent)
Above permissible exposure	±25
At or below the permissible exposure and above the action level.	±35
At or below the action level	±50

(d) *Compliance.* (1) No employee shall be exposed to methyl (n-amyl) ketone above the permissible exposure as defined in paragraph (a) (1) of this section.

(2) Employee exposures to airborne concentrations of methyl (n-amyl) ketone shall be controlled to at or below the permissible exposure by engineering and work practice controls:

(i) Engineering and work practice controls shall be instituted to reduce exposures to at or below the permissible exposure, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering and work practice controls are not sufficient to reduce exposures to at or below the permissible exposure, they shall nonetheless be used to reduce exposure to the lowest level feasible and shall be supplemented by respirators in accordance with paragraph (d) (4) of this section.

(3) Engineering controls. (i) When mechanical ventilation is used to control exposure, measurements which demonstrate system effectiveness, for example, air velocity, static pressure, or air volume, shall be made at least every three months. Measurements of system effectiveness shall also be made within five days of any change in production, process, or control which might result in an increase in airborne concentrations of methyl (n-amyl) ketone.

(ii) In the design of open-surface tank ventilation for the purposes of § 1910.94 (d), operations involving methyl (n-amyl) ketone shall be classified as B–3 at 70 degrees F.

(4) Compliance with the permissible exposure shall not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement engineering or work practice controls; or

(ii) In work situations in which engineering and work practice controls are technically not feasible; or

(iii) To supplement engineering and work practice controls when such controls fail to reduce airborne concentrations of methyl (n-amyl) ketone to at or below the permissible exposure; or

(iv) For operations which require respirator use for not longer than one hour per day and not more frequently than one day per week; or

(v) In emergencies.

(5) Where respirators are needed and permitted under this paragraph to reduce employee exposure, the employer shall select and provide the appropriate respirator from Table 2 and shall ensure that the employee uses the respirator provided.

TABLE 2.—*Respiratory protection for Methyl (n-amyl) ketone*

Condition vapor concentration:	Respiratory protection *Respiratory protection*
1,000 p/m or less	Any chemical cartridge respirator with organic vapor cartridge. Any supplied-air respirator. Any self-contained breathing apparatus.
4,000 p/m or less	A gas mask with a chin-style or front- or back-mounted organic vapor canister. Any supplied-air respirator with a full facepiece, helmet, or hood. Any self-contained breathing apparatus with a full facepiece.
Greater than 4,000 p/m or entry and escape from unknown concentrations.	Self-contained breathing apparatus with a full facepiece operated in pressure-demand (positive pressure) mode. A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in pressure-demand (positive pressure) or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in the pressure-demand (positive presure) mode.
Firefighting	Self-contained breathing apparatus with a full facepiece operated in pressure-demand (positive pressure) mode.

(6) Respirators shall be approved by the Mining Enforcement and Safety Administration (formerly Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part II.

(7) The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(e) *Fire and safety.* (1) the employer shall familiarize himself with the information contained in the Substance Technical Guidelines (Appendix B of this section) for methyl (n-amyl) ketone.

(2) For the purpose of compliance with § 1910.309, locations classified as hazardous locations due to the presence of methyl (n-amyl) ketone shall be Class I, Group D.

(3) For the purpose of compliance with § 1910.157, methyl (n-amyl) ketone is classified as a Class B fire hazard.

(4) For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of methyl (n-amyl) ketone shall be Class I, Group D.

(5) For the purpose of compliance with § 1910.106, liquid methyl (n-amyl) ketone is classified as a Class II combustible liquid.

(6) Spray finishing operations shall be performed in accordance with §§ 1910.107 and 1910.94(c).

(7) Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(8) Where a fan is located in ductwork and where methyl (n-amyl) ketone is present in the ductwork in concentrations greater than 2775 ppm (25% of the lower flammable limit), the fan rotating element shall be of nonsparking material or the casing shall consist of, or be lined with, nonsparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(9) Sources of ignition such as smoking or open flames are prohibited where methyl (n-amyl) ketone presents a fire or explosion hazard.

(f) *Personal protective equipment.* (1) Employers shall provide and ensure that employees use impervious clothing, gloves, face shields (eight-inch minimum) and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid methyl (n-amyl) ketone. Face shields shall comply with § 1910.133(a) (2), (4), (5), and (6).

(2) Employers shall ensure that nonimpervious clothing which becomes contaminated with methyl (n-amyl) ketone be removed promptly and not reworn until the methyl (n-amyl) ketone is removed from the clothing.

(3) Employers shall ensure that clothing wet with methyl (n-amyl) ketone is placed in closed containers for storage until it can be discarded or until the employer provides for the removal of methyl (n-amyl) ketone from the clothing. If the clothing is to be laundered or otherwise cleaned to remove the methyl (n-amyl) ketone, the employer shall inform the person performing the operation of the hazardous properties of methyl (n-amyl) ketone.

(4) Employers shall provide and ensure that employees use cup-cover type dust and splash safety goggles which comply with §§ 1910.133 (a) (2)–(a) (6) where liquid methyl (n-amyl) ketone may contact the eyes.

(g) *Spills and disposal.* (1) In the event that liquid methyl (n-amyl) ketone is spilled the employer shall immediately eliminate potential sources of ignition, provide available ventilation, and then clean up the spill.

(2) Liquid methyl (n-amyl) ketone shall not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

(h) *Sanitation.* Employers shall ensure that employees whose skin becomes contaminated with methyl (n-amyl) ketone promptly wash or shower to remove any methyl (n-amyl) ketone from the skin.

(i) *Training and information.* (1) Each employer who has a workplace in which methyl (n-amyl) ketone is present shall keep a copy of this regulation with Appendixes A, B and C at the workplace. This material shall be made readily available to affected employees.

(2) Each employer who has employees exposed to methyl (n-amyl) ketone above the action level or employees who have skin contact with liquid methyl (n-amyl) ketone or employees who work where methyl (n-amyl) ketone presents a fire or explosion hazard shall annually:

(i) Inform affected employees of the information contained in the Substance Safety Data Sheet for Methyl (n-amyl) Ketone (Appendix A of this section);

(ii) Advise affected employees of the signs and symptoms of exposure to methyl (n-amyl) ketone;

(iii) Instruct affected employees to advise the employer of the development of signs or symptoms of exposure to methyl (n-amyl) ketone which are listed in Appendix A of this section;

(iv) Instruct affected employees to inform the employer if they develop any of the medical conditions listed in paragraph (j)(2) of this section; and

(v) Provide training to ensure that employees understand the precautions of safe use, emergency procedures, and the correct use of protective equipment relative to methyl (n-amyl) ketone.

(j) *Medical surveillance.* (1) The employer shall provide medical procedures as required by this paragraph. All medical procedures shall be performed by or under the supervision of a physician at no cost to the employee.

(2) The employer shall obtain from each employee who is exposed, or will be exposed, to liquid methyl (n-amyl) ketone or airborne concentrations of methyl (n-amyl) ketone at or above the action level, without regard to the use of respirators, information as to whether such employee has a history of any of the following medical conditions:

(i) Kidney disease;

(ii) Liver disease;

(iii) Chronic respiratory disease;

(iv) Skin disease.

(3) The employer shall provide a medical examination for the employee if:

(i) The employee provides a history of any of the medical conditions listed in paragraph (j)(2) of this section; or

(ii) The employee informs the employer of the development of any of the medical conditions listed in paragraph (j)(2) of this section, or any of the signs or symptoms of exposure to methyl (n-amyl) ketone which are listed in Appendix A which the employee suspects are caused by exposure to methyl (n-amyl) ketone.

(4) The employer shall provide to the examining physician the following information:

(i) A copy of this regulation with Appendixes A, B and C for methyl (n-amyl) ketone;

(ii) A description of the affected employee's duties as they relate to his exposure to methyl (n-amyl) ketone;

(iii) A description of any personal protective equipment and respirators required to be used;

(iv) The results of any measurements which may indicate the affected employee's exposure;

(v) The affected employee's anticipated exposure level; and

(vi) Upon request of the physician, any available information from previous medical examinations of the affected employee.

(5) Where a medical examination is required by paragraph (j)(3) of this section, following such examination the employer shall obtain a written opinion from the examining physician which conforms with paragraph (j)(6) of this section.

(6)(i) The physician's written opinion shall be a signed statement by the examining physician specifically stating:

(A) Whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to methyl (n-amyl) ketone or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to methyl (n-amyl ketone, including limitations upon the use of personal protective equipment and respirators;

(C) That the employee has been informed by the physician of any detected medical conditions which require further medical examination or treatment.

(ii) The physician's written opinion shall not reveal specific medical findings or diagnoses unrelated to exposure to methyl (n-amyl) ketone.

(iii) The employer shall provide the employee with a copy of the physician's written opinion.

(7) No employee shall be exposed to liquid methyl (n-amyl) ketone or airborne concentrations of methyl (n-amyl) ketone in such a way as would put the employee at increased risk of material impairment of his health from such exposure. This determination may be based on the physician's written opinion.

(8) The employer shall provide emergency medical treatment for any employee injured through exposure to methyl (n-amyl) ketone.

(9) If an employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by refusal to be examined.

(10) No medical procedure which would be performed pursuant to this section need be performed if records of a previous such procedure performed within the past six months are acceptable to the examining physician.

(k) *Recordkeeping.*—(1) *Exposure determination.* (i) The employer shall keep an accurate record of all determinations required to be made pursuant to paragraph (b)(1) of this section.

(ii) The record shall include the written determination required in paragraph (b)(2) of this section.

(iii) This record shall be maintained until replaced by a more recent record.

(2) *Exposure measurements.* (i) The employer shall keep an accurate record of all measurements taken to determine employee exposure to methyl (n-amyl) ketone.

(ii) This record shall include:

(A) The date of measurement;

(B) Operations involving exposure to methyl (n-amyl) ketone which are being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy, including the method, results, and date of calibration of sampling equipment;

(D) Number, duration, and results of samples taken; and

(E) Name, social security number, and exposure of the employee monitored.

(iii) This record shall be maintained until replaced by a more recent record but in no event for less than one year.

(3) *Mechanical ventilation.* (i) When mechanical ventilation is used as an engineering control, the employer shall maintain an accurate record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (d)(3)(i) of this section.

(ii) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(iii) These records shall be maintained for at least one year.

(4) *Employee training and information.* (i) The employer shall keep an accurate record of all employee training and information required by paragraph (i) of this section.

(ii) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(iii) This record shall be maintained until replaced by a more recent record.

(5) *Medical surveillance.* (i) The employer shall keep an accurate record of employee medical surveillance required by paragraph (j) of this section.

(ii) This record shall include:

(A) Information concerning medical conditions obtained from the employee pursuant to paragraph (j)(2) of this section;

(B) Any employee medical complaints relative to exposure to methyl (n-amyl) ketone;

(C) A copy of information provided to the physician pursuant to paragraph (j)(4)(ii), (iii), (iv), (v), and (vi) of this section;

(D) Physician's written opinion; and

(E) A signed statement of any refusal to be examined.

(iii) This record shall be maintained for the duration of the employment of the affected employee.

(6) *Access to records.* (i) All records required to be maintained by this section shall be made available upon request to authorized representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health.

(ii) Employee exposure determination and exposure measurement records required to be maintained by this section shall be made available to employees and former employees and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon written request to a physician designated by the employee or former employee.

(l) *Employee observation of measurement.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measurement of employee exposure to methyl (n-amyl) ketone which is conducted pursuant to this section.

(2) When observation of measurement of employee exposure to methyl (n-amyl) ketone requires entry into an area where the use of personal protective devices, including respirators, is required, the observer shall be provided with and required to use such equipment and comply with all other applicable safety procedures.

(3) Without interfering with the measurement, observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Visually observe all steps related to the measurement of airborne methyl (n-amyl) ketone that are being performed at the place of exposure; and

(iii) Record the results obtained.

NOTE: The information contained in the following appendixes to § 1910.93w is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR METHYL (N-AMYL) KETONE

I. SUBSTANCE IDENTIFICATION

A. SUBSTANCE: Methyl (n-amyl) ketone.

B. PERMISSIBLE EXPOSURE: 100 parts of methyl (n-amyl) ketone per million parts of air (ppm) or 465 milligrams of methyl (n-amyl) ketone per cubic meter of air (mg/cu m) averaged over an eight-hour work shift.

C. APPEARANCE AND ODOR: Clear colorless liquid with a mild "banana oil-like" odor.

II. HEALTH HAZARD DATA.

A. Ways in Which The Chemical Affects Your Body: Methyl (n-amyl) ketone can affect your body if you inhale it, swallow it, or if it comes into contact with your eyes and skin.

B. Effects of Exposure:

1. Short-Term Exposure: Methyl (n-amyl) ketone may irritate your eyes, nose, throat and may cause headaches, dizziness, and in extreme cases, unconsciousness.

2. Long-Term Exposure: Prolonged or repeated skin contact may cause dryness and irritation of your skin.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any signs or symptoms and suspect they are associated with methyl (n-amyl) ketone exposure.

III. EMERGENCY FIRST AID PROCEDURES.

A. Eye Exposure: If methyl (n-amyl) ketone gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. If irritation persists, get medical attention. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If methyl (n-amyl) ketone gets on your skin promptly wash the contaminated skin using soap or mild detergent. If methyl (n-amyl) ketone soaks through your clothing, remove the clothing promptly and wash the skin using soap or mild detergent. If irritation persists, get medical attention.

C. Breathing: If you or any other person breathes in large amounts of methyl (n-amyl) ketone remove the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When methyl (n-amyl) ketone has been swallowed get medical attention immediately. If medical attention is not immediately available get the affected person to vomit by having him touch the back of the throat with his finger or by giving him large amounts (one pint or more) of warm salt water (two tablespoons of salt per pint of water). Do not make an unconscious person vomit.

E. Rescue: Move affected person from the hazardous exposure. If the exposure person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING.

A. RESPIRATORS: Respirators are not the best way to control exposure to methyl (n-amyl) ketone. You can only be required to wear them for routine use if your employer is in the process of installing controls or control measures prove inadequate. You may be required to wear respirators for nonroutine activities or in emergencies. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required. If you can smell methyl (n-amyl) ketone while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. PROTECTIVE CLOTHING: You must wear impervious clothing, gloves, face shield, and other protective clothing to prevent repeated or prolonged skin contact with liquid methyl (n-amyl) ketone.

C. EYE PROTECTION: You must wear splash-proof safety goggles where eye contact with liquid methyl (n-amyl) ketone may occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING, AND STORAGE.

Methyl (n-amyl) ketone is a combustible liquid and its vapors can form explosive mixtures in air at elevated temperatures. It must be stored in tightly closed containers, in a cool, well-ventilated area away from ignition sources and strong acids, alkalies, and oxidizing agents. Sources of ignition such as smoking and open flames are prohibited wherever methyl (n-amyl) ketone is handled, used, or stored in a manner that could create a potential fire or explosion hazard. You must use non-sparking tools when opening or closing metal containers of methyl (n-amyl) ketone, and containers must be bonded and grounded when pouring or transferring liquid methyl (n-amyl) ketone. If your skin becomes contaminated with methyl (n-amyl) ketone, you must promptly wash or shower using soap or mild detergent to remove any methyl (n-amyl) ketone from your skin. You must promptly remove any non-impervious clothing that becomes contaminated with liquid methyl (n-amyl) ketone and this clothing must not be reworn until the methyl (n-amyl) ketone has been removed from the clothing. Fire extinguishers, where provided, must be readily available and you should know how to operate them. Ask your supervisor where methyl (n-amyl) ketone is used in your work area and for any additional plant safety rules.

VI. EMPLOYEE MEDICAL AND EXPOSURE RECORDS.

Your employer is required to retain records of exposure measurement for one year or until replaced by a more recent record and medical records for the length of the employment. You may wish to request copies of these records be made available to your personal physician.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES FOR METHYL (N-AMYL) KETONE

I. PHYSICAL AND CHEMICAL DATA.

A. Substance Identification.

1. Synonyms: N-amyl methyl ketone; 2-heptanone.

2. Formula: $CH_3COC_5H_{11}$.

B. Physical Data.

1. Boiling point (760 mm Hg): 151 C (304 F).

2. Specific gravity (water=1): 0.82.

3. Vapor density (air=1): 3.93.

4. Melting point: −35 C (−31 F).

5. Vapor pressure at 20 C (68 F): 2 mm Hg.

6. Solubility in water, % by weight at 20 C (68 F): 0.43.

7. Evaporation rate (butyl acetate=1): 0.4.

8. Appearance and odor: Clear colorless liquid with a mild "banana oil-like" odor.

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA

A. Fire.

1. Flash point: 49 C (120 F) (open cup).

2. Autoignition temperature: 532 C (991 F).

3. Flammable limits in air, % by volume: Lower: 1.11; Upper: 7.9.

4. Extinguishing media: Dry chemical, carbon dioxide, or foam.

5. Special fire-fighting procedures: Do not use solid stream of water, since the stream will scatter and spread the fire. Use water spray to cool containers exposed to a fire.

6. Unusual fire and explosion hazards: Methyl (n-amyl) ketone is a combustible liquid. Its vapors can form explosive mixtures in air at elevated temperatures. All ignition sources must be controlled when methyl (n-amyl) ketone is used, handled, and stored in a manner that could create a potential fire or explosion hazard. Methyl (n-amyl) ketone vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which the methyl (n-amyl) ketone is handled.

7. For the purpose of conforming to the requirements of 29 CFR 1910.106, methyl (n-amyl) ketone is classified as a Class II combustible liquid. For example, 2775 ppm, one fourth of the lower flammable limit, is one situation in which methyl (n-amyl)

ketone is considered to be a potential fire and explosion hazard.

8. For the purpose of complying with 29 CFR 1910.309, the classification of hazardous locations as described in Article 500 of the National Electrical Code for methyl (n-amyl) ketone shall be Class I, Group D.

B. *Reactivity.* 1. Conditions contributing to instability: Heat.

2. Incompatibilities: Contact with strong acids, alkalies, and oxidizing agents may cause fire and explosion.

3. Hazardous Decomposition Products: Toxic gases and vapors (such as carbon monoxide) may be released in a fire involving methyl (n-amyl) ketone.

4. Special precautions: Methyl (n-amyl) ketone will attack some forms of plastics, rubber, and coatings.

III. SPILL OR LEAK PROCEDURES.

A. If methyl (n-amyl) ketone is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. Ventilate area of spill or leak.

3. For small quantities, absorb on paper towels, remove to a safe place (such as a fume hood) and burn the paper. Large quantities may be collected and atomized in a suitable combustion chamber, or absorbed on vermiculite, dry sand, earth or similar material and disposed of in a sanitary landfill. Methyl (n-amyl) ketone may not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

B. Persons not wearing protective equipment should be restricted from areas of spills until cleanup has been completed.

C. Waste Disposal Methods: Methyl (n-amyl) ketone may be disposed of:

1. By absorbing it in vermiculite, dry sand, earth or similar material and disposing in a sanitary landfill.

2. By atomizing in a suitable combustion chamber.

IV. MONITORING AND MEASUREMENT PROCEDURES.

A. EXPOSURE ABOVE THE ACTION LEVEL: Measurements taken for the purpose of determining employee exposure under this section are best taken in a fashion such that the average 8-hour exposure may be determined from a single 8-hour sample or two 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analyses may be performed by calibrated instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor adsorption tubes with subsequent chemical analyses, or dosimeters. The method of measurement must determine the concentration of methyl (n-amyl) ketone to plus or minus 35%.

B. EXPOSURE ABOVE THE PERMISSIBLE EXPOSURE: The monitoring under this section should be essentially the same as described under paragraph (IV)(A). The method of measurement must determine the concentration of methyl (n-amyl) ketone to plus or minus 25%.

C. Methods meeting these accuracy requirements are available from NIOSH.

D. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. MISCELLANEOUS PRECAUTIONS.

A. High exposures to methyl (n-amyl) ketone can occur when transferring the liquid from one container to another.

B. Non-sparking tools should be used to open and close metal methyl (n-amyl) ketone containers which must then be effectively grounded and bonded prior to pouring.

C. Store methyl (n-amyl) ketone in tightly closed containers in a cool, well-ventilated area away from ignition sources and strong oxidizing agents, alkalies and acids.

D. Employers must advise employees of all areas and operations where exposure to methyl (n-amyl) ketone could occur.

VI. COMMON OPERATIONS.

Some of the operations in which exposure to methyl (n-amyl) ketone may occur are spray application of lacquers, preparation of synthetic resins for metal roll coating and in working with solvents for rubber and nitrocellulose.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

I. ROUTE OF ENTRY.

Inhalation; insignificant skin absorption.

II. TOXICOLOGY.

There is some local irritation of the skin and respiratory tract by solvent effects of methyl (n-amyl) ketone on lipids. Central nervous system depression may occur on exposure to high concentrations, producing narcosis. Effects may be more pronounced in unacclimated individuals. No chronic systemic effects reported.

III. SIGNS AND SYMPTOMS.

Intense, irritation of eyes and mucous membranes of the upper respiratory tract; headache; narcosis, leading to coma may occur at sustained high levels. Excessive skin contact may produce a dermatitis.

IV. SPECIAL TESTS.

None in common usage.

V. TREATMENT.

None specific. Remove from exposure, give artificial resuscitation if indicated and wash eyes and contaminated skin. Recovery is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS.

A. General. Most reported effects of methyl (n-amyl) ketone are caused by its irritant properties. It is important that the physician becomes familiar with the operating conditions in which exposure to methyl (n-amyl) ketone occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Preplacement.* Routine medical histories and physical examinations are not required. However, the employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure. Only those giving a positive history of these conditions must be referred for further medical examinations.

1. Renal disease—Although methyl (n-amyl) ketone is not known as a kidney toxin, the importance of the organ in the elimination of toxic substances justifies special consideration in those with possible impairment of renal function.

2. Chronic respiratory disease—In persons with impaired pulmonary function, especially those with obstructive airway diseases, the breathing of methyl (n-amyl) ketone might cause exacerbation of symptoms due to its irritant properties or psychic reflex bronchospasm.

3. Liver disease—Although methyl (n-amyl) ketone is not known as a liver toxin in humans, the importance of this organ in the biotransformation and detoxification of foreign substances should be considered before exposing persons with impaired liver function.

4. Skin disease—Methyl (n-amyl) ketone is a defatting agent and can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of methyl (n-amyl) ketone.

C. *Periodic Examinations.* Routine periodic examinations are not required. However, if the employer becomes aware of an employee with the above listed conditions, he must refer such employee for further medical examination.

REFERENCES

1. Patty, Frank A.: Industrial Hygiene and Toxicology, Volume II—Toxicology, Interscience Publishers, New York, 1962, page 1740.

2. Thienes, Clinton, and Thomas J. Haley: Clinical Toxicology, (Fifth edition), Lea & Febiger, Philadelphia, 1972, page 137.

§ 1910.93x Ethyl Butyl ketone.

(a) *Definitions.* (1) "Permissible exposure" means exposure of employees to airborne concentrations of ethyl butyl ketone, not in excess of 50 parts per million (ppm) or 230 milligrams per cubic meter (mg/cu m) averaged over an eight-hour work shift (time weighted average), as stated in § 1910.93, Table G–1.

(2) "Action level" means one half (½) of the permissible exposure for ethyl butyl ketone.

(b) *Exposure determination and measurement.* (1) Each employer who has a place of employment in which ethyl butyl ketone is released into the workplace air shall determine if any employee may be exposed to airborne concentrations of ethyl butyl ketone at or above the action level. The determination shall be made each time there is a change in production, process, or control measures which could result in an increase in airborne concentrations of ethyl butyl ketone.

(2) A written record of the determination shall be made and shall contain at least the following information:

(i) Any information, observation, or calculations which may indicate employee exposure to ethyl butyl ketone;

(ii) Any measurements of ethyl butyl ketone taken;

(iii) Any employee complaints of symptoms which may be attributable to exposure to ethyl butyl ketone; and

(iv) Date of determination, work being performed at the time, location within the work site, name, and social security number of each employee considered.

(3) If the employer determines that any employee may be exposed to ethyl butyl ketone at or above the action level, the exposure of the employee in each work operation who is believed to have the greatest exposure shall be measured. The exposure measurement shall be representative of the maximum eight-hour time weighted average exposure of the employee.

(4) If the exposure measurement taken pursuant to paragraph (b)(3) of this section reveals employee exposure to ethyl butyl ketone at or above the action level, the employer shall:

(i) Identify all employees who may be exposed at or above the action level; and

(ii) Measure the exposure of the employees so identified.

(5) If an employee exposure measurement reveals that an employee is exposed to ethyl butyl ketone at or above the action level, but not above the permissible exposure, the exposure of that employee shall be measured at least every two months.

(6) If an employee exposure measurement reveals an employee is exposed to ethyl butyl ketone above the permissible exposure, the employer shall:

(i) Measure the exposure of the employee so exposed monthly;

(ii) Institute control measures as required by paragraph (d) of this section; and

(iii) Individually notify, in writing, within five days, every employee who is found to be exposed to ethyl butyl ketone above the permissible exposure. The employee shall also be notified of the corrective action being taken to reduce the exposure to at or below the permissible exposure.

(7) If two consecutive employee exposure measurements taken at least one week apart reveal that the employee is exposed to ethyl butyl ketone below the action level, the employer may terminate measurement for the employee.

(8) For purposes of this paragraph employee exposure is that which would occur if the employee were not using a respirator.

(c) *Methods of measurement.* (1) An employee's exposure shall be obtained by any combination of long term or short term samples which represents the employee's actual exposure averaged over an eight-hour work shift (see Appendix B(IV) of this section for suggested measurement methods).

(2) The method of measurement shall have an accuracy, to a confidence level of 95%, of not less than that given in Table 1.

TABLE 1

Concentration:	*Required accuracy (percent)*
Above permissible exposure	±25
At or below the permissible exposure and above the action level	±35
At or below the action level	±50

(d) *Compliance.* (1) No employee shall be exposed to ethyl butyl ketone above the permissible exposure as defined in paragraph (a)(1) of this section.

(2) Employee exposures to airborne concentrations of ethyl butyl ketone shall be controlled to at or below the permissible exposure by engineering and work practice controls:

(i) Engineering and work practice controls shall be instituted to reduce exposures to at or below the permissible exposure, except to the extent that such controls are not feasible.

(ii) Wherever feasible engineering and work practice controls are not sufficient to reduce exposures to at or below the permissible exposure, they shall nonetheless be used to reduce exposure to the lowest level feasible and shall be supplemented by respirators in accordance with paragraph (d)(4) of this section.

(3) Engineering controls. (i) When mechanical ventilation is used to control exposure, measurements which demonstrate system effectiveness, for example, air velocity, static pressure, or air volume, shall be made at least every three months. Measurements of system effectiveness shall also be made within five days of any change in production, process, or control which might result in an increase in airborne concentrations of ethyl butyl ketone.

(ii) In the design of open-surface tank ventilation for the purposes of § 1910.94(d), operations involving ethyl butyl ketone shall be classified as B–3 at 70 degrees F.

(4) Compliance with the permissible exposure shall not be achieved by the use of respirators except:

(i) During the time period necessary to install or implement engineering or work practice controls; or

(ii) In work situations in which engineering and work practice controls are technically not feasible; or

(iii) To supplement engineering and work practice controls when such controls fail to reduce airborne concentrations of ethyl butyl ketone to at or below the permissible exposure; or

(iv) For operations which require respirator use for not longer than one hour per day and not more frequently than one day per week; or

(v) In emergencies.

(5) Where respirators are needed and permitted under this paragraph to reduce employee exposure, the employer shall select and provide the appropriate respirator from Table 2 and shall ensure that the employee uses the respirator provided.

TABLE 2.—*Respiratory Protection for Ethyl Butyl Ketone*

Condition vapor concentration:	*Respiratory protection*
1,000 p/m or less	Chemical cartridge respirator with full facepiece and organic vapor cartridge.
	A gas mask with chin-style organic vapor canister.
	A gas mask with a front or back-mounted organic vapor canister.
	Any supplied-air respirator with a full facepiece, helmet, or hood.
	Any self-contained breathing apparatus with a full facepiece.
2,500 p/m or less	A type C supplied-air respirator with full facepiece operated in the pressure-demand (positive pressure) mode or with a full facepiece, helmet, or hood operated in the continuous-flow mode.
Greater than 3,000 p/m or entry and escape from unknown concentrations.	Self-contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.
	A combination respirator which includes a type C supplied-air respirator with a full facepiece operated in the pressure-demand (positive pressure) or continuous flow mode and an auxiliary self-contained breathting apparatus operated in the pressure-demand (positive pressure mode.
Firefighting	Self-contained breathing apparatus with a full facepiece operated in the pressure-demand (positive pressure) mode.

(6) Respirators shall be approved by the Mining Enforcement and Safety Administration (formerly Bureau of Mines) or by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(7) The employer shall institute a respiratory protection program in accordance with § 1910.134 (b), (d), (e) and (f).

(e) *Fire and safety.* (1) The employer shall familiarize himself with the information contained in the Substance Technical Guidelines (Appendix B of this section) for ethyl butyl ketone.

(2) For the purpose of compliance with § 1910.309, locations classified as hazardous locations due to the presence of ethyl butyl ketone shall be Class I, Group D.

(3) For the purpose of compliance with § 1910.157, ethyl butyl ketone is classified as a Class B fire hazard.

(4) For the purpose of compliance with § 1910.178, locations classified as hazardous locations due to the presence of ethyl butyl ketone shall be Class I, Group D.

(5) For the purpose of compliance with § 1910.106, liquid ethyl butyl ketone is classified as a Class II combustible liquid.

(6) Spray finishing operations shall be performed in accordance with §§ 1910.107 and 1910.94(c).

(7) Dip tank operations shall be performed in accordance with §§ 1910.108 and 1910.94(d).

(8) Where a fan is located in ductwork and where ethyl butyl ketone is present in the ductwork in concentrations greater than 3500 ppm (25% of the lower

flammable limit), the fan rotating element shall be of nonsparking material or the casing shall consist of, or be lined with, nonsparking material. There shall be sufficient clearance between the fan rotating element and the fan casing so as to prevent contact.

(9) Sources of ignition such as smoking or open flames are prohibited where ethyl butyl ketone presents a fire or explosion hazard.

(f) *Personal protective equipment.* (1) Employers shall provide and ensure that employees use impervious clothing, gloves, face shields (eight-inch minimum) and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid ethyl butyl ketone. Face shields shall comply with § 1910.133(a) (2), (4), (5), and (6).

(2) Employers shall ensure that nonimpervious clothing which becomes contaminated with ethyl butyl ketone be removed promptly and not reworn until the ethyl butyl ketone is removed from the clothing.

(3) Employers shall ensure that clothing wet with ethyl butyl ketone is placed in closed containers for storage until it can be discarded or until the employer provides for the removal of ethyl butyl ketone from the clothing. If the clothing is to be laundered or otherwise cleaned to remove the ethyl butyl ketone, the employer shall inform the person performing the operation of the hazardous properties of ethyl butyl ketone.

(4) Employers shall provide and ensure that employees use cup-cover type dust and splash safety goggles which comply with §1910.133(a)(2)—(6) where liquid ethyl butyl ketone may contact the eyes.

(g) *Spills and disposal.* (1) In the event that liquid ethyl butyl ketone is spilled the employer shall immediately eliminate potential sources of ignition, provide available ventilation, and then clean up the spill.

(2) Liquid ethyl butyl ketone shall not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

(h) *Sanitation.* Employers shall ensure that employees whose skin becomes contaminated with ethyl butyl ketone promptly wash or shower to remove any ethyl butyl ketone from the skin.

(i) *Training and information.* (1) Each employer who has a workplace in which ethyl butyl ketone is present shall keep a copy of this regulation with Appendixes A, B and C at the workplace. This material shall be made readily available to affected employees.

(2) Each employer who has employees exposed to ethyl butyl ketone above the action level or employees who have skin contact with liquid ethyl butyl ketone or employees who work where ethyl butyl ketone presents a fire or explosion hazard shall annually:

(i) Inform affected employees of the information contained in the Substance Safety Data Sheet for Ethyl Butyl Ketone (Appendix A of this section);

(ii) Advise affected employees of the signs and symptoms of exposure to ethyl butyl ketone;

(iii) Instruct affected employees to advise the employer of the development of signs or symptoms of exposure to ethyl butyl ketone which are listed in Appendix A of this section;

(iv) Instruct affected employees to inform the employer if they develop any of the medical conditions listed in paragraph (j)(2) of this section; and

(v) Provide training to ensure that employees understand the precautions of safe use, emergency procedures, and the correct use of protective equipment relative to ethyl butyl ketone.

(j) *Medical surveillance.* (1) The employer shall provide medical procedures as required by this paragraph. All medical procedures shall be performed by or under the supervision of a physician at no cost to the employee.

(2) The employer shall obtain from each employee who is exposed, or will be exposed, to liquid ethyl butyl ketone or airborne concentrations of ethyl butyl ketone at or above the action level, without regard to the use of respirators, information as to whether such employee has a history of any of the following medical conditions:

(i) Kidney disease;

(ii) Liver disease;

(iii) Chronic respiratory disease;

(iv) Skin disease.

(3) The employer shall provide a medical examination for the employee if:

(i) The employee provides a history of any of the medical conditions listed in paragraph (j)(2) of this section; or

(ii) The employee informs the employer of the development of any of the medical conditions listed in paragraph (j)(2) of this section, or any of the signs or symptoms of exposure to ethyl butyl ketone which are listed in Appendix A which the employee suspects are caused by exposure to ethyl butyl ketone.

(4) The employer shall provide to the examining physician the following information:

(i) A copy of this regulation with Appendixes A, B and C for ethyl butyl ketone;

(ii) A description of the affected employee's duties as they relate to his exposure to ethyl butyl ketone;

(iii) A description of any personal protective equipment and respirators required to be used;

(iv) The results of any measurements which may indicate the affected employee's exposure;

(v) The affected employee's anticipated exposure level; and

(vi) Upon request of the physician, any available information from previous medical examinations of the affected employee.

(5) Where a medical examination is required by paragraph (j)(3) of this section, following such examination the employer shall obtain a written opinion from the examining physician which conforms with paragraph (j)(6) of this section.

(6)(i) The physician's written opinion shall be a signed statement by the examining physician specifically stating:

(A) Whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to ethyl butyl ketone or would directly or indirectly aggravate any detected medical condition;

(B) Any recommended limitations upon the employee's exposure to ethyl butyl ketone, including limitations upon the use of personal protective equipment and respirators;

(C) That the employee has been informed by the physician of any detected medical conditions which require further medical examination or treatment.

(ii) The physician's written opinion shall not reveal specific medical findings or diagnoses unrelated to exposure to ethyl butyl ketone.

(iii) The employer shall provide the employee with a copy of the physician's written opinion.

(7) No employee shall be exposed to liquid ethyl butyl ketone or airborne concentrations of ethyl butyl ketone in such a way as would put the employee at increased risk of material impairment of his health from such exposure. This determination may be based on the physician's written opinion.

(8) The employer shall provide emergency medical treatment for any employee injured through exposure to ethyl butyl ketone.

(9) If an employee refuses any required medical examination, the employer shall inform the employee of the possible health consequences of such refusal and obtain a signed statement from the employee indicating that the employee understands the risk involved by refusal to be examined.

(10) No medical procedure which would be performed pursuant to this section need be performed if records of a previous such procedure performed within the past six months are acceptable to the examining physician.

(k) *Recordkeeping.* (1) *Exposure determination.* (i) The employer shall keep an accurate record of all determinations required to be made pursuant to paragraph (b)(1) of this section.

(ii) The record shall include the written determination required in paragraph (b)(2) of this section.

(iii) This record shall be maintained until replaced by a more recent record.

(2) *Exposure measurements.* (i) The employer shall keep an accurate record of all measurements taken to determine employee exposure to ethyl butyl ketone.

(ii) This record shall include:

(A) The date of measurement;

(B) Operations involving exposure to ethyl butyl ketone which are being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy, including the method, results, and date of calibration of sampling equipment;

(D) Number, duration, and results of samples taken; and

(E) Name, social security number, and exposure of the employee monitored.

(iii) This record shall be maintained until replaced by a more recent record but in no event for less than one year.

(3) *Mechanical ventilation.* (i) When mechanical ventilation is used as an engineering control, the employer shall maintain an accurate record of the measurements demonstrating the effectiveness of such ventilation required by paragraph (d) (3) (i) of this section.

(ii) This record shall include:

(A) Date of measurement;

(B) Type of measurement taken; and

(C) Result of measurement.

(iii) These records shall be maintained for at least one year.

(4) *Employee training and information.* (i) The employer shall keep an accurate record of all employee training and information required by paragraph (i) of this section.

(ii) This record shall include:

(A) Date of training;

(B) Name and social security number of employee trained; and

(C) Content or scope of training provided.

(iii) This record shall be maintained until replaced by a more recent record.

(5) *Medical surveillance.* (i) The employer shall keep an accurate record of employee medical surveillance required by paragraph (j) of this section.

(ii) This record shall include:

(A) Information concerning medical conditions obtained from the employee pursuant to paragraph (j) (2) of this section;

(B) Any employee medical complaints relative to exposure to ethyl butyl ketone;

(C) A copy of information provided to the physician pursuant to paragraph (j) (4) (ii), (iii), (iv), (v), and (vi) of this section;

(D) Physician's written opinion; and

(E) A signed statement of any refusal to be examined.

(iii) This record shall be maintained for the duration of the employment of the affected employee.

(6) *Access to records.* (i) All records required to be maintained by this section shall be made available upon request to authorized representatives of the Assistant Secretary of Labor for Occupational Safety and Health and the Director of the National Institute for Occupational Safety and Health.

(ii) Employee exposure determination and exposure measurement records required to be maintained by this section shall be made available to employees and former employees and their designated representatives.

(iii) Employee medical records required to be maintained by this section shall be made available upon written request to a physician designated by the employee or former employee.

(l) *Employee observation of measurement.* (1) The employer shall give affected employees or their representatives an opportunity to observe any measurement of employee exposure to ethyl butyl ketone which is conducted pursuant to this section.

(2) When observation of measurement of employee exposure to ethyl butyl ketone requires entry into an area where the use of personal protective devices, including respirators, is required, the observer shall be provided with and required to use such equipment and comply with all other applicable safety procedures.

(3) Without interfering with the measurement observers shall be entitled to:

(i) Receive an explanation of the measurement procedure;

(ii) Visually observe all steps related to the measurement of airborne ethyl butyl ketone that are being performed at the place of exposure; and

(iii) Record the results obtained.

NOTE: The information contained in the following appendixes to § 1910.93x is advisory in nature and is not intended, by itself, to create any additional obligations not otherwise imposed or detract from any existing obligation.

APPENDIX A

SUBSTANCE SAFETY DATA SHEET FOR ETHYL BUTYL KETONE

I. SUBSTANCE IDENTIFICATION

A. SUBSTANCE: Ethyl butyl ketone.

B. PERMISSIBLE EXPOSURE: 50 parts of ethyl butyl ketone per million parts of air (ppm) or 230 milligrams of ethyl butyl ketone per cubic meter of air (mg/cu m) averaged over an eight-hour work shift.

C. APPEARANCE AND ODOR: Ethyl butyl ketone is a colorless liquid with a mild fruity order.

II. HEALTH HAZARD DATA.

A. Ways in Which the Chemical Affects Your Body: Ethyl butyl ketone can affect your body if you inhale it, swallow it, or if it comes in contact with your skin or eyes.

B. Effects of Exposure:

1. Short-term Exposure: Ethyl butyl ketone may cause irritation of the eyes, nose, and throat. Exposure to high concentrations may cause headaches, dizziness or unconsciousness.

2. Long-Term Exposure: Prolonged or repeated skin contact may cause dryness and irritation of your skin.

3. Reporting Signs and Symptoms: You should inform your employer if you develop any signs or symptoms and suspect they are associated with ethyl butyl ketone exposure.

III. EMERGENCY FIRST AID PROCEDURES.

A. Eye Exposure: If liquid ethyl butyl ketone gets into your eyes, wash the eyes immediately with large amounts of water, lifting the lower and upper lids occasionally. If irritation persists, get medical attention. Contact lenses should not be worn when working with this chemical.

B. Skin Exposure: If ethyl butyl ketone gets on your skin, promptly wash the contaminated skin using soap or mild detergent If ethyl butyl ketone soaks through your clothing, remove the clothing promptly and wash the skin using soap or mild detergent. If irritation persists, get medical attention.

C. Breathing: If you or any other person breathes in large amounts of ethyl butyl ketone move the exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep the affected person warm and at rest. Get medical attention immediately.

D. Swallowing: When ethyl butyl ketone has been swallowed get medical attention immediately. If medical attention is not immediately available get the affected person to vomit by having him touch the back of the throat with his finger or by giving him large amounts (one pint or more) of warm salt water (two tablespoons of salt per pint of water). Do not make an unconscious person vomit.

E. Rescue: Move affected person from the hazardous exposure. If the exposed person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the locations of the equipment before the need arises.

IV. RESPIRATORS AND PROTECTIVE CLOTHING.

A. RESPIRATORS: Respirators are not the best way to control exposure to ethyl butyl ketone. You can only be required to wear them for routine use if your employer is in the process of installing controls or control measures prove inadequate. You may be required to wear respirators for non-routine activities or in emergencies. If respirators are worn, they must have a Mining Enforcement and Safety Administration (MESA) or National Institute for Occupational Safety and Health (NIOSH) approval label. (Older respirators may have a Bureau of Mines approval label.) For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required. If you can smell ethyl butyl ketone while wearing a respirator, the respirator is not working correctly; go immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. PROTECTIVE CLOTHING: You must wear impervious clothing, gloves, face shield, and other protective clothing to prevent repeated or prolonged skin contact with liquid ethyl butyl ketone.

C. EYE PROTECTION: You must wear splash-proof safety goggles where eye contact with liquid ethyl butyl ketone may occur.

V. PRECAUTIONS FOR SAFE USE, HANDLING AND STORAGE.

Ethyl butyl ketone is a combustible liquid and its vapors can form explosive mixtures in air at elevated temperatures. It must be stored in tightly closed containers, in a cool, well-ventilated area away from ignition sources and strong oxidizing agents. Sources of ignition such as smoking and open flames are prohibited wherever ethyl butyl ketone is handled, used, or stored in a manner that could create a potential fire or explosion hazard. You must use non-sparking tools when opening or closing metal containers of ethyl butyl ketone, and containers must be bonded and grounded when pouring or transferring liquid ethyl butyl ketone. If your skin becomes contaminated with ethyl butyl ketone, you must promptly wash or shower using soap or mild detergent to remove any ethyl butyl ketone from your skin. You must promptly remove any non-impervious clothing that becomes contaminated with liquid ethyl butyl ketone and this clothing must not be reworn until the ethyl butyl ketone has been removed from the clothing. Fire extinguishers, where provided, must be readily available and you should know how to operate them. Ask your supervisor where ethyl butyl ketone is used in your work area and for any additional plant safety rules.

VI. EMPLOYEE MEDICAL AND EXPOSURE RECORDS.

Your employer is required to retain records of exposure measurement for one year or until replaced by a more recent record and medical records for the length of the employment. You may wish to request that copies of these records be made available to your personal physician.

APPENDIX B

SUBSTANCE TECHNICAL GUIDELINES FOR ETHYL BUTYL KETONE

I. PHYSICAL AND CHEMICAL DATA.

A. Substance Identification.

1. Synonyms: butyl ethyl ketone, 3-heptanone.

2. Formula: $C_2H_5COC_4H_9$.

B. *Physical Data.* 1. Boiling point (760 mm Hg): 147 C (297 F).

2. Specific gravity (water=1): 0.82.

3. Vapor density (air=1): 3.93.

4. Melting point: −38 C (−36.4 F).

5. Vapor pressure at 20 C (68 F): 4 mm Hg.

6. Solubility in water, % by weight at 20 C (68 F): 0.43.

7. Evaporation rate (butyl acetate=1): 0.45.

8. Appearance and odor: Colorless liquid with a mild fruity odor.

II. FIRE, EXPLOSION AND REACTIVITY HAZARD DATA.

A. *Fire.* 1. Flash point: 46 C (115 F) (open cup).

2. Autoignition temperature: Data not available.

3. Flammable limits in air, % by volume: Lower: 1.4, Upper: 8.8.

4. Extinguishing media: Carbon dioxide, dry chemical, or foam.

5. Special fire-fighting procedures: Do not use solid stream of water, since the stream will scatter and spread the fire. Use water spray to keep fire-exposed containers cool.

6. Unusual fire and explosion hazards: Ethyl butyl ketone is a combustible liquid. Its vapors can form explosive mixtures in air at elevated temperatures. All ignition sources must be controlled when ethyl butyl ketone is used, handled, and stored in a manner that could create a potential fire or explosion hazard. Ethyl butyl ketone vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which the ethyl butyl ketone is handled.

7. For the purpose of conforming to the requirements of 29 CFR 1910.106, ethyl butyl ketone is classified as a Class II combustible liquid. For example, 3500 ppm, one fourth the lower flammable limit, is one situation in which ethyl butyl ketone is considered to be a potential fire and explosion hazard.

8. For the purpose of complying with 29 CFR 1910.309, the classification of hazardous locations as described in Article 500 of the National Electrical Code for ethyl butyl ketone shall be Class I, Group D.

B. *Reactivity.* 1. Conditions contributing to instability: Heat.

2. Incompatibilities: Contact with strong oxidizing agents may cause fire and explosion.

3. Hazardous Decomposition Products: Toxic gases and vapors (such as carbon monoxide) may be released in a fire involving ethyl butyl ketone.

4. Special Precautions: Ethyl butyl ketone will attack some forms of plastics, rubber, and coatings.

III. SPILL OR LEAK PROCEDURES.

A. If ethyl butyl ketone is spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.

2. Ventilate area of spill or leak.

3. For small quantities, absorb on paper towels, remove to a safe place (such as a fume hood) and burn the paper. Large quantities may be collected and atomized in a suitable combustion chamber, or absorbed on vermiculite, dry sand, earth or similar material and disposed of in a sanitary landfill. Ethyl butyl ketone may not be allowed to enter a confined space, such as a sewer, because of the possibility of an explosion.

B. Persons not wearing protective equipment should be restricted from areas of spills until cleanup has been completed.

C. Waste Disposal Methods: Ethyl butyl ketone may be disposed of:

1. By absorbing it in vermiculite, dry sand, earth or similar material and disposing in a sanitary landfill.

2. By atomizing in a suitable combustion chamber.

IV. MONITORING AND MEASUREMENT PROCEDURES.

A. EXPOSURE ABOVE THE ACTION LEVEL: Measurements taken for the purpose of determining employee exposure under this section are best taken in a fashion such that the average 8-hour exposure may be determined from a single 8-hour sample or two 4-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analyses may be performed by calibrated instruments such as detector tubes certified by NIOSH under 42 CFR Part 84, portable direct-reading instruments, gas and vapor adsorption tubes with subsequent chemical analyses or dosimeters. The method of measurement must determine the concentration of ethyl butyl ketone to plus or minus 35%.

B. EXPOSURE ABOVE THE PERMISSIBLE EXPOSURE: The monitoring under this section should be essentially the same as described under paragraph (IV) (A). The method of measurement must determine the concentration of ethyl butyl ketone to plus or minus 25%.

C. Methods meeting these accuracy requirements are available from NIOSH.

D. Since many of the duties relating to employee protection are dependent on the results of monitoring and measuring procedures, employers should assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

V. MISCELLANEOUS PRECAUTIONS.

A. High exposures to ethyl butyl ketone can occur when transferring the liquid from one container to another.

B. Non-sparking tools must be used to open and close metal ethyl butyl ketone containers which must then be effectively grounded and bonded prior to pouring.

C. Store ethyl butyl ketone in tightly closed containers in a cool, well-ventilated area away from ignition sources and strong oxidizing agents.

D. Employers must advise employees of all areas and operations where exposure to ethyl butyl ketone could occur.

VI. COMMON OPERATIONS.

Exposure to ethyl butyl ketone may occur during application of lacquers and surface coatings, use of mastics and adhesives, and cleaning and maintenance of ketone process equipment.

APPENDIX C

MEDICAL SURVEILLANCE GUIDELINES

I. ROUTE OF ENTRY.

Inhalation; insignificant skin absorption.

II. TOXICOLOGY.

There is some local irritation of the skin and respiratory tract by solvent effect of ethyl butyl ketone on lipids. Central nervous depression occurs on exposure to high concentrations, producing narcosis. Effects may be more pronounced in unacclimated individuals. No chronic systemic effects reported.

III. SIGNS AND SYMPTOMS.

Intense irritation of eyes and mucous membranes of the upper respiratory tract; headache; narcosis leading to coma may occur at sustained high levels. Excessive skin contact may produce a dermatitis.

IV. SPECIAL TESTS.

None in common usage.

V. TREATMENT.

None specific. Remove from exposure. Give artificial resuscitation if indicated, and wash eyes and contaminated skin with water. Recovery is usually rapid and complete.

VI. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS.

A. *General.* Most reported effects of ethyl butyl ketone are caused by its irritant properties. It is important that the physician becomes familiar with the operating conditions in which exposure to ethyl butyl ketone occurs. Those with skin disease may not tolerate the wearing of protective clothing and those with chronic respiratory disease may not tolerate the wearing of negative pressure respirators.

B. *Preplacement.* Routine medical histories and physical examinations are not required. However the employer must screen employees for history of certain medical conditions (listed below) which might place the employee at increased risk from exposure. Only those giving a positive history of these conditions must be referred for further medical examinations.

1. Renal disease—Although ethyl butyl ketone is not known as a kidney toxin, the importance of the organ in the elimination of toxic substances justifies special consideration in those with possible impairment of renal function.

2. Chronic respiratory disease—In persons with impaired pulmonary function, especially those with obstructive airway diseases, the breathing of ethyl butyl ketone might cause exacerbation of symptoms due to its irritant properties or psychic reflex bronchospasm.

3. Liver disease—Although ethyl butyl ketone is not known as a liver toxin in humans, the importance of this organ in the biotransformation and detoxification of foreign substances should be considered before exposing persons with impaired liver function.

4. Skin disease—Ethyl butyl ketone is a defatting agent and can cause dermatitis on prolonged exposure. Persons with preexisting skin disorders may be more susceptible to the effects of ethyl butyl ketone.

C. Periodic Examinations.

Routine periodic examinations are not required. However, if the employer becomes aware of an employee with the above listed conditions, he must refer such employee for further medical examination.

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3. Browning, Ethel: Toxicity and Metabolism of Industrial Solvents, Elsevier Publishing Company, Amsterdam, 1965, pp. 433-434.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71, 36 FR 8754, and 29 CFR Part 1911)

Signed at Washington, D.C. this 29th day of April, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75–11830 Filed 5–7–75;8:45 am]

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THURSDAY, MAY 8, 1975

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

GRANT REGULATIONS AND PROCEDURES

Revision of Part

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 366–8]

PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES

On November 27, 1971, interim regulations applicable to all grant programs of the Environmental Protection Agency were published in the FEDERAL REGISTER (36 FR 22716). On August 7, 1973, proposed policy requirements for EPA grants were published (38 FR 21342). After consideration of all comments submitted by interested parties, Agency experience in administering its grant programs, and an analysis of requests for deviation from the interim regulations, the regulations promulgated hereby are adopted and replace the interim and implement the proposed regulations.

Written comments received from interested parties are on file with the Environmental Protection Agency. A number of these comments have been adopted or substantially satisfied by editorial changes in, deletions from, or additions to this Part. The requirements set forth in the interim rules are essentially unchanged except that standards for grantee financial management and property management have been expanded and clarified to more fully implement the grant policy requirements of Office of Management and Budget and General Services Administration Circulars.

Policies and procedures governing procurement by grantees under grants awarded by the Environmental Protection Agency have been deleted from Part 30, expanded and set forth in a new Part 33—Subagreements. Part 33 will be published in the near future. Until Part 33 becomes effective, grant personnel will continue subagreement reviews in accordance with existing practices.

Several comments were received regarding grant-related income. These provisions have been revised and expanded to explain more clearly EPA requirements. These regulations provide that grantees are accountable for income which is directly related to a principal project objective under a grant. Income generated under the governing powers of a State or local government, such as licenses or permit fees, which would have been generated without grant support will not be considered grant-related income.

New provisions delineate Agency policies and procedures for the prevention of conflict of interest involving former and current EPA employees in the award and administration of grants. These policies are designed to assure that personal or organizational conflicts of interest, or the appearance of such conflict of interest, be prevented in the award and administration of EPA grants, including subagreements.

The disputes provisions in Appendix A of the interim regulations have been set forth in a new Subpart J. These provisions will be expanded to provide a more explicit public statement of EPA policies and procedures regarding disputes and appeals. Upon completion of the development of this revised Subpart J, Part 30 will be amended.

The inflationary impact of these regulations has been considered and there is no significant impact.

Suggestions for changes to the regulations promulgated in this Subchapter are solicited on a continuous basis pursuant to 40 CFR 30.125.

Effective date. These regulations shall be effective on June 10, 1975, and shall govern all Environmental Protection Agency grants (including subsequent related projects of grants for construction of treatment works) awarded on or after this date. Grants awarded prior to June 10, 1975, are subject to the interim provisions of 40 CFR Part 30 (36 FR 22716), except to the extent these final regulations are made applicable by mutual agreement through a grant amendment.

Dated: May 2, 1975.

JOHN QUARLES,
Acting Administrator.

40 CFR Part 30 is hereby revised and adopted as a final regulation.

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Appendix A Grant agreement/amendment [1]
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AUTHORITY: Sec. 20 and 23 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135); (33 U.S.C. 1251; 42 U.S.C. 241, 242b, 243, 246, 300j-1, 300j-2, 300j-3; 1857, 1891, and 3251) et seq.

§ 30.100 Purpose.

This Subchapter establishes and codifies uniform policies and procedures for all grants awarded by the U.S. Environmental Protection Agency (EPA).

§ 30.101 Authority.

This Subchapter is promulgated by the Administrator of the Environmental Protection Agency pursuant to the authority conferred by Reorganization Plan No. 3 of 1970 and pursuant to the following statutes which authorize the award of assistance by the Environmental Protection Agency:

(a) The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.);

(b) The Clean Air Act, as amended (42 U.S.C. 1857 et seq.);

(c) The Solid Waste Disposal Act, as amended (42 U.S.C. 3251 et seq.);

(d) The Safe Drinking Water Act (42 U.S.C. 300j-1, 300j-2, 300j-3);

(e) Section 301 et seq. of the Public Health Service Act, as amended (42 U.S.C. 241, 242b, 243, and 246);

(f) Sections 20 and 23 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135); and

(g) The Grant Act (42 U.S.C. 1891 et seq.).

§ 30.105 Applicability and scope.

Parts 30 through 34 of this Subchapter contain policies and procedures which apply to all grants made by the Environmental Protection Agency and are designed to achieve maximum uniformity throughout the various grant programs of the Environmental Protection Agency and, where possible, consistency with other Federal agencies. These policies and procedures are mandatory with respect to all Environmental Protection Agency grants and apply to grants awarded or administered within and outside the United States, unless otherwise specified. Supplementary policies and procedures applicable to only certain grant programs are issued in regulations specifically pertaining to those programs under Part 35 (State and Local Assistance), Part 40 (Research and Demonstration), Part 45 (Training) and Part 46 (Fellowships). Grants or agreements entered into with funds under the Scientific Activities Overseas Program which utilize U.S.-owned excess foreign currencies shall not be subject to this Subchapter.

§ 30.110 Publication.

This Subchapter is published (in Title 40) in the daily issue of the FEDERAL REGISTER and in cumulated form in the Code of Federal Regulations.

§ 30.115 Copies.

Copies of this Subchapter in FEDERAL REGISTER and Code of Federal Regulations form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

§ 30.120 Citation.

This Subchapter will be cited in accordance with FEDERAL REGISTER standards. For example, this section, when referred to in divisions of this Subchapter, should be cited as "40 CFR 30.120."

§ 30.125 Public comment.

This Subchapter will be amended from time to time to establish new or improved grant policies and procedures, to simplify and abbreviate grant application procedures, to simplify and standardize grant conditions and related requirements, to include or provide for statutory changes, and to improve Agency and grantee administration of grants. Therefore, public comment is solicited on a continuous basis and may be addressed to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460.

§ 30.130 Grant information.

Application forms and information concerning Agency grants may be obtained through the Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460, or any EPA regional grants administration office. Addresses of EPA Regional Offices are as follows:

[1] Appendix A filed as part of original document.

Region	Address	States
I	John F. Kennedy Federal Bldg., Boston, Mass. 02203	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
II	26 Federal Plaza, New York, N.Y. 10007	New Jersey, New York, Puerto Rico, Virgin Islands.
III	6th and Walnut, Curtis Bldg., Philadelphia, Pa. 19106.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
IV	1421 Peachtree St. NE., Atlanta, Ga. 30309	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
V	230 South Dearborn St., Chicago, Ill. 60604	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
VI	1600 Patterson St., Dallas, Tex. 75201	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
VII	1735 Baltimore Ave., Kansas City, Mo. 64108	Iowa, Kansas, Missouri, Nebraska.
VIII	Lincoln Tower, 1860 Lincoln St., Denver, Colo. 80203	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
IX	100 California St., San Francisco, Calif. 94111	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island.
X	1200 6th Ave., Seattle, Wash. 98101	Alaska, Idaho, Oregon, Washington.

§ 30.135 Definitions.

All terms used in this Subchapter which are defined in the statutes cited in § 30.101 and which are not defined in this Section, shall have the meaning given to them in the relevant statutes. As used throughout this Subchapter, the words and terms defined in this Section shall have the meanings set forth below, unless (a) the context in which they are used clearly requires a different meaning, or (b) a different definition is prescribed for a particular part or portion thereof. The words and terms defined in this Section shall have the meanings set forth herein whenever used in any correspondence, directives, orders, or other documents of the Environmental Protection Agency relating to grants, unless the context clearly requires a different meaning.

§ 30.135–1 Administrator.

The Administrator of the Environmental Protection Agency, or any person authorized to act for him.

§ 30.135–2 Agency.

The United States Environmental Protection Agency (EPA).

§ 30.135–3 Allowable costs.

Those costs permitted under the appropriate Federal cost principles (see § 30.710).

§ 30.135–4 Applicant.

Any individual, agency, or entity which has filed a preapplication or an application for a grant pursuant to this Subchapter.

§ 30.135–5 Budget.

The financial plan for expenditure of all Federal and non-Federal funds for a project, including other Federal assistance, developed by cost components in the grant application.

§ 30.135–6 Budget period.

The period specified in the grant agreement during which granted Federal funds are authorized to be expended, obligated, or firmly committed by the grantee for the purposes specified in the grant agreement.

§ 30.135–7 Educational institution.

Any institution which (a) has a faculty, (b) offers courses of instruction, and (c) is authorized to award a degree or certificate upon completion of a specific course of study.

§ 30.135–8 Eligible costs.

Those allowable costs which are within the scope of the project and authorized for EPA participation.

§ 30.135–9 Federal assistance.

The entire Federal contribution for a project including, but not limited to, the EPA grant amount.

§ 30.135–10 Grant.

An award of funds or other assistance by a written grant agreement purusant to this Subchapter, except fellowships.

§ 30.135–11 Grant agreement.

The written agreement and amendments thereto between EPA and a grantee in which the terms and conditions governing the grant are stated and agreed to by both parties pursuant to § 30.345.

§ 30.135–12 Grant approving official.

The EPA official designated to approve grants and take other grant related actions authorized by Environmental Protection Agency Orders or this Subchapter (sometimes referred to as the Decision Official).

§ 30.135–13 Grant award official.

The EPA official authorized to execute a grant agreement on behalf of the Government.

§ 30.135–14 Grantee.

Any individual, agency, or entity which has been awarded a grant pursuant to § 30.345.

§ 30.135–15 In-kind contribution.

The value of a non-cash contribution provided by (a) the grantee, (b) other public agencies and institutions, (c) private organizations and individuals, or (d) EPA. An in-kind contribution may consist of charges for real property and equipment and value of goods and services directly benefiting and specifically identifiable to the grant program.

§ 30.135–16 Nonprofit organization.

Any corporation, trust, foundation, or institution (a) which is entitled to exemption under section 501(c)(3) of the Internal Revenue Code, or (b) which is not organized for profit and no part of the net earnings of which inure to the benefit of any private shareholder or individual.

§ 30.135–17 Project.

The undertaking identified in the grant agreement which will receive EPA assistance. The term project may refer to a program (e.g., State water pollution control program, air pollution control program) for the budget period for which EPA assistance is provided.

§ 30.135–18 Project costs.

All costs incurred by a grantee in accomplishing the objectives of a grant project, not limited to those costs which are allowable in computing the final EPA grant amount or total Federal assistance.

§ 30.135–19 Project Officer.

The EPA official designated in the grant agreement as the Agency's principal contact with the grantee on a particular grant. This person is the individual responsible for the performance and/or coordination of project monitoring.

§ 30.135–20 Project period.

The period of time specified in the grant agreement as estimated to be required for completion of the project for which Federal grant support has been requested. It is composed of one or more budget periods.

§ 30.135–21 Regional Administrator.

The Regional Administrator of one of the 10 EPA Regional Offices, or any person authorized to act for him.

§ 30.135–22 Subagreement.

A written agreement between a grantee and third party and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, included contracts for personal and professional services, purchase orders, and consultant agreements.

Subpart A—Basic Policies

§ 30.200 Grant simplification goals and policy.

It is EPA policy that, consistent with protection of the public interest, procedures used in administering and implementing grant programs shall encourage the minimization of paperwork and intraagency decision procedures, and the best use of available manpower and funds, to prevent needless duplication and unnecessary delays.

§ 30.205 Role of EPA.

The Environmental Protection Agency has a mandate to protect and enhance the environment. Grants and fellowships are among EPA's principal means of achieving its objectives. EPA financial assistance may be awarded to support State and local governments, research, demonstration, or training projects, fellowships and such other programs that advance the Agency's mission.

§ 30.210 Role of the grantee.

An award of a grant shall be deemed to constitute a public trust. It is the responsibility of the grantee to comply with this Subchapter and all terms and conditions of the grant agreement, efficiently and effectively manage grant funds within the approved budget, complete the undertaking in a diligent and professional manner, and monitor and report performance. This responsibility may be neither delegated nor transferred by the grantee.

§ 30.215 Records of grant actions.

(a) An official EPA file shall be established for each EPA grant. To the extent that retained copies of documents do not represent all significant actions taken, suitable memoranda or summary statements of such undocumented actions must be prepared promptly and retained in the grant file.

(b) The grantee shall establish an official file for each grant received from EPA. The file should contain documentation of all actions taken with respect to the grant (see § 30.805).

§ 30.220 Consolidated grants.

A consolidated grant is a grant funded under more than one grant authority by EPA or a grant awarded in conjunction with one or more Federal agencies (e.g., Integrated Grant Administration (IGA) grant). Application for and award and administration of a consolidated grant must conform to this Subchapter, except as the Director, Grants Administration Division, may otherwise direct with respect to substatutory requirements. Those conditions and procedures will conform to this Subchapter to the greatest extent practicable.

§ 30.225 Foreign grants.

(a) A foreign grant, as used in this Part, means an EPA award for such project, all or any part of which will be performed in a foreign country by (1) a U.S. grantee, (2) a foreign grantee, or (3) an international organization.

(b) Grant applications for work performed in the United States shall generally be given preference over applications for similar work to be performed in a foreign country.

(c) Foreign grants shall comply with this Subchapter and shall be awarded and administered pursuant to such additional conditions and procedures as may be established by EPA. Grants or agreements entered into with funds under the Scientific Activities Overseas Program which utilize U.S.-owned excess foreign currencies shall not be subject to this Subchapter.

§ 30.225–1 Clearance requirements.

The total amount of foreign awards financed by EPA during a fiscal year may not exceed any ceilings on foreign obligations which may be established for that fiscal year by the Office of Management and Budget. Department of State clearance must be obtained by EPA through the EPA Office of International Activities prior to the award of a foreign grant.

§ 30.225–2 Criteria for award.

All of the following criteria must be met before a foreign grant may be awarded:

(a) The foreign proposal is outstanding or original in concept and important to the achievement of EPA program objectives;

(b) The proposed work must be performed outside the United States because of unusual personnel or material resources available, or other existing conditions;

(c) The proposed work is urgently needed by the sponsoring program office and constitutes a timely opportunity which would be lost if not supported at this time; and

(d) An adequate level of funding cannot be obtained for the foreign work by the applicant without financial support from EPA.

§ 30.225–3 Allowability of costs.

(a) Travel costs are allowable for foreign grants if itemized in the application and approved by EPA as part of the grant agreement or if approved in writing by EPA in advance of each trip.

(b) Indirect costs are not allowable for foreign grants, except that in the case of a U.S. grantee performing only a part of a project in a foreign country, indirect costs are allowed for that part of the work performed in the United States.

(c) Cost sharing is not required for foreign grants, except that in the case of a U.S. grantee performing only a part of a project in a foreign country, cost sharing is required on that part of the work performed in the United States.

§ 30.225–4 Payments.

(a) All payments will be made in U.S. currency unless otherwise specified in the grant agreement. If payment is made in foreign currency, payments will be in an amount equal at the time of payment to the United States dollars awarded.

(b) Refunds and rebates should be made in the currency of the original payment and shall be in an amount equal, at the time of payment, to United States dollars awarded.

§ 30.230 Grants administration review.

The Director, Grants Administration Division, shall conduct such review, as he deems appropriate, of the administration of each EPA grant program or of grants awarded by a particular EPA office to determine compliance with the policies and procedures of this Subchapter and to determine further steps necessary to implement § 30.200.

§ 30.235 Disclosure of information.

(a) EPA policy concerning release of information under the Freedom of Information Act, 5 U.S.C. 552, is stated in Part 2 of this Chapter. Applicants for grants, grantees, and their contractors should be aware that information provided to EPA is subject to disclosure to others pursuant to the Freedom of Information Act. In addition EPA acquires the right, unless otherwise provided in a grant agreement, to use and disclose project data, pursuant to Appendix C to this Part.

(b) Any person who submits to EPA any information under this Part, and who desires that EPA not disclose any or all of the information, must ensure that at the time the information is first received by EPA it is accompanied by a clear and prominently written claim, consisting of a cover sheet, stamp, typed legend or other suitable form of notice on (or attached to) the document or other record containing the information, employing language such as "trade secret," "confidential" or "proprietary" (see § 30.320). Where only one or more portions of a submission are claimed to be entitled to nondisclosure, each such portion shall be identified. Information received by EPA which is not accompanied by a claim in accordance with this section may be made available to the public without prior notice to the party which furnished the information in accordance with Part 2 of this Chapter.

(c) Unless a specific provision (special condition) in the grant otherwise provides, information submitted in an application or other submission with a restrictive marking will nevertheless be subject to the Government's duty to disclose information pursuant to the Freedom of Information Act and the Government's rights to utilize data pursuant to Appendix C of this Part.

§ 30.245 Fraud and other unlawful or corrupt practices.

(a) The award and administration of EPA grants, and of subagreements awarded by grantees under those grants, must be accomplished free from bribery, graft, kickbacks, and other corrupt practices. The grantee bears the primary responsibility for the prevention, detection and cooperation in the prosecution of any such conduct; Federal administrative or other legally available remedies will be pursued, however, to the extent appropriate.

(b) The grantee must effectively pursue available State or local legal and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices which are brought to its attention. The grantee must advise the Project Officer immediately when such allegation or evidence comes to its attention, and must periodically advise the Project Officer of the status and ultimate disposition of any matter, including those referred pursuant to Paragraph (c) of this section.

(c) If any allegations, evidence or even appearance of such illegality or corrupt practices comes to the attention of the EPA Project Officer, he must promptly report briefly in writing the substance of the allegations or evidence to the Director, EPA Security and Inspection Division. When so advised by the Director, EPA Security and Inspection Division, he must bring the matter to the attention of the grantee for action.

(d) If any allegations, evidence or even appearance of such illegality or corrupt practices comes to the attention of any other EPA employee, he must promptly report briefly in writing the substance of the allegation or evidence to the Director, EPA Security and Inspection Division.

(e) A person, firm, or organization which is demonstrated upon adequate evidence to have been involved in bribery or other unlawful or corrupt practices on a Federally-assisted project may be determined nonresponsible and ineligible by the Director, Grant Administration Division, or an EPA grant award or for the award of a contract under an EPA grant, pursuant to § 30.340–2(c). The Director, Grants Administration Division, shall make such determination whenever he determines there is adequate evidence of such involvement, after opportunity for conference (with right of counsel) has been afforded to the affected person, firm, or organization. Such determination shall be binding upon EPA grant personnel. The Director, Grants Administration Division, shall notify EPA grant personnel and other appropriate persons of such determination or of any termination, modification, or suspension of the determination. The grantee may appeal a determination of the Director, Grants Administration Division, made pursuant to this section (see Subpart J of this part).

Subpart B—Application and Award

§ 30.300 Preapplication procedures.

(a) Informal inquiries by potential grant applicants prior to application submission are encouraged to expedite preparation and evaluation of the grant application documents. Such inquiries may relate to procedural or substantive matters and may range from informal telephone advice to pre-arranged briefings of individuals or classes of potential applicants. Questions should be directed to the appropriate Environmental Protection Agency program office from which funding is being sought or to the grants administration office in Headquarters or in the region in which the applicant is located. Inquiries may be directed to State officials for applications which include State participation in the review process (e.g., grants for construction of treatment works.)

(b) Submission of preapplications to EPA is encouraged for all research, demonstration, and training grant programs to (1) establish communication between EPA and the applicant; (2) determine applicant's eligibility; (3) determine how well the project can compete with similar applications; and (4) eliminate any proposal which has no chance for funding.

(c) An applicant submitting a preapplication to the grants administration office shall be promptly notified that (1) the preapplication has been received; (2) it has been forwarded to the appropriate program for an expression of interest, and (3) the program office will contact the applicant directly regarding possible followup action.

(d) Generally, preapplication processing requires 45 days and is not part of the 90 day review period for formal grant applications.

§ 30.305 A–95 procedures.

Pursuant to OMB Circular A–95 (revised) (38 FR 32874, November 28, 1973), applicants for certain types of projects must comply with the appropriate coordination procedures, generally prior to submitting a grant application. In certain cases, however, clearinghouses will be afforded the opportunity to comment during the initial phases of project work (e.g., development of facilities plan). The appropriate supplemental regulations of this subchapter prescribe the procedures to be followed. The A–95 procedures include but are not limited to the following:

(a) *Project Notification and Review System (PNRS).* Applicants for grants under EPA programs providing assistance to States and localities must notify both the State and areawide clearinghouses of their intent to apply for Federal assistance, generally prior to the preparation of the application.

(b) *State plans and multisource programs.* (1) Applicants for grants under EPA programs requiring a State plan as a condition for assistance must allow the Governor, or his delegated agency, the opportunity to comment on the relationship of the proposed program to the State plan. Opportunity for review must be provided prior to submission of the application.

(2) Applicants for multisource programs must afford both State and areawide clearinghouses the opportunity for review prior to submission of the application.

(c) *Coordination of Planning and Development in Multijurisdictional Areas.* Applicants for planning and development assistance must demonstrate in the application that the proposed activity is consistent with and has been coordinated with related planning and development being carried on under other Federal programs or under State and local programs in any multijurisdictional areas.

§ 30.310 Unsolicited proposal.

(a) For purposes of this Subchapter, an unsolicited proposal is a written offer to perform work which (1) does not result from (i) a formal written EPA request for contract proposals or quotations, or (ii) an oral quotation solicited under EPA small purchase procedures, (2) is not submitted on a grant preapplication or application form, and (3) is intended to result in award of an EPA grant or contract.

(b) Unsolicited proposals received by any organizational element of EPA shall be forwarded immediately to the Grants Administration Division for official receipt and processing. The Grants Administration Division will acknowledge receipt to the person or organization submitting the proposal and transmit the proposal to the appropriate program office for evaluation. If the program office decides to consider the proposal for a grant award, a grant application pursuant to § 30.315 will be required. If the proposal is to be recommended for funding under the contract mechanism, appropriate notification will be forwarded from the program office to the Grants Administration Division for closeout of the file.

§ 30.315 Application requirements.

Submittals which substantially comply with this Subchapter shall be deemed to be applications. An application shall include the completed application form, technical documents and supplementary materials furnished by the applicant. Submittals which do not substantially comply with this Subchapter shall be returned to the applicant.

§ 30.315–1 Signature.

(a) Applications must be signed by the applicant or a person authorized to obligate the applicant to the terms and conditions of the grant, if approved.

(b) Each grant application shall constitute an offer to accept the requirements of this Subchapter and the terms and conditions of the grant agreement.

(c) An applicant may be prosecuted under Federal, State, or local statutes for any false statement, misrepresentation, or concealment made as part of an application for EPA grant funds.

§ 30.315–2 Forms.

The following forms shall be used in applying for an EPA grant.

Type of application	Type of applicant	
	Other than State and local	State and local governmental agencies
Preapplication (optional).	EPA Form 5700-12 (optional).	EPA Form 5700-30.
Research, demonstration, and training grants.	EPA Form 5700-12.	EPA Form 5700-12 (or EPA Form 5700-33).
Program and planning grants.	Not applicable.....	EPA Form 5700-33.
Consolidated grants.	EPA Form 5700-12.	Do.
Wastewater treatment construction grants.	Not applicable.....	EPA Form 5700-32.

§ 30.315–3 Time of submission.

Applications should be submitted well in advance of the desired grant award date. Generally, processing of a complete grant application requires 90 days after receipt of the application by EPA.

§ 30.315–4 Place of submission.

Place of submission varies with type of grant for which application is being made. Therefore, instructions regarding place of submission are included in each grant application kit.

§ 30.320 Use and disclosure of information.

(a) All grant applications, preapplications, and unsolicited proposals, when received by EPA, constitute agency records. As such, their release may be requested by any member of the public under the Freedom of Information Act, 5 U.S.C. 552, and must be disclosed to the requester unless exempt from disclosure under 5 U.S.C. 552(b). EPA regulations

implementing 5 U.S.C. 552 are published in Part 2 of this Chapter.

(b) Any person who submits to EPA a grant application, preapplication, unsolicited proposal or other information under this Part, and who desires that EPA not disclose any or all of the information, shall ensure that at the time the information is first received by EPA it is accompanied by a clear and prominently written claim, consisting of a cover sheet, stamp, typed legend or other suitable form of notice on (or attached to) each such document or record received by EPA, employing language such as "trade secret," "confidential" or "proprietary." Where only one or more portions of a submission are claimed to be entitled to nondisclosure, each such portion shall be identified. Information received by EPA which is not accompanied by a claim in accordance with this section may be made available to the public without prior notice to the party which submitted the information in accordance with Part 2 of this Chapter.

(c) Any person who submits a grant application, preapplication or unsolicited proposal to EPA shall be deemed by EPA to have thereby consented to review of that application, preapplication or proposal by extramural reviewers, as appropriate under § 40.150(a) of this Chapter, unless a specific and conspicuous statement to the contrary appears on the face of the document. Extramural reviewers' recommendations shall not be disclosed.

(d) If a grant or subagreement is awarded to a submitter in response to his application, preapplication or unsolicited proposal, EPA shall treat the information in the application, preapplication, unsolicited proposal or resulting grant or contract as available to the public and free from any limitation on use or disclosure, notwithstanding any legend asserting a claim for nondisclosure except to the extent otherwise expressly provided by special condition in the grant.

§ 30.325 Evaluation of application.

Each applicant shall be notified that the application has been received and is in the process of evaluation pursuant to this Subchapter. Each application shall be subjected to a (a) preliminary administrative review to determine the completeness of the application, (b) program, technical, and scientific evaluation to determine the merit and relevance of the project to EPA program objectives, (c) budget evaluation to determine whether proposed project costs are eligible, reasonable, applicable, and allowable, and (d) final administrative evaluation. Recommendations and comments received as a result of extramural review pursuant to § 40.150(a) of this Subchapter shall be considered in the evaluation process.

§ 30.330 Supplemental information.

The applicant may, at any stage during the evaluation process, be requested to furnish documents or information required by this Subchapter and necessary to complete the application. The evaluation may be suspended until such additional information or documents have been received.

§ 30.335 Criteria for award of grant.

Each application shall be evaluated in accordance with the requirements and criteria established pursuant to this Subchapter and promulgated herein. Program award criteria may be found in Parts 35, 40, 45, and 46 of this Subchapter. Grants may be awarded without regard to substatutory criteria in exceptional cases if a deviation pursuant to Subpart I of this Subchapter has been approved.

§ 30.340 Responsible grantee.

The policy and procedures established by this section shall be followed to determine, prior to award of any grant, whether an applicant will qualify as a responsible grantee. A responsible grantee is one which meets, and will maintain for the life of the grant, the minimum standards set forth in § 30.340–2 and such additional standards as may be prescribed and promulgated for a specific purpose.

§ 30.340–1 General policy.

The award of grants to applicants who are not responsible is a disservice to the public, which is entitled to receive full benefit from the award of grants for the protection and enhancement of the environment. It frequently is inequitable to the applicants themselves, who may suffer hardship, sometimes even financial failure, as a result of inability to meet grant or project requirements. Moreover, such awards are unfair to other competing applicants capable of performance, and may discourage them from applying for future grants. It is essential, therefore, that precautions be taken to award grants only to reliable and capable applicants who can reasonably be expected to comply with grant and project requirements.

§ 30.340–2 Standards.

To qualify as responsible, an applicant must meet and maintain for the life of the proposed grant the following standards as they relate to a particular project:

(a) Have adequate financial resources for performance, the necessary experience, organization, technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain such (including proposed subagreements);

(b) Be able to comply with the proposed or required completion schedule for the project;

(c) Have a satisfactory record of integrity, judgment, and performance, including in particular, any prior performance upon grants and contracts from the Federal Government;

(d) Have an adequate financial management system and audit procedure which provides efficient and effective accountability and control of all property, funds, and assets. Applicable standards are further defined in § 30.800;

(e) Maintain a standard of procurement which will comply with Part 33 of this Subchapter;

(f) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding, and disposition of all property. Applicable standards are further defined in § 30.810;

(g) Conform with the civil rights, equal employment opportunity, and labor law requirements of this Chapter;

(h) Be otherwise qualified and eligible to receive a grant award under applicable laws and regulations.

§ 30.340–3 Determination of responsibility.

Submission of a grant application shall constitute an applicant's assurance that he can and will meet the standards set forth in § 30.340–2. An applicant may be presumed to be responsible in the absence of any question as to his ability to meet the standards. This presumption of responsibility, however, shall not preclude EPA from performing a preaward audit or other review of an applicant's ability to comply with any or all of the above standards. Any applicant who is determined to be not responsible will be notified in writing of such finding and the basis therefor. A copy of such written notification shall be included in the official EPA file.

§ 30.345 Award of grant.

Generally, within 90 days after receipt of a completed application (excluding suspension periods for submission of supplemental information), the EPA Grant Approving Official will take one of the following actions: (a) Approve for grant award, (b) defer due to lack of funding, or (c) disapprove the application. The applicant shall be promptly notified in writing of any deferral or disapproval. A deferral or disapproval of an application shall not preclude its reconsideration or a reapplication. The applicant shall not be notified by EPA of an approval or grant award prior to transmittal of the grant agreement for execution by the applicant pursuant to § 30.345–3.

§ 30.345–1 Amount and term of grant.

The amount and term of a grant shall be determined at the time of grant award.

§ 30.345–2 Federal share.

The Federal share shall be set forth in the grant agreement expressed both as a dollar amount and as a percentage of approved eligible project costs. Such dollar amount shall represent the grant ceiling. The grantee must exert its best efforts to perform the project work as specified in the grant agreement within the approved cost ceiling. If at any time the grantee becomes aware that the costs which it expects to incur in the performance of the project will exceed or be substantially less than the then-approved estimated total project cost, the grantee must notify the Project Officer promptly in writing to that effect, pursuant to § 30.900. The United States shall not be

obligated to participate in costs incurred in excess of the budget approved in the grant agreement or any amendments thereto. Grant payments will be made pursuant to § 30.615.

§ 30.345–3 Grant agreement.

Upon execution of the grant agreement by EPA, the appropriate EPA grants administration office will transmit the grant agreement (certified mail, return receipt requested) to the applicant for execution. The grant agreement must be executed by the applicant and returned within 3 calendar weeks after receipt, or within any extension of such time that may be granted by the EPA grants administration office. The grant agreement shall set forth the approved project scope, budget (including the EPA share), total project costs, and the approved commencement and completion dates for the project or major phases thereof.

§ 30.345–4 Costs incurred prior to execution.

Except as may be otherwise provided by statute or this Subchapter, costs may not be incurred prior to the execution of the grant agreement by both parties thereto.

§ 30.345–5 Effect of grant award.

(a) The grant shall become effective and shall constitute an obligation of Federal funds in the amount and for the purposes stated in the grant agreement, at the time of execution of the grant agreement by the EPA grant award official.

(b) Neither the approval of a project nor the award of any grant shall commit or obligate the United States to award any continuation grant or enter into any grant amendment, including grant increases to cover cost overruns, with respect to any approved project or portion thereof.

§ 30.350 Limitation on award.

(a) No grant may be awarded if the project will be performed at a facility listed by the Director, Office of Federal Activities, in violation of the requirements set forth in § 30.420–3 and Part 15 of this Chapter.

(b) No grant may be awarded if there is a personal or organizational conflict of interest, or the appearance of such conflict of interest (see § 30.420).

§ 30.355 Continuation grants.

(a) When an original grant award includes a provision for more than one budget period within the project period, EPA presumes that continuation grants for the subsequent budget periods will be awarded, subject to availability of funds and Agency priorities, as determined by the Administrator, if the grantee:

(1) Has demonstrated satisfactory performance during all previous budget periods; and

(2) Submits no later than 90 days prior to the end of the budget period a continuation application which includes a detailed progress report; a financial statement for the current budget period, including an estimate of the amount of unspent, uncommitted funds which will be carried over beyond the term of the prior grant; a budget for the new budget period; an updated work plan revised to account for actual progress accomplished during the current budget period; and any other reports as may be required by the grant agreement.

(b) Review of continuation applications will be conducted expeditiously. Generally, no extramural review will be required.

(c) Costs incurred after the end of the previous budget period may be allowed under the continuation grant provided that no longer than 30 days has elapsed between the end of the budget period and the execution of the continuation grant agreement.

Subpart C—Other Federal Requirements

§ 30.405 Statutory conditions.

Compliance with the following statutory requirements, in addition to such other statutory provisions as may be applicable to particular grants or grantees or classes of grants or grantees, is a condition to each EPA grant.

§ 30.405–1 National Environmental Policy Act.

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., as amended, and regulations issued thereunder, 40 CFR Part 6, particularly as it relates to the assessment of the environmental impact of federally assisted projects. Where an environmental assessment is required by 40 CFR Part 6, an adequate environmental assessment must be prepared for each project by the applicant or grantee.

§ 30.405–2 Uniform Relocation Assistance and Real Property Acquisition Policies Act.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4621 et seq., 4651 et seq., and the regulations issued thereunder, 40 CFR Part 4. Grantees must assure that any acquisition of interest in real property or any displacement of persons, businesses, or farms is conducted in compliance with the requirements of the Act and the regulations, and must submit regular reports concerning their activities under the Act, pursuant to § 30.635–6.

§ 30.405–3 Civil Rights Act of 1964.

The Civil Rights Act of 1964, 42 U.S.C. 2000a et seq., as amended, and particularly Title VI thereof, which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, as implemented by regulations issued thereunder, 40 CFR Part 7. The grantee must assure compliance with the provisions of the Act and regulations.

§ 30.405–4 Federal Water Pollution Control Act Amendments of 1972, Section 13.

Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) provides that no person in the United States shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving assistance under the Federal Water Pollution Control Act, as amended (86 Stat. 816) or the Environmental Financing Act (86 Stat. 899). The applicant or grantee must assure compliance with the provisions of section 13 and the regulations issued thereunder including 40 CFR Part 12.

§ 30.405–5 Title IX of the Education Amendments of 1972.

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq., provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

§ 30.405–6 Hatch Act.

The Hatch Act, 5 U.S.C. 1501 et seq., as amended, relating to certain political activities of certain State and local employees. State and local government grantees must ensure compliance on the part of their employees who are covered by the Hatch Act. A State or local officer or employee is covered by the Hatch Act on political activity if his principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency. He is subject to the Act, if as a normal and foreseeable incident to his principal job or position, he performs duties in connection with an activity financed in whole or in part by Federal loans or grants. Specifically excluded is an individual who exercises no functions in connection with that activity; or an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

§ 30.405–7 National Historic Preservation Act.

The National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., as amended, relating to the preservation of historic landmarks. Applicants must consult the National Register of Historic Places (published in the FEDERAL REGISTER) to determine if a National Register property (or one eligible for inclusion in the Register) is located within the area of the proposed project's environmental impact and observe required procedures.

§ 30.405–8 Public Law 93–291.

Public Law 93–291 (referred to as Archeological and Historic Preservation Act of 1974) relating to potential loss or destruction of significant scientific, historical, or archeological data in connection with Federally assisted activities.

§ 30.405–9 Demonstration Cities and Metropolitan Development Act and Intergovernmental Cooperation Act.

The Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301 et seq., as amended, and particularly Section 204 thereof, requires that applications for Federal assistance for a wide variety of public facilities projects in metropolitan areas must be accompanied by the comments of an areawide comprehensive planning agency covering the relationship of the proposed project to the planned development of the area. The Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4201 et seq., as amended, requires coordination by and among local, regional, State, and Federal agencies with reference to plans, programs, and development projects and activities. Compliance with these two Acts is ensured by adherence to procedures in OMB Circular No. A–95 (revised) (38 FR 32874, Nov. 28, 1973). Applicants must follow the coordination procedures established by that Circular prior to submitting an application (see § 30.305).

§ 30.405–10 Flood Disaster Protection Act.

(a) *General.* (1) The Flood Disaster Protection Act of 1973 (Pub. L. 93–234, December 31, 1973), requires grantees to purchase flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal assistance for construction purposes or for the acquisition of any real or nonexpendable personal property in an identified special flood hazard area that is located within any community currently participating in the National Flood Insurance Program. The National Flood Insurance Program is a Federal program authorized by the National Flood Insurance Act of 1968, 42 U.S.C. 4001–4127, as amended.

(2) For any community that is not participating in the flood insurance program on the date of execution of the grant agreement by both parties, the statutory requirement for the purchase of flood insurance does not apply. However, after July 1, 1975, or one year after notification of identification as a flood-prone community, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, which have been delineated on Flood Hazard Boundary Maps or Flood Insurance Rate Maps issued by the Department of Housing and Urban Development (HUD). Thereafter, no financial assistance can legally be provided for real or nonexpendable personal property or for construction purposes in these areas unless the community has entered the program and flood insurance is purchased.

(3) Regulations pertaining to the National Flood Insurance Program are published in Title 24 of the Code of Federal Regulations, commencing at Part 1909. HUD guidelines regarding the mandatory purchase of insurance have been published in the FEDERAL REGISTER at 39 FR 26186–93, July 17, 1974. Additional information may be obtained from the regional offices of the Department of Housing and Urban Development, or from the Federal Insurance Administration, HUD, Washington, D.C. 20410.

(b) *Wastewater treatment construction grants.* (1) The grantee (or the construction contractor, as appropriate) must acquire any flood insurance made available to it under the National Flood Insurance Act of 1968 as amended beginning with the period of construction and maintain such insurance for the entire useful life of the project, if the total value of insurable improvements is $10,000 or more.

(2) The amount of insurance required is the total project cost, excluding facilities which are uninsurable under the National Flood Insurance Program such as bridges, dams, water and sewer lines, and underground structures, and excluding the cost of the land, or the maximum limit of coverage made available to the grantee under the National Flood Insurance Act, whichever is less.

(3) The required insurance premium for the period of construction is an allowable project cost.

(c) *Other grant programs.* (1) A grantee must acquire and maintain any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, if the approved project includes (i) any construction-type activity, or (ii) any acquisition of real or nonexpendable personal property, and the total cost of such activities and acquisition is $10,000 or more.

(2) The amount of insurance required is the total cost of any insurable nonexpendable personal or real property acquired, improved, or constructed, excluding the cost of land, with any portion of this grant, or the maximum limit of coverage made available to the grantee under the National Flood Insurance Act, as amended, whichever is less, for the entire useful life of the property.

(3) The required insurance premium for the period of project support is an allowable project cost.

(4) If EPA provides financial assistance for personal property to a grantee that the Agency has previously assisted with respect to real estate at the same facility in the same location, EPA must require flood insurance on the previously-assisted building as well as on the personal property. The amount of flood insurance required on the building will be based upon its current value, however, and not on the amount of assistance previously provided.

§ 30.405–11 Clean Air Act, Section 306.

Section 306 of the Clean Air Act, 42 U.S.C. 1857h–4, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities (see § 30.410–4, Executive Order 11738).

§ 30.405–12 Federal Water Pollution Control Act, Section 508.

Section 508 of the Federal Water Pollution Control Act, 33 U.S.C. 1251, as amended, prohibiting award of assistance by way of grant, loan, or contract to noncomplying facilities (see § 30.410–4, Executive Order 11738).

§ 30.410 Executive Orders.

Compliance with the following Executive Orders is a condition of each EPA grant.

§ 30.410–1 Executive Order 11246.

Executive Order 11246 dated September 24, 1965, as amended, with regard to equal employment opportunities, and all rules, regulations and procedures prescribed pursuant thereto (40 CFR Part 8).

§ 30.410–2 Executive Order 11296.

Executive Order 11296 dated August 10, 1966, regarding evaluation of flood hazard in locating federally owned or financed buildings, roads, and other facilities, and in disposing of Federal lands and properties.

§ 30.410–3 Executive Order 11514.

Executive Order 11514 dated March 5, 1970, providing for the protection and enhancement of environmental quality in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (40 CFR Part 6).

§ 30.410–4 Executive Order 11738.

Executive Order 11738 dated September 12, 1973, which prohibits any Federal agency, grantee, contractor, or subcontractor from entering into, renewing, or extending any nonexempt grant or subagreement (contract or subcontract) which in the performance of the grant or subagreement utilizes any facility included on the EPA List of Violating Facilities (40 CFR Part 15). By so doing, the Executive Order requires compliance with the Clean Air Act and the Federal Water Pollution Control Act (see § 30.420–3).

§ 30.415 Additional requirements—federally assisted construction.

Grants for projects that involve construction are subject to the following additional requirements.

§ 30.415–1 Davis-Bacon Act.

The Davis-Bacon Act, as amended, 40 U.S.C. 276a et seq., and the regulations issued thereunder, 29 CFR 5.1 et seq., respecting wage rates for federally assisted construction contracts in excess of $2,000.

§ 30.415–2 The Copeland Act.

The Copeland (Anti-Kickback) Act, 18 U.S.C. 874, 40 U.S.C. 276c, and the regulations issued thereunder, 29 CFR 3.1 et seq.

§ 30.415–3 The Contract Work Hours and Safety Standards Act.

The Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 et seq., and the regulations issued thereunder, 29 CFR Parts 5 and 1518.

§ 30.415–4 Convict labor.

Convict labor shall not be used in EPA assisted construction unless it is labor performed by convicts who are on work release, parole or probation.

§ 30.420 Additional requirements—all EPA grants.

Compliance with the following requirements is a condition of each EPA grant.

§ 30.420–1 Prohibition against contingent fees.

No person or agency may be employed or retained to solicit or secure a grant upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For violation of this prohibition, EPA shall have the right to annul the grant without liability or in its discretion to deduct from the grant award, or otherwise recover, the full amount of any commission, percentage, brokerage or contingent fee.

§ 30.420–2 Officials not to benefit.

No member of, or delegate to Congress or Resident Commissioner, shall be permitted to any share or part of a grant, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to a grant if made with a corporation for its general benefit.

§ 30.420–3 Prohibition against violating facilities.

(a) *List of violating facilities.* Pursuant to 40 CFR Part 15, the Director, Office of Federal Activities, EPA, shall maintain a list that includes those facilities which have been designated to be in noncompliance with either the Clean Air Act or the Federal Water Pollution Control Act and with which no Federal agency, grantee, contractor, or subcontractor shall enter into, renew, or extend any nonexempt grant, contract, or subcontract. For the purpose of this subsection, the term "facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location, or site of operations owned, leased, or supervised by an applicant, contractor, subcontractor, or grantee to be utilized in the performance of a grant, contract or subcontract. Where a location or site of construction or other operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility, except where the Director, Office of Federal Activities, EPA, determines that independent facilities are co-located in one geographic area.

(b) *Exempt transactions.* The following are exempt:

(1) Grants, contracts, and subcontracts not exceeding $100,000.

(2) Contracts and subcontracts for indefinite quantities that are not anticipated to exceed $100,000 for any 12 month period.

(3) Grants, contracts, or subcontracts, where the principal purpose is to assist a facility or facilities to comply with any Federal, State, or local law, regulation, limitation, guideline, standard, or other requirement relating to the abatement, control, or prevention of environmental pollution. This exemption does not apply to (i) subcontracts for materials, supplies, or equipment where an existing facility is modified or altered or (ii) grants, contracts, or subcontracts for new construction.

(4) Facilities located outside the United States.

(5) The foregoing exemptions shall not apply to the use of a facility that has been convicted of a violation under section 113(c)(1) of the Clean Air Act, or under section 309(c) of the Federal Water Pollution Control Act. The List of Violating Facilities will specify which facilities have been convicted.

(c) *Grant condition.* No nonexempt project work may be performed at a facility listed by the Director, Office of Federal Activities, EPA, in violation of the requirements of 40 CFR Part 15.

(d) *Contract stipulations.* Each grantee, contractor, and subcontractor must include or cause to be included in every nonexempt subagreement (including contract or subcontract) the criteria and requirements in paragraphs (d) through (f) of this section.

(e) *Notification.* Each applicant, grantee, bidder, contractor, and subcontractor must give prompt notification if at any time prior to or after the award of a nonexempt grant or contract, notification is received from the Director, Office of Federal Activities, indicating that a facility to be utilized in the performance of a nonexempt grant or subagreement has been listed or is under consideration to be listed on the EPA List of Violating Facilities.

(1) An applicant or grantee must notify the project officer.

(2) A bidder, contractor or subcontractor must notify the grantee which will notify the Project Officer.

(f) *Deferral of award.* The Director, Office of Federal Activities, EPA may request that the award of the grant, contract or subcontract be withheld for a period not to exceed 15 working days.

(g) *Compliance.* Each applicant, grantee, bidder, contractor, and subcontractor must comply with all the requirements of Section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act relating to inspection, monitoring, entry, reports, and information as well as all other requirements specified in section 114 and section 308 of the Clean Air Act and Federal Water Pollution Control Act, respectively, and all regulations and guidelines issued thereunder.

(h) *Failure to comply.* In the event any grantee, contractor or subcontractor fails to comply with clean air or water, standards at any facility used in the performance of a nonexempt grant or subagreement, the grantee, contractor, or subcontractor shall undertake the necessary corrective action to bring the facility into compliance. If the grantee, contractor, or subcontractor is unable or unwilling to do so, the grant will be suspended, annulled, or terminated, in whole or in part, unless the best interests of the Government would not thereby be served.

§ 30.420–4 Conflict of interest.

(a) The purpose of this section is to establish policies and procedures for the prevention of conflicts of interest, and the appearance of such conflicts of interest, involving former and current EPA employees in the award and administration of grants. This section does not apply to former EPA employees performing duties as an elected or appointed official or full time employee of a State or local government (excluding State or local institutions of higher education and hospitals).

(b) It is EPA policy that personal or organizational conflict of interest, or the appearance of such conflict of interest, be prevented in the award and administration of EPA grants, including subagreements.

(c) Conflict of interest provisions for EPA employees are published in 40 CFR Part 3. In cases where an employee's action in the review, award, or administration of a grant would create an apparent conflict of interest, the employee shall disqualify himself and refer any necessary action to his superior.

(d) 18 U.S.C. 207 establishes penalties for certain actions on the part of former Federal employees.

(e) It shall be improper for an applicant to receive a grant when the applicant employs a person who served in EPA as a regular employee or as a special employee if either one of the following conditions exist:

(1) If the grant relates to a project in which the former EPA employee participated personally and substantially as an EPA employee, through decision, approval, disapproval, recommendation, and if the former EPA employee (i) was involved in developing or negotiating the application for the prospective grantee; (ii) will be involved in the management or administration of the project, or (iii) has a substantial financial interest (generally, a 20% or greater stock, partnership, or equivalent interest);

(2) If the former EPA employee's official duties involved, within one year prior to the termination of his employment with EPA, decision, approval, disapproval, or recommendation responsibilities concerning the subject matter of the grant or application, and the former EPA employee, within one year following the termination of his employment with EPA, (i) was involved in developing or negotiating the application for the prospective grantee; (ii) will be involved in management or administration of the project; or (iii) has a substantial financial interest (generally a 20% or greater stock, partnership or equivalent interest);

(f) Costs incurred on grants in violation of subparagraph (e) above shall be unallowable costs.

(g) Definitions pertaining to this section may be found in 40 CFR 3.102.

(h) The provisions of this section may be waived only by the Administrator or Deputy Administrator (1) upon a written determination of the General Counsel that the award or the administration of the project would not be likely to involve a violation of 18 U.S.C. 207 or other EPA regulations respecting conflicts of interest, 40 CFR Part 3, and (2) if the Administrator or Deputy Administrator determines that the best interests of the Government would be served by an award of the grant or subagreement or existing administration of the grant in view of the limited extent of the conflict of interest and the outstanding expertise of the former employee.

§ 30.420–5 Employment practices.

A grantee or a party to a subagreement shall not discriminate, directly or indirectly, on the grounds of race, color, religion, sex, age, or national origin in its employment practices under any project, program, or activity receiving assistance from EPA. Each grantee or party to a subagreement shall take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, color, religion, sex, age, or national origin.

§ 30.420–6 Conservation and efficient use of energy.

Grantees must participate in the National Energy Conservation Program by fostering, promoting, and achieving energy conservation in their grant programs. Grantees must utilize to the maximum practical extent the most energy-efficient equipment, materials, and construction and operating procedures available.

§ 30.425 Special conditions.

The grant agreement or any amendment thereto may include special conditions necessary to assure accomplishment of the project or of EPA objectives. However, special conditions inconsistent with the provision and intent of this Subchapter may not be utilized.

§ 30.430 Noncompliance.

In addition to such other remedies as may be provided by law, in the event of noncompliance with any grant condition or specific requirement of this Subchapter, (a) a grant may be terminated or annulled pursuant to § 30.920, (b) project work may be suspended pursuant to § 30.915, (c) payment otherwise due to the grantee of up to 10 percent of the grant amount may be withheld (see § 30.615–3), (d) the grantee may be found nonresponsible or ineligible for future Federal assistance, (e) an injunction may be entered or other equitable relief afforded on behalf of the United States by a court of appropriate jurisdiction, or (f) such other administrative or judicial action may be instituted as may be legally available and appropriate.

Subpart D—Patents, Data, and Copyrights

§ 30.500 General.

This subpart sets forth policy and procedure regarding patents, data, and copyrights under EPA grants or fellowships, and the grant clauses and regulations which define and implement that policy.

§ 30.502 Definitions.

Definitions applicable to this Subpart D, in addition to those in § 30.135, are set forth in Appendixes B and C to this Part.

§ 30.505 Required provision regarding patent and copyright infringement.

(a) The grantee shall report to the Project Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this grant of which the grantee has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this grant or out of the use of any supplies furnished or work or services performed hereunder, the grantee shall furnish to the Government, when requested by the Project Officer, all evidence and information in possession of the grantee pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the grantee has agreed to indemnify the Government.

(c) The grantee shall include in each subagreement (including any tier subagreement) in excess of $10,000 a clause substantially similar to the foregoing provisions.

§ 30.510 Patents and inventions.

It is the policy of EPA to allocate rights to inventions that result from federally supported grants or fellowships in accordance with the guidance and criteria set forth in the Statement of Government Patent Policy by the President of the United States on August 23, 1971 (36 FR 16887), hereinafter referred to as "Statement." Section 1 of the Statement sets forth three major categories (1(a), 1(b), and 1(c)) of contract or grant objectives, and prescribes the manner for allocation of rights to inventions that result from a grant or contract which falls within the particular category.

(a) Under Section 1(a) of the Statement, the United States, at the time of grant award, normally acquires or reserves the right to acquire the principal or exclusive rights to any invention made under the grant or contract. Generally, this is implemented by the United States taking all domestic rights to such invention. However, section 1(a) permits the grantee in exceptional circumstances, to acquire greater rights than a nonexclusive license at the time of grant award where the Administrator certifies that such action will best serve the public interest. Section 1(a) also prescribe circumstances under which the grantee or contractor may acquire such greater rights after an invention is identified.

(b) Under section 1(b) of the Statement, the grantee normally acquires principal rights at the time of grant award.

(c) Section 1(c) applies to grants that are not covered by Section 1(a) or 1(b), and provides that allocation of rights is deferred until after inventions have been identified.

§ 30.515 Required patent provision.

Every EPA grant involving research, developmental, experimental, or demonstration work shall be deemed subject to Section 1(a) of the Statement and shall be subject to the patent provisions set forth in Appendix B to this Part. The requirement is not applicable to fellowships.

§ 30.520 Optional patent provision.

The following clause may be inserted as a special condition in the grant agreement when requested by an applicant or grantee:

Authorization and consent. The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this grant project or any part hereof or any amendment hereto or any subagreement hereunder (including any lower tier subcontract).

§ 30.525 Data and copyrights.

EPA's data policy is to expedite general utilization or further development of new or improved pollution prevention and abatement technology and procedures developed under EPA grants and fellowships. Therefore, it is most important that the results of EPA sponsored research include data that is sufficient to enable those skilled in the particular area to promptly utilize or further develop such technology and procedures. Availability of adequate data permits accurate assessment of the progress achieved under a grant or fellowship so that EPA priorities can be established. Access to data accumulated by the grantee shall be made available to the Project Officer on request.

§ 30.530 Required data and copyright provision.

Every EPA grant or fellowship shall be subject to the rights in data and copyrights provisions set forth in Appendix C to this Part.

§ 30.540 Deviations.

Any request for deviation from the patent provisions in Appendix B and from the rights in data and copyrights provisions in Appendix C to this Part must be submitted in writing pursuant to Subpart I of this Regulation. No deviation or waiver of patent or data rights shall be granted without the concurrence of the EPA Patent Counsel.

Subpart E—Administration and Performance of Grants

§ 30.600 General.

The grantee bears primary responsibility for the administration and success of the grant project, including any

subagreements made by the grantee for accomplishing grant objectives. Although grantees are encouraged to seek the advice and opinions of EPA on problems that may arise, the giving of such advice shall not shift the responsibility for final decisions to EPA. The primary concern of EPA is that grant funds awarded be used in conformance with applicable Federal requirements to achieve grant and program objectives and to make optimum contributions to the betterment of the environment.

§ 30.605 Access.

The grantee and its contractor and subcontractors must ensure that the Project Officer and any authorized representative of EPA, the Comptroller General of the United States or the Department of Labor, shall at all reasonable times during the period of EPA grant support and until three years following final settlement have access to the facilities, premises and records (as defined in § 30.805) related to the project. In addition, any person designated by the Project Officer shall have access, upon reasonable notice to the grantee by the Project Officer, to visit the facilities and premises related to the project. All subagreements (including any tier subagreement) in excess of $10,000 are subject to the requirements of this section and grantees must include in all such subagreements a clause which will ensure the access required by this section.

§ 30.610 Rebudgeting of funds.

(a) *Notice.* Prompt notification of all rebudgeting in excess of $500 is required pursuant to § 30.900(b). Such notification may be accomplished by submission of a revised copy of the budget forms contained in the grant application or in a letter.

(b) *Prior approval required.* Approval of minor adjustments to an approved budget is not required. Prior written EPA approval is required for any of the following changes under any grant except wastewater treatment construction grants (see Part 35, Subparts C and E of this subchapter):

(1) Where the total approved budget period costs are over $100,000 and the cumulative amount of transfers among direct cost categories or program elements exceeds or is expected to exceed $10,000, or 5 percent of such budget period costs, whichever is greater;

(2) Where the total approved budget period costs are $100,000 or less, and the cumulative amount of transfers among direct cost categories or program elements exceeds or is expected to exceed 5 percent of such budget period costs;

(3) Rebudgeting which involves the transfer of amounts budgeted for indirect costs to absorb increases in direct costs;

(4) Rebudgeting which pertains to the addition of items requiring approval pursuant to Federal Management Circulars 73–8 and 74–4;

(5) Any transfers between construction and nonconstruction work;

(6) Rebudgeting which indicates the need for additional EPA funds.

(c) *Approval.* Where approval of rebudgeting is required, approval or disapproval shall be promptly communicated in writing to the grantee within three (3) weeks from date of receipt of notification.

§ 30.615 Payment.

All payments are made subject to such conditions as are imposed by or pursuant to this Subchapter for allowable project costs. The payment basis and method of payment will be set forth in the grant agreement. Any adjustment to the amount of payment requested by a grantee will be explained in writing.

§ 30.615–1 Method of payment.

(a) Payment for grant programs other than waste treatment construction grants will normally be by advance payments to the grantee. After receipt of the grant agreement, executed by the grantee, an initial advance will be paid to the grantee. The amount of this advance is subject to negotiation with the grantee, but should not exceed 10% of the amount of the award. Any initial advances exceeding this amount must be specified in the grant agreement. As the grantee incurs expenditures under the grant, he will submit a request for payment at least quarterly, but generally no more frequently than monthly.

(b) Payment for waste treatment construction grants will be on a reimbursable basis (see § 35.845 and § 35.945).

(c) Payment for certain grants will be made by letter of credit. Detailed procedures will be provided to the grantee when this method of payment is to be used.

(d) For grants which are paid on an advance basis, payments will be made in a manner that will minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement of those funds by the grantee. For grants which are paid on a reimbursable basis, payment will be made promptly upon submission by the grantee of the properly completed payment request.

§ 30.615–2 Cash depositories.

(a) Physical segregation of cash depositories for EPA funds is neither required nor encouraged. However, a separate bank account may be used when payments under a letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by the grantee, EPA, and the bank involved.

(b) Grantees are encouraged to use minority-owned banks.

§ 30.615–3 Withholding of funds.

(a) It is EPA policy that full and prompt payment be made to the grantee for eligible project costs. Except as otherwise provided by this Subchapter, the Project Officer may only authorize the withholding of a grant payment where he determines in writing that a grantee has failed to comply with project objectives, grant award conditions, or EPA reporting requirements. Such withholding will be limited to only that amount necessary to assure compliance and will in no event exceed 10% of the grant amount unless otherwise provided by law or this Subchapter.

(b) The Project Officer will withhold payment to the extent of any indebtedness to the United States, unless he determines that collection of the indebtedness will impair accomplishment of the project objectives and that continuation of the project is in the best interest of the United States.

§ 30.615–4 Assignment.

The right to receive payment under a grant may not be assigned, nor may payments due under a grant be similarly encumbered.

§ 30.620 Grant related income.

(a) "Grant related income" means income generated from charges which are directly related to a principal project objective (such as the sale of a solid waste by-product or of copies of reports or studies).

(b) Except as otherwise provided herein a grantee is accountable to EPA for all grant related income. Grantees are required to record the receipt and expenditure of all grant related income. The net amount of such income shall be retained by the grantee and, except as may be otherwise provided in the grant agreement, shall be used to further support the project. To the extent such funds are not used for the project, such amounts shall be deducted from the total project costs for the purpose of determining the net costs on which the EPA share will be based. In no event will EPA be entitled to a credit in excess of the grant amount.

(c) Revenue generated under the governing powers of a State or local government which may have been generated without grant support is not considered grant related income. Such revenues shall include fines or penalties levied under judicial or penal power and used as means to enforce laws; license or permit fees for the purpose of regulation, special assessment to abate nuisances and public irritations, inspection fees, and taxes.

§ 30.620–1 Proceeds from sale of real or personal property.

Income derived from the sale of real or personal property shall be treated in accordance with § 30.810.

§ 30.620–2 Royalties received from copyrights and patents.

Royalties resulting directly from the project and received from copyrights and patents during the project period shall be considered grant related income. After the project period, payment of royalties received annually by the grantee must be made to EPA in a proportion equal to the ratio of the EPA grant to the total project costs unless (a) otherwise specified in the grant agreement, or (b) the EPA share of such royalties is $200 or less annually. Payment of royalties to EPA shall be limited to recovery of the Federal share.

§ 30.620–3 Interest earned on grant funds.

Pursuant to Section 203 of the Intergovernmental Cooperation Act of 1968, 42 U.S.C. 4201, et seq., a State and any agency or instrumentality of a State shall not be held accountable for interest earned on grant funds, pending their disbursement for project purposes. In accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289) all other grantees, including units of local government, shall be required to return to EPA interest earned on grant funds paid through advance payments. This requirement is not applicable where grant payments are made on a reimbursable basis. However, if the grantee delays disbursement of grant funds, appropriate credit will be required.

§ 30.625 Grantee publications and publicity.

Pursuant to the Government Printing and Binding Regulations, no grant may be awarded primarily or substantially for the purpose of having material printed for the use of any Federal Department or Agency.

§ 30.625–1 Publicity.

Press releases and other public dissemination of information by the grantee concerning the project work shall acknowledge EPA grant support.

§ 30.625–2 Publications.

(a) *Policy.* EPA encourages and, when specified in the grant agreement, may require publication and distribution of reports of grant activity. The preparation, content, and editing of publications are the responsibilities of the grantee. Except for the final report, review of publications prior to distribution will not normally be made by EPA. Grantees must give notice in writing to the Project Officer at least 30 days prior to publication or other dissemination of project information (other than publicity) unless a shorter period has been approved by the Project Officer. This notice policy is intended to provide the EPA Project Officer with a minimal opportunity to discuss publication format, content, or to coordinate appropriate Agency activities; censorship is not intended nor permitted. This procedure does not apply to seminars, participation on panels, reporting to other research sponsors, or other similar nonpublishing activities.

(b) *Acknowledgement of support.* An acknowledgement of EPA support must be made in connection with the publishing of any material based on, or developed under, a project supported by EPA. The acknowledgement shall be in the form of a statement substantially as follows:

> This project has been financed (in part/entirely) with Federal funds from the Environmental Protection Agency under grant number_____. The contents do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.

(c) *Copies of publications.* Upon publication, a minimum of six copies of the publication shall be furnished to the Project Officer. The Project Officer shall promptly file one copy of all publications resulting from EPA grant support in the official EPA grant file, EPA Headquarters Library, and with the National Technical Information Service, U.S. Department of Commerce.

§ 30.625–3 Signs.

A project identification sign shall be displayed in a prominent location at each publicly visible project site and facility (e.g., mobile laboratories, construction and demolition sites, buildings in which a substantial portion of the work is EPA-funded, etc.). The sign must identify the project and EPA grant support. Grantees may obtain information pertaining to the design and specifications for the signs from their Project Officer. Costs of preparation and erection of the project identification sign are allowable project costs.

§ 30.630 Surveys and questionnaires.

(a) Costs associated with the collection of data or information through surveys or questionnaires by a grantee (or party to subagreement) shall be allowable project costs only if prior written approval of the Project Officer has been obtained for such survey or questionnaire. The Project Officer shall not give such approval without the concurrence of the EPA Headquarters Reports Management Officer to assure compliance with the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

(b) A grantee (or party to subagreement) collecting information from the public on his own initiative may not represent that the information is being collected by or for EPA without prior agency approval. If reference is to be made to EPA, or the purpose of the grant is for collection of information from the public, prior clearance of plans and report forms must be requested by the grantee through the Project Officer.

§ 30.635 Reports.

§ 30.635–1 Interim progress reports.

(a) It is EPA policy that where progress reports are required such reports shall be submitted to the Project Officer no more frequently than quarterly. Specific reporting requirements are set forth in Parts 35, 40, and 45 of this Subchapter.

(b) Between the required performance reporting dates, the grantee shall promptly notify the Project Officer, in accordance with § 30.900–1, of events which have significant impact upon the project.

§ 30.635–2 Final report.

(a) For all EPA research, demonstration, and training grants, the grantee shall prepare and submit to the Project Officer an acceptable final report prior to the end of the project period. An acceptable report shall document project activities over the entire period of grant support and shall describe the grantee's achievements with respect to stated project purposes and objectives. Where appropriate, the report shall set forth in complete detail all technical aspects of the project, both negative and positive, grantee's findings, conclusions, and results, including, as applicable, an evaluation of the technical effectiveness and economic feasibility of the methods or techniques investigated or demonstrated. Grantees are required to submit a draft final report to the Project Officer at least 90 days prior to the end of the approved project period. The final report shall adequately reflect (e.g., as a footnote or an appendix) EPA comments when required by the Project Officer. Prior to the end of the project period, one reproducible copy suitable for printing and such other copies as may be stipulated in the grant agreement shall be transmitted to the Project Officer.

(b) State or local program grants and grants for construction of waste treatment works do not require a final report.

(c) For all planning grants, the plan itself constitutes the final report.

(d) One copy of all final reports must be filed in the EPA Headquarters Library and the appropriate EPA official grant file.

§ 30.635–3 Financial reports.

(a) For all EPA grants, except for fellowships and wastewater treatment construction grants, the grantee must submit a financial status report to the grants administration office (1) within 90 days after the end of each budget period, and (2) no later than 90 days following the end of the project period or the date of complete termination of grant support, whichever occurs first, or within such additional time as EPA may allow for good cause.

(b) For wastewater treatment construction grants, the grantee is required to submit an Outlay Report and Request for Reimbursement for Construction Programs which will also serve as the financial report.

§ 30.635–4 Invention reports.

As provided in Appendix B of this Part, prompt reporting to the Project Officer of all inventions is required for EPA grants involving experimental, developmental, research or demonstration work. In addition:

(a) An annual invention statement is required with a continuation application.

(b) A final invention report is required to be submitted to the grants administration office within 90 days after completion of the project period.

(c) When a project director or principal investigator changes institutions or ceases to direct a project, an invention statement must be promptly submitted to the grants administration office with a listing of all inventions during his administration of the grant.

§ 30.635–5 Property reports.

(a) For all EPA grants a physical inventory of property shall be taken by the grantee and the results reconciled with the grantee's property records at least once every 2 years. The grantee shall, in

connection with the inventory, verify the existence, current utilization, and continued need for the property.

(b) For all EPA grants except grants for construction of waste treatment works the grantee must submit at the end of each project period a complete inventory of all property for which the grantee is accountable pursuant to § 30.-810. The submission must indicate the condition of each property item and recommendation for disposition. For the purposes of this Subsection property for which the grantee is accountable means (1) property for which disposition instructions must be requested from EPA, or (2) property for which EPA must be compensated for its share.

§ 30.635–6 Relocation and acquisition reports.

For each project which involves acquisition or displacement subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (see § 30.405–2), grantees must submit by July 31 of each year during the period of project support a report of their acquisition and relocation activities during the 12 month period ending the preceding June 30. Such reports shall be submitted to the Project Officer on forms provided by EPA. Such reports shall be submitted annually even if no acquisition or displacement occurs during a particular 12 month reporting period, until all acquisition and displacement has been completed and final payments (including rental assistance installment payments, if any,) have been made to all claimants and reported to EPA.

§ 30.635–7 Compliance.

Failure to comply with these reporting requirements in a timely manner will result in appropriate action pursuant to § 30.430.

§ 30.640 Utilization of Government procurement sources.

(a) Use of General Services Administration sources of supply and services by grantees is not allowed (see 37 FR 24113, November 14, 1972).

(b) Utilization of Government excess property by EPA grantees is not allowed.

§ 30.645 Force account work.

(a) The grantee must obtain specific written prior approval from the Project Officer for the utilization of the "force account" method (i.e., utilization of the grantee's own employees for construction, construction-related activities, or for facility repair or improvement) in lieu of subagreement for any construction activity in excess of $10,000 unless the force account method is stipulated in the grant agreement.

(b) The Project Officer, with the concurrence of the EPA grant approving official, may authorize in writing the use of the force account method in lieu of contracting where he determines that:

(1) The grantee possesses the necessary competence and resources to accomplish the project work; and

(2) Utilization of the force account method will result in a savings in time or cost over the time or cost of performance under a formally advertised contract.

(c) Authorizations to utilize the force account method will identify applicable Federal requirements and the allowability of various cost items.

Subpart F—Project Costs

§ 30.700 Use of funds.

(a) All Federal assistance received under an EPA grant shall be expended by the grantee solely for the reasonable and eligible costs of the approved project in accordance with the terms of the grant agreement and this Subchapter. All project expenditures by the grantee shall be deemed to include the Federal share.

(b) The grantee may not delegate nor transfer his responsibility for the use of grant funds.

(c) No profit or other increment above cost in the nature of profit is allowed.

§ 30.705 Allowable costs.

Allowability of project costs shall be determined by the following:

(a) The costs must be reasonable and within the scope of the project;

(b) The cost is allocable to the extent of benefit properly attributable to the project;

(c) Such costs must be accorded consistent treatment through application of generally accepted accounting principles;

(d) The cost must not be allocable to or included as a cost of any other federally assisted program in any accounting period (either current or prior); and

(e) The cost must be in conformity with any limitations, conditions, or exclusions set forth in the grant agreement or this Subchapter, including appropriate Federal cost principles of this Subpart.

§ 30.710 Federal cost principles.

The following cost principles are applicable to all EPA grants and subagreements of grantees, except as otherwise provided by statute or this Subchapter:

(a) *For state and local governments.* Federal Management Circular 74–4 (34 CFR Part 255) provides principles for determining allowable costs for all grants and subagreements awarded to State and local governments.

(b) *For educational institutions.* (1) Federal Management Circular 73–8 (34 CFR Part 254) provides cost principles for research and development, training, and other educational services under grants and subagreements with educational institutions.

(2) Federal Management Circular 73–6 (34 CFR Part 252) provides principles for coordinating (i) the establishment of indirect cost rates for, and (ii) the auditing of grants and subagreements with educational institutions.

(c) *For other nonprofit institutions.* Department of Health, Education, and Welfare publication OASC–5 (Revised) will be used for grants and subagreements awarded to other nonprofit institutions.

(d) *For all other grants.* Federal Procurement Regulations (41 CFR Ch. I, Subpart 1–15.2) provide, to the greatest practical extent, comparable principles and procedures for use in cost-reimbursement for all other grants and subagreements.

§ 30.715 Direct and indirect costs.

(a) Project costs will generally be comprised of allowable direct costs and allowable indirect costs.

(b) Each item of cost must be treated consistently as either a direct or an indirect cost.

(c) Any cost allocable to a particular grant or cost objective under the appropriate Federal cost principles may not be shifted to other Federal grant programs to overcome fund deficiencies, avoid restrictions imposed by law or grant agreement, or for other reasons.

§ 30.715–1 Direct costs.

Direct costs are those than can be identified specifically with a particular cost objective. These costs may be charged directly to a project.

§ 30.715–2 Indirect costs.

Indirect costs are those incurred for a common or joint purpose but benefiting more than one cost objective, and not readily identifiable to the cost objectives specifically benefited. The term indirect cost, as used herein, applies to costs of this type originating in the grantee department (or other relevant organizational unit responsible for project performance), as well as those central service support costs incurred by other departments in supplying goods, services, and facilities, to the grantee department when such cost can be assigned to the departmental indirect cost pool as a result of an approved cost allocation plan. The following methods may be used in determining the amount of grantee departmental indirect cost allocable to a grant program:

(a) *Negotiated indirect cost rates.* Federal Management Circulars 74–4 and 73–6 provide for the assignment of cognizance to single Federal Departments and agencies for conducting indirect cost negotiations and audits at educational institutions and State and local governments. The rate(s) negotiated by the cognizant Federal agency are accepted by all Federal agencies. In addition, organizations not covered by the above Circulars may have rates established by negotiation with EPA or another Federal agency.

(1) EPA shall use the latest available negotiated rate for computing indirect costs for the applicant. Except for grants to profit-making institutions, the indirect cost rates used by EPA in calculation of grant amounts will be predetermined fixed rates for EPA grant award purposes. As such they will not be effective retroactively, nor subject to adjustment either during or after the budget period. Grants to profit-making organizations will utilize the latest available rate, based on actual past cost experience, as a maximum provisional rate subject to downward adjustment only.

(2) A special indirect cost rate may be applied to a project (or portion of a project) to be carried out at an off-

campus or off-site location. A special indirect cost rate may be applied for a large nonrecurring project when such project costs would distort the normal direct cost base used in computing the overhead rate.

(b) *Negotiated lump sum for overhead.* A negotiated fixed amount in lieu of an indirect rate may be appropriate under circumstances where the benefits derived from a grantee department's indirect services cannot be readily determined. When this method is used, a determination should be made that the amount negotiated will be approximately the same as the indirect cost that may be incurred. Such amounts negotiated in lieu of an indirect rate will be treated as an offset to total indirect expenses of the grantee department before allocation to remaining activities. The base on which such remaining expenses are allocated should be appropriately adjusted. This method may not be used for grants to profit-making institutions.

§ 30.720 Cost sharing.

(a) Except as may be otherwise provided by law or this Subchapter, EPA grantees must share project costs except in cases where such grantee institutions have no source of income other than Federal grants and contracts. If there is no statutory matching requirement, a grantee must contribute not less than 5% of allowable project costs within each budget period. Such contributions may be reflected in either direct or indirect costs; in-kind contributions are permitted.

(b) Cost sharing must be negotiated prior to award of a grant and must be set forth in the grant agreement as a percentage of the total allowable project costs for each budget period. Criteria to be used in the negotiation concerning the extent of cost sharing may include the benefits the grantee will derive from the project; the financial risk the grantee will bear; and the resources the grantee has available.

(c) Contributions to cost sharing are allowable only if they are verifiable from the grantee's records; not included as cost sharing or matching contributions for any other Federally-assisted program; otherwise properly allocable to the project; and constitute allowable project costs.

(d) Institutional cost sharing agreements are not permitted.

§ 30.725 Cost and price analysis.

§ 30.725–1 Policy.

The reasonableness of the price or cost of each grant application or negotiated subagreement proposal must be considered. The method and degree of analysis shall depend on the circumstances of the particular grant or subagreement action.

§ 30.725–2 Price analysis.

A price analysis is the process of examining and evaluating a prospective price by comparison without evaluation of the composition of separate cost elements and proposed profit.

§ 30.725–3 Cost analysis.

A cost analysis is the process of examining, verifying and evaluating cost data and the judgmental factors applied in projecting from the basic cost data to a reasonable estimated price that will be representative of the total cost of performance of the grant or negotiated subagreement.

§ 30.725–4 Requirements.

(a) A formal cost analysis shall be made and a summary of findings prepared for all research, demonstration, planning and training grant applications deemed relevant and requesting EPA funds in excess of $100,000 for the budget period.

(b) A formal cost analysis shall be made and a summary of findings prepared for all grant applications from profit making organizations deemed relevant.

(c) Any other grant application or subagreement may receive a cost analysis where EPA's program office or grants administration office considers it appropriate.

(d) Price analysis techniques may be used instead of or to supplement cost analysis wherever appropriate.

Subpart G—Grantee Accountability

§ 30.800 Financial management.

The grantee is responsible for maintaining a financial management system which shall adequately provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with EPA reporting requirements. Accounting for project funds will be in accordance with generally accepted accounting principles and practices, consistently applied, regardless of the source of funds.

(b) Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all project funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized projects.

(d) Comparison of actual with budgeted amounts for each grant. If appropriate and required by the grant agreement, relation of financial information with performance or productivity data, including the production of unit cost information.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

(f) Procedures for determining the allowability and allocability of costs in accordance with the provisions of § 30.705.

(g) Accounting records which are supported by source documentation.

(h) Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with the terms of the grant agreement. The grantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size and complexity of the activity.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

§ 30.805 Records.

The following record and audit policies are applicable to all EPA grants and to all subagreements in excess of $10,000 under grants.

(a) The grantee shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (1) the amount, receipt, and disposition by the grantee of all assistance received for the project, including both Federal assistance and any matching share or cost sharing, and (2) the total costs of the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the EPA grant has been awarded. In addition, contractors of grantees, including contractors for professional services, shall also maintain books, documents, papers, and records which are pertinent to a specific EPA grant award. The foregoing constitute "records" for the purposes of this subpart.

(b) The grantee's records and the records of his contractors, including professional services contracts, shall be subject at all reasonable times to inspection, copying, and audit by EPA, the Comptroller General of the United States, the Department of Labor, or any authorized representative.

(c) The grantee and contractors of grantees shall preserve and make their records available to EPA, the Comptroller General of the United States, Department of Labor, or any authorized representative (1) until expiration of 3 years from the date of final settlement, or, for grants which are awarded annually, from the date of the submission of the annual financial status report, and (2) for such longer period, if any, as is required by applicable statute or lawful requirement, or by paragraph (c) (2) (i) or (ii) of this section.

(i) If a grant is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement.

(ii) Records which relate to (*a*) appeals under the Subpart J—Disputes, of this Part, (*b*) litigation on the settlement of claims arising out of the performance of the project for which a grant was awarded, or (*c*) costs and expenses of the project to which exception has been taken by EPA or any of its duly authorized representatives, shall be retained until any appeals, litigation, claims or exceptions have been finally resolved.

§ 30.810 Property.

Except as otherwise prescribed by statute or the grant agreement, §§ 30.810–1 through 30.810–9 prescribe policies and procedures governing management and ownership of real property and tangible personal property whose acquisition cost is borne in whole or in part by EPA as a direct cost under a grant. Grantees are authorized to use their own property management standards and procedures as long as the minimum standards of these sections are included.

§ 30.810–1 Definitions.

The following definitions apply for the purpose of §§ 30.180–1 through 30.810–9.

(a) *Acquisition cost of purchased nonexpendable personal property.* The net invoice price of the property including the cost of any attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as for taxes, duty, protective in-transit insurance, freight, or installation, shall be included in or excluded from acquisition cost in accordance with the grantee's regular accounting practices.

(b) *Real property.* Except as otherwise defined by State law, land or any interest therein including land improvements, structures, fixtures and appurtenances thereto, but excluding movable machinery and equipment.

(c) *Personal property.* Except as otherwise defined by State law, tangible property of any kind except real property.

(d) *Nonexpendable personal property.* Tangible personal property having a useful life of more than 1 year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all nonexpendable personal property as defined herein.

(e) *Expendable personal property.* Expendable personal property refers to all tangible personal property (including consumable materials) other than nonexpendable personal property.

§ 30.810–2 Purchase of property.

Expenditures of project funds for property may be allowed as direct costs only to the extent that such property is necessary for the approved project during the project period. Purchase orders for purchase of personal property are subagreements as defined in this Part.

§ 30.810–3 Property management standards.

The grantee's property management standards for nonexpendable personal property shall include as a minimum the following elements:

(a) Accurately maintained property records which include:

(1) A description of the property,

(2) Manufacturer's serial number, model number, or other identification number,

(3) Source of the property, including contract or grant number,

(4) Whether title vests in the grantee or the Federal Government,

(5) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost,

(6) Location, use, and condition of the property,

(7) Ultimate disposition data, including sales price or the method used to determine current fair market value where a grantee compensates EPA for its share.

(b) A physical inventory of property that is taken, and the results reconciled with the property records, at least once every 2 years. The grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(c) A control system which insures adequate safeguards to prevent loss, damage, or theft to the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented. If the property was owned by the Federal Government, the grantee shall promptly notify the Project Officer.

(d) Adequate maintenance procedures which insure that the property is maintained in good condition and that instruments used for precision measurement are periodically calibrated.

(e) Proper sales procedures for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(f) Identification of property owned by the Federal Government to indicate Federal ownership.

§ 30.810–4 Title to property.

Except as may be otherwise provided by law or in this Subchapter or in the grant agreement, title to all real or personal property whose acquisition cost is a direct cost under a grant project shall vest in the grantee, subject to such interest in the United States as may be provided for in this Subchapter or in the grant agreement. For all property with an acquisition cost of $1,000, the grantee shall assure that the interest of the United States in the property is adequately reflected and protected in compliance with all recordation or registration requirements of the Uniform Commercial Code or other applicable local laws.

§ 30.810–5 Real property.

(a) The grantee shall use the real property for the purpose of the original grant.

(b) The grantee shall obtain approval from EPA for the use of the real property in other projects when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by EPA.

(c) When the real property is no longer needed as provided in paragraphs (a) and (b) of this section, the grantee shall request disposition instructions from EPA.

(d) EPA shall observe the following rules in the disposition instructions for real property:

(1) In the case of real property furnished by EPA or purchased wholly with EPA funds, the grantee shall return all such real property to the control of EPA.

(2) In the case of real property purchased in part with EPA funds, the quarantee, at the direction of the Project Officer, may:

(i) Retain title with Federal restrictions removed if it compensates the Federal Government an amount computed by applying the Federal percentage of participation in the net cost of the project to the current fair market value of the property, or

(ii) Sell the property under guidelines provided by EPA and pay the Federal Government an amount computed by applying the Federal percentage of participation in the net cost of the project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds), or

(iii) Transfer title of the property to the Federal Government with its consent provided that in such cases the grantee shall be entitled to compensation computed by applying the grantee's percentage of participation in the net cost of the project to the current fair market value of the property.

§ 30.810–6 Federally-owned nonexpendable personal property.

(a) Title to federally owned property (property to which the Federal Government retains title) remains vested by law in the Federal Government.

(b) Upon termination of the grant or need for the property, such property shall be reported to EPA for further agency utilization or, if appropriate, for reporting to the General Services Administration for other Federal agency utilization. Appropriate disposition instructions will be issued to the grantee after completion of EPA review. Under no circumstances shall grantees sell Government-owned property.

§ 30.810–7 Nonexpendable personal property acquired with Federal funds.

(a) *Use.* When nonexpendable personal property is acquired by a grantee as a direct cost under a grant, the grantee shall retain the property in the grant program for its useful life or as long as there is a need for the property to accomplish the purpose of the grant program, whichever is shorter. Except as

may be provided in the grant agreement, when there is no longer a need for such property for the grant program, the grantee may utilize the property in the following order of priority:

(1) Other grant activities sponsored by EPA.

(2) Grant activities sponsored by other Federal agencies.

(b) *Disposition.* When the grantee no longer has need for the property in any of its Federal grant programs, property disposition will be as follows:

(1) For all grantees except profit-making organizations, nonexpendable property with an acquisition cost of less than $1,000 may be used for a grantee's own activities without reimbursement to the Federal Government or the grantee may sell the property and retain the proceeds. Profit-making organizations may retain the property provided that EPA is compensated for its proportionate share of the property. Compensation shall be computed by applying the percentage of EPA participation in the cost of the project to the fair market value of the property.

(2) Nonexpendable property with an acquisition cost of $1,000 or more may be retained by the grantee provided that EPA is compensated for its proportionate share of the current market value of the property.

(3) When a grantee does not wish to retain property with an acquisition cost of $1,000 or more, as provided in paragraph (b)(2) of this section, or when a profit-making organization does not wish to retain property as provided in (b)(1) of this section, the grantee shall request disposition instructions from EPA. EPA shall determine whether the property can be used to meet other Agency requirements; if not, EPA shall report the availability of the property to the General Services Administration to determine whether a requirement for the property exists in other Federal agencies.

(4) EPA shall observe the following rules in the disposition instructions for nonexpendable personal property with an acquisition cost of $1,000 or more.

(i) EPA may waive title to the property with all Federal restrictions and conditions removed, if the grantee is a nonprofit institution of higher education or nonprofit research organization, in accordance with the provisions of the Grants Act (Pub. L. 85–934).

(ii) EPA may instruct the grantee to ship the property elsewhere. Compensation will be made to the grantee by the benefiting Federal agency. Compensation shall be computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(iii) EPA may instruct the grantee to otherwise dispose of the property. Compensation will be made to the grantee by EPA. Compensation shall be computed by applying the percentage of the grantee's participation in the grant program to the current fair market value of the property, plus any costs incurred in its disposition.

(iv) EPA shall issue disposition instructions to the grantee within 120 days. If disposition instructions are not received within 120 days after reporting, the grantee shall sell the property and reimburse EPA an amount which is computed by applying the percentage of Federal participation in the grant program to the sales proceeds, less $100 or 10 percent of the proceeds, whichever is greater, for selling and handling expenses.

§ 30.810–8 Expendable personal property acquired with grant funds.

If there is a residual inventory of expendable personal property exceeding $500 in total fair market value at the conclusion of the project period, and the property is not currently needed for any other federally-sponsored project or program, the grantee shall retain the property for use on nonfederally-sponsored activities, or sell it, but must in either case, compensate EPA for its share. The amount of such compensation shall be computed by applying the percentage of Federal participation in the net cost of the project to the current fair market value of the property.

§ 30.810–9 Property reports.

Property reports must be furnished in accordance with § 30.635–5.

§ 30.815 Final settlement.

Upon submission of the final financial status report pursuant to § 30.635–3, there shall be payable to the United States as final settlement the total sum of (a) any unexpended grant funds, (b) any amounts payable for equipment, materials, or supplies, pursuant to § 30.810, (c) other grant related income, pursuant to § 30.620, and (d) an amount equivalent to that portion of project costs which are unallowable, in proportion to the EPA share and to the extent grant payments therefor have been made. Any settlement made prior to the final audit is subject to adjustment based on the audit. Final settlement will not be considered complete until all audit findings, appeals, litigations, or claims have been resolved. Any debt owed by the grantee to the United States, and not paid at the time of final settlement shall be recovered from the grantee or its successors by setoff or other action as provided by law.

§ 30.820 Audit.

(a) Preaward or interim audits may be performed on grant applications and awards.

(b) A final audit shall be conducted after the submission of or the due date of the final financial status report pursuant to § 30.635–3. The time of the final audit will be determined by EPA and may be prior or subsequent to final settlement (see § 30.815). Any settlement made prior to the final audit is subject to adjustment based on the audit. Grantees and subcontractors of grantees shall preserve and make their records available pursuant to § 30.805.

Subpart H—Modification, Suspension and Termination

§ 30.900 Project changes and grant modifications.

(a) A grant modification means any written alteration in the grant amount, grant terms or conditions, budget or project period, or other administrative, technical, or financial agreement whether accomplished by unilateral action of the grantee or the Government in accordance with a provision of the grant agreement or this Subchapter, or by mutual action of the parties to the grant.

(b) The grantee must promptly notify the Project Officer in writing (certified mail, return receipt requested) of events or proposed changes which may require a grant modification, such as:

(1) Rebudgeting (see § 30.610);

(2) Changes in approved technical plans or specifications for the project;

(3) Changes which may affect the approved scope or objective of a project;

(4) Significant changed conditions at the project site;

(5) Acceleration or deceleration in the time for performance of the project, or any major phase thereof;

(6) Changes which may increase or substantially decrease the total cost of a project (see § 30.900–1); or

(7) Changes in the Project Director or other key personnel identified in the grant agreement or a reduction in time or effort devoted to the project on the part of such personnel.

(c) Grant modifications are of four general types: formal grant amendments, administrative grant changes, transfer of grants and change of name agreements, and grantee project changes (see § 30.900–1 through § 30.900–4).

(d) A copy of each document pertaining to grant modifications or requests therefor (any administrative change, approved or disapproved project changes and any letter of approval or disapproval, grant amendment, or agreement for transfer of a grant or change of name agreement) shall be retained in the official EPA grant file.

(e) The document which effects a grant modification shall establish the effective date of the action. If no such date is specified, then the date of execution of the document shall be the effective date for the action.

§ 30.900–1 Formal grant amendments.

(a) Project changes which substantially alter the cost or time of performance of the project or any major phase thereof, which substantially alter the objective or scope of the project, or which substantially reduce the time or effort devoted to the project on the part of key personnel will require a formal grant amendment to increase or decrease the dollar amount, the term, or other principal provisions of a grant. This should not be constructed as to apply to estimated payment schedules under grants for construction of treatment works.

(b) No formal grant amendment may be entered into unless the Project Officer has received timely notification of the proposed project change. However, if the

Project Officer determines that circumstances justify such action, he may receive and act upon any request for formal grant amendment submitted (1) prior to final payment under grants for which payments of the Federal share have been made by reimbursement and (2) prior to grant closeout of other grants. Formal grant amendments may be executed subsequently only with respect to matters which are the subject of final audit or dispute appeals.

(c) A formal grant amendment shall be effected only by a written amendment to the grant agreement. Such amendments shall be bilaterally executed by the EPA grant award official and the authorized representative of the grantee. However, in cases where this Subchapter or the grant agreement give the government a unilateral right (for example, the suspension or termination rights set forth in §§ 30.915 and 30.920, the withholding of grant payment pursuant to § 30.615–3, or the reduction of the grant amount pursuant to § 35.559–3 of this Subchapter), any such right may be exercised by the appropriate EPA official (generally, the grant award official) in accordance with this Subchapter.

(d) The grants administration office shall prepare all formal grant amendments after approval of the modification by the Project Officer or Grant Approving Official, as appropriate.

§ 30.900–2 Administrative grant changes.

These changes, such as a change in the designation of the Project Officer, or of the office to which a report is to be transmitted, or a change in the payment schedule for grants for construction of treatment works, constitute changes to the grant agreement (but not necessarily to the project work) and do not affect the substantive rights of the Government or the grantee. Such changes may be issued unilaterally by the EPA grant award official or Project Officer and do not require the concurrence of the grantee. Such changes must be in writing and will generally be effected by a letter (certified mail, return receipt requested) to the grantee.

§ 30.900–3 Transfer of grants; change of name agreements.

Transfers of grants and change of name agreements require the prior written approval of the grant award official. The grant award official may not approve any transfer of a grant without the concurrence of the grant approving official and consultation with the Regional Counsel or the Assistant General Counsel, Grants, nor may he approve any change of name agreement without consultation with the Regional Counsel or the Assistant General Counsel, Grants. The grants administration office shall prepare the necessary documents upon receipt from the Project Officer of appropriate information and documentation submitted by the grantee.

§ 30.900–4 Grantee project changes.

Project changes not covered by § 30.900–1 through § 30.900–3 shall be considered grantee project changes not requiring formal grant amendments.

(a) Rebudgeting changes may require prior written approval pursuant to § 30.610.

(b) All other grantee project changes shall be considered approved unless the Project Officer notifies the grantee of disapproval, with adequate explanation of the reason therefor, or the necessity for the execution of a grant amendment, in writing (certified mail, return receipt requested) not later than 3 weeks after receipt of notice pursuant to § 30.900(b). No action taken pursuant to this section shall commit or obligate the United States to any increase in the amount of a grant or payments thereunder, but shall not preclude consideration of a request for a formal grant amendment pursuant to § 30.900–1.

§ 30.915 Suspension of grants—stop work orders.

Work on a project or on a portion or phase of a project for which a grant has been awarded may be ordered stopped by the grant award official, except for grants to educational institutions or nonprofit research organizations.

§ 30.915–1 Use of stop-work orders.

Work stoppage may be required for good cause such as default by the grantee, failure to comply with the terms and conditions of the grant, realignment of programs, lack of adequate funding, or advancements in the state of the art. Inasmuch as stop-work orders may result in increased costs to the Government by reason of standby costs, such orders will be issued only after concurrence by the grant approving official and the Regional Counsel or the Assistant General Counsel, Grants. Generally, use of a stop-work order will be limited to those situations where it is advisable to suspend work on the project or a portion or phase of the project for important program or agency considerations and a supplemental agreement providing for such suspension is not feasible. Although a stop-work order may be used pending a decision to terminate by mutual agreement or for other cause, it will not be used in lieu of the issuance of a termination notice after a decision to terminate has been made.

§ 30.915–2 Contents of stop-work orders.

Prior to issuance, stop-work orders should be discussed with the grantee and should be appropriately modified, in the light of such discussions. Stop-work orders should include (a) a clear description of the work to be suspended, (b) instructions as to the issuance of further orders by the grantee for materials or services, (c) guidance as to action to be taken on subagreements, and (d) other suggestions to the grantee for minimizing costs.

§ 30.915–3 Issuance of stop-work order.

After appropriate concurrence in the proposed action has been obtained, the EPA grant award official may, by written order to the grantee (certified mail, return receipt requested), require the grantee to stop all, or any part of the project work for a period of not more than forty-five (45) days after the order is delivered to the grantee, and for any further period to which the parties may agree. The grants administration office shall prepare the stop-work order. Any such order shall be specifically identified as a stop-work order issued pursuant to this Section.

§ 30.915–4 Effect of stop-work order.

(a) Upon receipt of a stop-work order, the grantee shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within the suspension period or within any extension of that period to which the parties shall have agreed, EPA shall either:

(1) Cancel the stop-work order, in full or in part,

(2) Terminate the work covered by such order as provided in § 30.920, or

(3) Authorize resumption of work.

(b) If a stop-work order is canceled or the period of the order or any extension thereof expires, the grantee shall promptly resume the previously suspended work. An equitable adjustment shall be made in the grant period, the project period, or grant amount, or all of these, and the grant instrument shall be amended accordingly, if:

(1) The stop-work order results in an increase in the time required for, or an increase in the grantee's cost properly allocable to the performance of any part of the project, and

(2) The grantee asserts a written claim for such adjustment within sixty (60) days after the end of the period of work stoppage. However, if the Project Officer determines the circumstances justify such action, he may receive and act upon any such claim asserted in accordance with § 30.900–1(b).

(c) If a stop-work order is not canceled and the grant-related project work covered by such order is within the scope of a subsequently-issued termination order, the reasonable costs resulting from the stop-work order shall be allowed in arriving at the termination settlement.

(d) Costs incurred by the grantee or its contractors, subcontractors, or representatives, after a stop-work order is delivered, or within any extension of the stop-work period to which the parties shall have agreed, with respect to the project work suspended by such order or agreement which are not authorized by this Section or specifically authorized in writing by the grant award official, shall not be allowable costs.

§ 30.915–5 Disputes provision.

Failure to agree upon the amount of an equitable adjustment due under a stop-work order shall constitute a dispute (see Subpart J of this Part).

§ 30.920 Termination of grants.

A grant may be terminated in whole or in part by the grant award official upon the recommendation of the Project Officer and after concurrence of the grant approving official in the proposed

action and consultation with the Regional Counsel or the Assistant General Counsel, Grants.

§ 30.920–1 Termination agreement.

The parties may enter into an agreement to terminate the grant at any time pursuant to terms which are consistent with this Subchapter. The agreement shall establish the effective date of termination of the project and grant, the basis for settlement of grant termination costs, and the amount and date of payment of any sums due either party. The grants administration office will prepare the termination document.

§ 30.920–2 Project termination by grantee.

A grantee may not unilaterally terminate the project work for which a grant has been awarded, except for good cause. The grantee must promptly give written notice to the Project Officer of any complete or partial termination of the project work by the grantee. If the Project Officer determines, with the concurrence of the EPA grant approving official, that there is good cause for the termination of all or any portion of a project for which the grant has been awarded, the EPA grant award official may enter into a termination agreement or unilaterally terminate the grant pursuant to § 30.920–3, effective with the date of cessation of the project work by the grantee. If the Project Officer, with the concurrence of the EPA grant approving official, determines that a grantee has ceased work on the project without good cause, the grant award official may unilaterally terminate the grant pursuant to § 30.920–3 or annul the grant pursuant to § 30.920–5.

§ 30.920–3 Grant termination by EPA.

(a) *Notice of intent to terminate.* After concurrence in the issuance of a termination notice has been obtained from the EPA grant approving official and the Regional Counsel or the Assistant General Counsel, Grants, the grant award official shall give not less than ten (10) days written notice to the grantee (certified mail, return receipt requested) of intent to terminate a grant in whole or in part.

(b) *Termination action.* The grantee must be afforded an opportunity for consultation prior to any termination. After the EPA grant approving official and the Regional Council or the Assistant General Counsel, Grants, have been informed of any expressed views of the grantee and concur in the proposed termination, the grant award official may, in writing (certified mail, return receipt requested), terminate the grant in whole or in part.

(c) *Basis for termination.* A grant may be terminated by EPA for good cause subject to negotiation and payment of appropriate termination settlement costs.

§ 30.920–4 Effect of termination.

Upon termination, the grantee must refund or credit to the United States that portion of grant funds paid or owed to the grantee and allocable to the terminated project work, except such portion thereof as may be required to meet commitments which had become firm prior to the effective date of termination and are otherwise allowable. The grantee shall not make any new commitments without EPA approval. The grantee shall reduce the amount of outstanding commitments insofar as possible and report to the Project Officer the uncommitted balance of funds awarded under the grant. The allowability of termination costs will be determined in conformance with applicable Federal cost principles listed in § 30.710.

§ 30.920–5 Annulment of grant.

(a) The grant award official may annul the grant if the Project Officer determines, with the concurrence of the appropriate Assistant Administrator or Regional Administrator and the Regional Counsel or Assistant General Counsel, Grants, that:

(1) There has been no substantial performance of the project work without good cause;

(2) There is convincing evidence the grant was obtained by fraud; or

(3) There is convincing evidence of gross abuse or corrupt practices in the administration of the project.

(b) In addition to such remedies as may be available to the United States under Federal, State, or local law, all EPA grant funds previously paid to the grantee shall be returned or credited to the United States, and no further payments shall be made to the grantee.

§ 30.920–6 Disputes provision.

The grantee may appeal a termination or annulment action taken pursuant to this section (see Subpart J of this part).

Subpart I—Deviations

§ 30.1000 General.

The Director, Grants Administration Division, is authorized to approve deviations from substatutory requirements of this Subchapter or grant related requirements of this Chapter when he determines that such deviations are essential to effect necessary grant actions or EPA objectives where special circumstances make such deviations in the best interest of the Government.

§ 30.1000–1 Applicability.

A deviation shall be considered to be any of the following:

(a) when limitations are imposed by this Subchapter or by grant related requirements of this Chapter upon the use of a procedure, form, grant clause, or any other grant action, the imposition of lesser or greater limitations,

(b) when a policy, procedure, method or practice of administering or conducting grant actions is prescribed by this Subchapter or by grant related requirements of this Chapter, any policy, procedure, method, or practice inconsistent therewith,

(c) when a prescribed grant clause is set forth verbatim in this Subchapter, use of a clause covering the same subject matter which varies from, or has the effect of altering, the prescribed clause or changing its application,

(d) when a limitation on award or grant condition is set forth in this Subchapter but not for use verbatim, use of a special condition covering the same subject matter which is inconsistent with the intent, principle, or substance of the limitation or condition, or related coverage of the subject matter,

(e) omission of any mandatory grant provision,

(f) when an EPA or other form is prescribed by this Subchapter, use of any other form for the same purpose, or

(g) alteration of an EPA or other form prescribed in this Subchapter.

§ 30.1000–2 Request for deviation.

A request for a deviation shall be submitted in writing to the Director, Grants Administration Division, as far in advance as the exigencies of the situation will permit. Each request for a deviation shall contain as a minimum:

(a) the name of the applicant or the grantee and the grant identification number of the application or grant affected, and the dollar value,

(b) identification of the section of this Subchapter or the grant related requirements of this Chapter from which a deviation is sought,

(c) an adequate description of the deviation and the circumstances in which it will be used, including any pertinent background information which will contribute to a fuller understanding of the deviation sought, and

(d) a statement as to whether the same or a similar deviation has been requested previously, and if so, circumstances of the previous request.

§ 30.1000–3 Approval of deviation.

Deviations may be approved only by the Director of the Grants Administration Division or his duly authorized representative. A copy of each such written approval shall be retained in the official EPA grant file. Concurrence in the approval of the deviation by the appropriate Assistant Administrator(s) is required prior to its effectiveness, where the deviation would involve more than a unique, special situation, e.g., will affect grantees as a class.

Subpart J—Disputes

§ 30.1100 Decision of the Project Officer.

Except as otherwise provided by law, or this Subchapter, any dispute arising under a grant shall be decided by the Grant Approving Official or Project Officer, who, after concurrence by appropriate EPA officials, shall reduce his decision to writing and mail (certified mail, return receipt requested) or otherwise furnish a copy thereof to the grantee.

§ 30.1105 Grantee appeal.

A decision of the Project Officer made pursuant to § 30.1100 shall be final and conclusive unless, within thirty (30) days from the date of receipt of such copy, the grantee mails (certified mail, return receipt requested) or otherwise delivers

to EPA (generally, to the Project Officer) a written appeal addressed to the Administrator.

§ 30.1115 Rights of the grantee and the Government.

In connection with an appeal proceeding pursuant to § 30.1110 the grantee shall be afforded an opportunity to be heard, to be represented by legal counsel, to offer evidence and testimony in support of any appeal, and to cross-examine Government witnesses and to examine documentation or exhibits offered in evidence by the Government or, admitted to the appeal record (subject to the Government's right to offer its own evidence and testimony, to cross-examine the appellant's witnesses, and to examine documentation or exhibits offered in evidence by the appellant or admitted to the appeal record). The appeal shall be determined solely upon the appeal record.

§ 30.1120 Decision of the Administrator.

The decision of the Administrator or his duly authorized representative for the determination of such appeal shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as to imply bad faith, or not supported by substantial evidence.

§ 30.1125 Questions of law.

Any question of law may be considered in connection with decisions provided for by this Subpart. Nothing in the grant agreement or related regulations, however, shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

§ 30.1150 Appeal procedures [Reserved].

APPENDIX B—PATENTS AND INVENTIONS

A. *Definitions.* (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of the EPA grant):

(i) Which the grantee, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means—

(i) Any machine, manufacture, or composition of matter which, at the time of a request for a license pursuant to Part D of this Appendix, has been sold, offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, research or demonstration work performed under this grant.

(4) "Grantee" is the party which has accepted this grant award and includes entities controlled by the grantee. The term "controlled" means the direct or indirect ownership of more than 50 percent of outstanding stock entitled to vote for the election of directors, or a directing influence over such stock; provided, however, that foreign entities not wholly owned by the grantee shall not be considered as "controlled."

(5) "Subagreement" includes subagreements at any tier under this grant.

(6) "Domestic" and "foreign" refer, respectively, (i) to the United States of America, including its territories and possessions, Puerto Rico and the District of Columbia and (ii) to countries other than the United States of America.

(7) "Government" means the Federal Government of the United States of America.

(8) "Subject Invention" means any invention, discovery, improvement or development (whether or not patentable) made in the course of or under this grant or any subagreement (at any tier) thereunder.

(9) "Made," when used in connection with any invention, means the conception or first actual reduction to practice of such invention.

(10) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(11) The phrase "to bring to the point of practical application" means to manufacture in the case of composition or product, to use in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(12) "Statement" means the President's Patent Policy Statement of August 23, 1971, 36 F.R. 16889, August 26, 1971.

B. *Domestic patent rights in Subject Inventions.* (1) The grantee agrees that he will promptly disclose to the Project Officer in writing each Subject Invention in a manner sufficiently complete as to technical details to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation and, as the case may be, the physical, chemical, biological, or electrical characteristics of the invention. However, if any Subject Invention is obviously unpatentable under the patent laws of the United States, such disclosure need not be made thereon. On request of the Project Officer, the grantee shall comment respecting the differences or similarities between the invention and the closest prior art drawn to his attention.

(2) Except in the instance of a determination, pursuant to paragraph (3) of this Section, by the Administrator to leave to the grantee rights greater than a nonexclusive license, the grantee agrees to grant and does hereby grant to the Government the full and entire domestic right, title, and interest in the Subject Invention, subject to retention by the grantee of a revocable, nonexclusive, royalty-free license to practice the Subject Invention. Any such license granted shall extend to any existing and future companies controlled by, controlling or under common control with the grantee and shall be assignable to the successor of the part of the grantee's business to which such invention pertains. Said license to the grantee may be revoked by the Administrator or his designee if it is determined that it is necessary to issue an exclusive license, pursuant to then applicable Government regulations, in order to more expeditiously bring the invention to commercialization; provided, however, that the grantee shall be provided the opportunity to present to the Administrator reasons why said license should not be revoked.

(3) Not later than three (3) months after the disclosure of a Subject Invention pursuant to paragraph (1) of this Section, and without regard to whether the invention is a primary object of this grant, the grantee may submit a request in writing to the Project Officer for a determination by the Administrator leaving the grantee greater rights than that reserved to the grantee in paragraph (2) of this Section. Such request should set forth information and facts which in the grantee's opinion, should justify a determination that:

(i) In the case of a Subject Invention which is clearly a primary object of this grant, the acquisition of such greater rights by the grantee is both consistent with the intent of Section 1(a) of the Statement and is either a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or is justified because the Government's contribution to such invention is small compared to that of the grantee; or that

(ii) The Subject Invention is not a primary object of this grant, and that the acquisition of such greater rights will serve the public interest as expressed in the Statement, particularly when taking into account the scope and nature of the grantee's stated intentions to bring the invention to the point of practical application and the guidelines of Section 1(a) of the Statement. The Administrator will review the grantee's request for greater rights and will make a determination, either granting the request in whole or in part, or denying the request in its entirety. The grantee will be notified of such determination.

(4) In the event greater rights in any Subject Invention are vested in or granted to the grantee pursuant to paragraph (3) of this Section:

(i) The grantee's rights in such inventions shall, as a minimum, be subject to a nonexclusive, nontransferable, paid-up license to the Government to practice the invention throughout the world by or on behalf of the Government (including any Government agency) and States and domestic municipal governments, unless the Administrator determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and said license shall include the right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the Administrator determines it would be in the national interest to acquire this right; and

(ii) The grantee further agrees to and does hereby grant to the Government the right to require the granting of a license to a responsible applicant(s) under any such invention:

(a) On a nonexclusive or exclusive basis on terms that are reasonable under the circumstances, unless the grantee, its licensees or its assignees demonstrate to the Government, at the Government's request, that effective steps have been taken within three (3) years after a patent was issued on any such invention to bring it to the point of practical application, or that it has been made available for licensing royalty-free or in terms that are reasonable in the circumstances, or can show cause why the time period should be extended, or

(b) On a nonexclusive or exclusive basis on terms that are reasonable in the circumstances to the extent that the invention is required for public use by Governmental regulations or as may be necessary to fulfill

health or safety needs or for such other public purposes as are stipulated in this grant; and

(iii) The grantee shall file in due form and within six (6) months of the granting of such greater rights a U.S. patent application claiming the Subject Invention and shall furnish, as soon as practicable, the information and materials required under paragraph (2) of Section F. As to each Subject Invention in which the grantee has been given greater rights, the grantee shall notify the Project Officer at the end of six (6) months period if he has failed to file or caused to be filed a patent application covering such invention. If the grantee has filed or caused to be filed such an application within a six (6) month period but elects not to continue prosecution of such application, he shall so notify the Project Officer, and EPA Patent Counsel not less than forty-five (45) days before the expiration of the response period. In either of the situations covered by the two immediately preceding sentences, the Government shall be entitled to all right, title, and interest in such Subject Invention subject to the reservation to the grantee of a revocable royalty-free, nonexclusive license therein.

(iv) The grantee shall, if requested by the Government, either before or after final closeout of this grant, furnish written reports at reasonable intervals, as to:

(a) The commercial use that is being made or is intended to be made of such invention;

(b) The steps taken by the grantee to bring such invention to the point of practical application, or to make the invention available for licensing.

(5) Even in the event the Government elects to take the full and entire domestic title and interest in a Subject Invention, the Project Officer may request, prior to grant closeout, that the grantee prepare a domestic patent application for filing in the United States Patent Office on such invention and deliver it to the Project Officer for filing by EPA. Reasonable costs incurred for the preparation of such application or any revision thereof requested by EPA shall be allowable project costs.

C. *Foreign rights and obligations.* (1) Subject to the waiver provisions of paragraph (2) of this section, it is agreed that the entire foreign right, title, and interest in any Subject Invention shall be in the Government, as represented for this purpose by the Administrator. The Government agrees to grant and does hereby grant to the grantee a royalty-free nonexclusive license to practice the invention under any patent obtained on such Subject Invention in any foreign country. The license shall extend to existing and any future companies controlled by, controlling or under common control with the grantee, and shall be assignable to the successor of the part of the grantee's business to which such invention pertains.

(2) The grantee may request the foreign rights to a Subject Invention at any time subsequent to the reporting of such invention. The response to such request and notification thereof to the grantee will not be unreasonably delayed. The Government will waive title to the grantee to such Subject Invention in foreign countries in which the Government will not file an application for a patent for such invention, or otherwise secure protection therefor. Whenever the grantee is authorized to file in any foreign country the Government will not thereafter proceed with filing in such country except on the written agreement of the grantee, unless such authorization has been revoked pursuant to paragraph (3) of this Section.

(3) In the event the grantee is authorized to file a foreign patent application on a Subject Invention, the Government agrees that it will use its best efforts not to publish a description of such invention until a United States or foreign application on such invention is filed, whichever is earlier, but neither the Government, its officers, agents, or employees shall be liable for an inadvertent publication thereof. If the grantee is authorized to file in any foreign country, he shall, on request of the Project Officer, furnish to the Government a patent specification in English within six (6) months after such authorization is granted, prior to any foreign filing and without additional compensation. The Project Officer, after concurrence by the EPA Patent Counsel, may revoke such authorization on failure on the part of the grantee to file any such foreign application within nine (9) months after such authorization has been granted.

(4) If the grantee files patent applications in foreign countries pursuant to authorization granted under paragraph (2) of this section, the grantee agrees to grant to the Government an irrevocable, nonexclusive, paid-up license to practice by or on its behalf the invention under any patents which may issue thereon in any foreign country. Such license shall include the right to issue sublicenses pursuant to any existing or future treaties or agreements between the Government and a foreign government for uses of such foreign government, provided the Administrator determines that it is in the national interest to acquire such right to sublicense.

(5) In the event the Government or the grantee elects not to continue prosecuting any foreign application or to maintain any foreign patent on a Subject Invention, the other party shall be notified no less than sixty (60) days before the expiration of the response period or maintenance tax due date, and upon written request, shall execute such instruments (prepared by the party wishing to continue the prosecution or to maintain such patent) as are necessary to enable such party to carry out its wishes in this regard.

D. *Licenses under background patents.* (1) The grantee agrees that he will make his Background Patent(s) available for use in conjunction with a Subject Invention or Specified Work Object for use in the specific field of technology in which the purpose of this grant or the work called for or required thereunder falls. This may be done (i) by making available, in quality, quantity, and price all of which are reasonable to the circumstances, an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by such Background Patent, as a Commercial Item, or (ii) by the sale of an embodiment of such Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii) by the licensing of the domestic Background Patent(s) at reasonable royalty to responsible applicants on their request.

(2) If the Administrator determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object sold or otherwise made available commercially as set forth in (D) (1) (i) is unreasonable in the circumstances, he may require the grantee to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, for use in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, and for use in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3) (i) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested in writing by a responsible applicant, for use in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, and such Background Patent is not available as set forth in D(1) (i) or (ii), the grantee shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The grantee shall promptly notify EPA in writing of any request for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the grantee or his exclusive licensee wish to attempt to make available as set forth in D(1) (i) or (ii).

(ii) If the grantee decides to make such domestic Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Administrator within the said six (6) months, whereupon the Administrator shall then designate the reasonable time within which the grantee must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the grantee or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Administrator, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (a) a Specified Work Object, or (b) a Subject Invention, and may be limited to the specific field of technology in which the purpose of this grant or the work called for thereunder falls.

(iii) The grantee agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for practice by or on the behalf of such foreign government, if an embodiment of the Background Patent is not commercially available in that country; provided, however, that no such license will be required unless the Administrator determines that issuance of such license is in the national interest. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with a Subject Invention or a Specified Work Object and for use in only the specific field of technology in which the purpose of this grant or the work called for thereunder falls.

(iv) The grantee agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the grantee's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, or where the grantee has made available a Commercial Item as set out in paragraph D(1) (i) or (ii).

(4) For use in the specific field of technology in which the purpose of this grant or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the grantee agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and worldwide to practice such patent which is not available as a Commercial Item as specified in Paragraph D(1)(ii) for use of the Federal Government in connection with pilot plants, demonstration plants, test beds, and test modules. For all other Government

uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development, or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under this grant.

(6) It is understood and agreed that the grantee's obligation to grant licenses under Background Patents shall be limited to the extent of the grantee's right to grant the same without breaching any unexpired contract it had entered into prior to this grant or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the grantee's obligation to license his Background Patents shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the grantee under said obligation to another.

(7) On the request of the Project Officer, the grantee shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the grantee has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the grantee, but which is not available as a Commercial Item as specified in paragraph D(1) (i) or (ii), and a qualified applicant requests a license under such patent for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in connection with the use of a Subject Invention or Specified Work Object, the grantee shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this subparagraph, (i) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity, and (ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

E. *Related inventions.* At the request of the Project Officer made during or subsequent to the term of this grant including any extensions for additional research and development work, the grantee shall furnish information concerning any invention which appears to the Project Officer to reasonably have the possibility of being a Subject Invention.

All information supplied by the grantee hereunder shall be of such nature and character as to enable the Project Officer, with the concurrence of the EPA Patent Counsel, reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the grantee the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented, the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Project Officer shall not unduly delay rendering his opinion on the matter. The Project Officer's decision shall be subject to the Disputes Clause of the grant. The grantee may furnish the information required under this Section E as grantee confidential information, which shall be identified as such.

F. *General provisions.* (1) The grantee shall obtain the execution of and deliver to the Project Officer any document, including domestic patent applications (see B(5) hereof), relating to Subject Inventions as the Project Officer may require under the terms hereof to enable the Government to file and prosecute patent applications therefor in any country and to evidence and preserve its rights. Each party hereto agrees to execute and deliver to the other party on its request suitable documents to evidence and preserve license rights derived from this Appendix.

(2) The Government and the grantee shall promptly notify each other of the filing of a patent application on a Subject Invention in any country, identifying the country or countries in which such filing occurs and the date and serial number of the application, and on request shall furnish a copy of such application to the other party and a copy of any action on such patent application by any Patent Office and the responses thereto. Any applications or responses furnished shall be kept confidential, unless the Government has title to the invention.

(3) Any other provisions of this Appendix notwithstanding, the Project Officer, or any authorized EPA representative shall, until the expiration of three (3) years after submission of the final financial status report under this grant, have the right to examine in confidence any books, records, documents, and other supporting data of the grantee which the Project Officer or any authorized EPA representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to the compliance by the grantee with the requirements of this Appendix.

(4) Notwithstanding the grant of a license under any patents to the Government pursuant to any provisions of this Appendix, the Government shall not be prevented from contesting the validity, enforceability, scope, or title of such licensed patent.

(5) The grantee shall furnish to the Project Officer every 12 months, or earlier as may be agreed in this grant (the initial period shall commence with the date of award of this grant) an interim report listing all Subject Inventions required to be disclosed which were made during the interim reporting period or certify that there are no such unreported inventions.

(6) The grantee shall submit a final report under this grant listing all Subject Inventions required to be disclosed which were made in the course of the work performed under this grant, and all subagreements subject to this Appendix. If to the best of the grantee's knowledge and belief, no Subject Inventions have resulted from this grant, the grantee shall so certify to the Project Officer. If there are no such subagreements, a negative report is required.

(7) The interim and final reports submitted under F (5) and (6) and Subject Invention disclosures required under B(1) shall be submitted on EPA forms which will be furnished by the Project Officer on request. Any equivalent form approved by the Project Officer with the concurrence of the EPA Patent Counsel may be used in lieu of EPA forms. Such reports and disclosures shall be submitted in triplicate.

(8) Any action required by or of the Government under this patent provision shall be undertaken by the Project Officer or other authorized EPA official as its duly authorized representative unless otherwise stated.

(9) The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the grantee pursuant to this Appendix without additional compensation.

(10) The grantees shall furnish to the Project Officer, in writing, and as soon as practicable, information as to the date and identity of any first public use, sale or publication of any Subject Invention made by or known to the grantee, or of any contemplated publication of the grantee.

(11) The Administrator shall determine the responsibility of an applicant for a license under any provision of this patent provision when this matter is in dispute and his determination thereof shall be final and binding.

(12) The grantee shall furnish promptly to the Project Officer or other authorized EPA official on request an irrevocable power to inspect and make copies of each U.S. patent application filed by or on behalf of the grantee covering any Subject Invention.

(13) The grantee shall include in the first paragraph in any U.S. patent application which it may file on a Subject Invention the following statement:

This invention resulted from work done under Grant No. ____ with the Environmental Protection Agency and is subject to the terms and provisions of said Grant.

(14) All information furnished in confidence pursuant to this Appendix shall be clearly identified by an appropriate written legend. Such information shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552, and shall in any event cease to be confidential if it is or becomes generally available to the public, or has been made or becomes available to the Government (i) from other sources, or (ii) by the grantee without limitation as to use, or was already known to the Government when furnished to it.

(15) Any action by the Project Officer affecting the disposition of rights to patents or inventions pursuant to this Appendix shall be taken only after review by the Office of General Counsel.

G. *Warranties.* (1) The grantee warrants that whenever he has divested himself of the right to license any Background Patent (or any invention owned by the grantee which could become the subject of a Background Patent) prior to the date of this grant, such divestment was not done to avoid the licensing requirements set forth in Section D of this Appendix. After a Background Patent, or invention which could become the subject of a Background Patent, is identified, the grantee shall take no action which shall impair the performance of his obligation to issue Background Patent licenses pursuant to this grant.

(2) The grantee warrants that he will take no action which will impair his obligation to assign to the Government any invention first actually conceived or reduced to practice in the course of or under this grant.

(3) The grantee warrants that he has full authority to make obligations of this Appendix effective, by reason of agreements with all of the personnel, including consultants who might reasonably be expected to make inventions, and who will be employed in work on the project for which the grant has been awarded, to assign to the grantee all discoveries and inventions made within the scope of their employment.

H. *Subagreements.* This Appendix shall be included in any subagreement over $10,000 under this grant where a purpose of the subagreement is the conduct of experimental, developmental, research, or demonstration work, unless the Grant Approving Official

with the concurrence of the EPA Patent Counsel, authorizes the omission or modification of this Appendix. The grantee shall not acquire any rights to Subject Inventions made under such subagreement for his own use (as distinguished from such rights as may be required solely to fulfil his grant obligations to the Government in performance of this grant). Upon completion of work under such a subagreement, the grantee shall promptly notify the Project Officer in writing of such completion, and shall upon request furnish a copy of the subagreement to the Project Officer. The grantee hereby assigns to the Government all rights of the grantee to enforce the obligations of the party to such subagreement with respect to Subject Inventions, Background Patents, and pursuant to Section E of this Appendix. The grantee shall cooperate with the Government at the Government's request and expense in any legal action to secure the Government's rights.

APPENDIX C—RIGHTS IN DATA AND COPYRIGHTS

1. The term "Subject Data" as used herein includes writings, technical reports, sound recordings, magnetic recordings, computer programs, computerized data bases, pictorial reproductions, plans, drawings, specifications, or other graphical representations, and works of any similar nature (whether or not copyrighted) which are submitted with a proposal or grant application or which are specified to be delivered under this grant or which are developed or produced and paid for under this grant. The term does not include financial reports, cost analyses, and other information incidental to grant administration.

2. Except as may otherwise be provided in the grant agreement, when publications, films, or similar materials are developed directly or indirectly from a project supported by the Environmental Protection Agency, the author is free to arrange for copyright without approval. However, such materials shall include acknowledgement of EPA grant assistance. The grantee agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all Subject Data, or copyrightable material based on such data, now or hereafter covered by copyright.

3. The grantee shall not include in the Subject Data any copyrighted matter, without the written approval of the Project Officer, unless he provides the Government with the written permission of the copyright owner for the Government to use such copyrighted matter in the manner provided in Article 2 above.

4. The grantee shall report to the Project Officer, promptly and in reasonable written detail, each notice or claim of copyright infringement received by the grantee with respect to all Subject Data delivered under this grant.

5. Nothing contained in this Appendix shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other rights otherwise granted to the Government under any patent.

6. Unless otherwise limited below, the Government may, without additional compensation to the grantee, duplicate, use, and disclose in any manner and for any purpose whatsoever, and have others so do, all Subject Data.

7. Notwithstanding any provisions of this grant concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this grant on any piece of Subject Data furnished under this grant.

8. Data need not be furnished for standard commercial items or services which are normally or have been sold or offered to the public commercially by any supplier and which are incorporated as component parts in or to be used with the product or process being developed or investigated, if in lieu thereof identification of source and characteristics (including performance specifications, when necessary) sufficient to enable the Government to procure the part or an adequate substitute, are furnished; and further, proprietary data need not be furnished for other items or processes which were developed at private expense and previously sold or offered for sale or commercially practiced in the case of a process, including minor modifications thereof, which are incorporated as component parts in or to be used with the product or process being developed or investigated, if in lieu thereof the grantee shall identify such other items or processes and that "proprietary data" pertaining thereto which is necessary to enable reproduction or manufacture of the item or performance of the process. For the purpose of this clause, "proprietary data" means data providing information concerning the details of a grantee's secrets of manufacture, such as may be contained in but not limited to his manufacturing methods or processes, treatment and chemical composition of materials, plant layout and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the grantee has protected such information from unrestricted use by others.

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