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PART I

HIGHLIGHTS OF THIS ISSUE

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

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

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

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H.R. 5035 ..... Pub. Law 93–286
Spokane Indian Reservation, Washington, nontaxable trust lands
(May 21, 1974; 88 Stat. 142)

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(May 21, 1974; 88 Stat. 142)

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(May 21, 1974; 88 Stat. 143)

Title 3—The President

PROCLAMATION 4294

Prayer for Peace
Memorial Day, May 27, 1974

By the President of the United States of America

A Proclamation

The defense of freedom and the search for peace cannot be separated. Together, they are an essential part of the American ideal. During the past two hundred years, our Nation has endured sacrifice in battle for the sake of this ideal. Americans died valiantly at Saratoga, King's Mountain, and Yorktown because they would not buy peace at the price of liberty. Americans died at Shiloh, Antietam, Gettysburg, and Vicksburg because a peace that cost the division of the Nation and the enslavement of a people could not be accepted.

We have occasion to show special gratitude this Memorial Day to those who fell in the cause of freedom in the longest and perhaps the most difficult war in our history. Because of their efforts, and the efforts of all our fighting forces, we can celebrate a year in which no American serviceman has fallen in the defense of his country.

During the past year, we have made progress toward the creation of a stable world order based on respect for the dignity and the larger interests of all nations. We have made this progress in part because America has pursued its tasks from a base of strength—not only military and economic strength, but strength of conviction and strength of purpose. We have been steadied in our resolve by the example of patience, self-sacrifice, and courage of our servicemen and women during the difficult years now past.

To our valiant dead we can pay no greater tribute than to emulate their dedication to a world free from the threat of force and the rule of fear. To them we dedicate our prayers for a new generation of peace and a new spirit of community among all the peoples of the world.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday, May 27, 1974, as a day of prayer for permanent peace, and I designate

the hour beginning in each locality at eleven o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I direct that the flag of the United States be flown at half-staff all day on Memorial Day on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and I request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74–12446 Filed 5–28–74;10:39 am]

rules and regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Principal Deputy Assistant Secretary of Defense (International Security Affairs), is excepted under Schedule C.

Effective May 29, 1974, § 213.3306(a) (62) is added as set out below.

§ 213.3306—Department of Defense.

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

(62) Principal Deputy Assistant Secretary of Defense (International Security Affairs).

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

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

[FR Doc.74–12273 Filed 5–28–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Personal Assistant to the Ambassador-at-Large is excepted under Schedule C.

Effective May 29, 1974, § 213.3304(a) (17) is added as set out below.

§ 213.3304 Department of State.

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

(17) One Personal Assistant to the Ambassador-at-Large.

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

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

[FR Doc.74–12272 Filed 5–28–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Notice 1974–7]

APPENDIX—RULINGS

Profit Margin Excess and Exempt Sales

1. In Phase IV Price Notice 1974–4, the Council announced its intention to issue a statement which would explain how to compute a profit margin excess which is attributable to exempt sales. The purpose of this notice is to provide that explanation and thus to provide guidance to firms required to file reports with respect to fiscal periods ended prior to May 1, 1974 pursuant to regulations issued May 3, 1974 (39 FR 16126, May 7, 1974).

2. The Phase IV price regulations, § 150.11(f), state that for purposes of determining compliance with the profit margin limitation the Council shall excuse that portion of any profit margin excess "which the firm demonstrates to the Council's satisfaction is attributable to the sale of exempt or excluded items."

3. A firm which seeks to justify a profit margin excess on the basis of sales of exempt or excluded items (hereinafter referred to simply as exempt sales), must, in order to be able to satisfy the Council, submit with the Form CLC–22 a special profit margin calculation in accordance with paragraph 4 or 5 below. These two paragraphs outline generally acceptable methods for isolating from the total firm excess profits those excesses that are not attributable to the sale of exempt items. The calculation explained in paragraph 4 requires that the firm identify costs and revenues attributable to exempt sales and to nonexempt sales in both the base period and the compliance period. Separate base period profit margins for exempt sales and nonexempt sales are used to determine nonexcusable excess profits. Because some firms may find it difficult to determine separate costs attributable to exempt and nonexempt sales, the Council will permit the use of the simpler method outlined in paragraph 5 which does not require computation of separate profit margins for the base period. However, under some circumstances, each of these methods may provide results which on the basis of a more complete analysis do not accurately reflect the true profit excess attributable to exempt sales. In these instances, the Council reserves the right to challenge either of the methods and require a more comprehensive method of computation which it feels more properly reflects non-exempt profit excesses.

4. *Method A.* Isolate costs and revenues attributable to exempt and nonexempt items in both the base period and the compliance period. Calculate a base period profit margin for exempt sales. If the compliance period profit on exempt sales exceeds the amount derived by multiplying the compliance period exempt sales by the base period profit margin for exempt sales, the excess may be applied to excuse total firm overages.

EXAMPLE

Step 1: Compute base period and compliance period profit margins:

	Total firm	Nonexempt	Exempt
Base period:			
Sales	250,000,000	200,000,000	50,000,000
Costs	222,500,000	180,000,000	42,500,000
Profit (operating income)	27,500,000	20,000,000	7,500,000
Profit margin (percent)	11	10	15
Compliance period:			
Sales	300,000,000	240,000,000	60,000,000
Costs	259,200,000	211,200,000	48,000,000
Profit (operating income)	40,800,000	28,800,000	12,000,000
Profit margin (percent)	13.6	12	20

Step 2: Determine the dollar value of the firm's total profit margin excess in accordance with CLC–22 instructions:

Compliance period sales (line 15)	$300,000,000
Base period profit margin (line 16)	×11%
Target profit (line 17)	33,000,000
Actual operating income (line 18)	−40,800,000
Profit under (over) target (line 19)	(7,800,000)

Step 3: Determine the dollar value of the firm's profit margin excess on exempt sales only, in the same manner:

Compliance period exempt sales	$60,000,000
"Exempt" base period profit margin	×15%
Target "exempt" profit	9,000,000
Actual "exempt" operating income	−12,000,000
"Exempt" profit under (over) target	(3,000,000)

Step 4: Summary:

Firm's total profit (operating income) overage or excess	$7,800,000
Excess attributable to exempt sales	−3,000,000
Excess not attributable to exempt sales	4,800,000

5. *Method B.* Calculate a separate target "exempt" operating income by multiplying sales of exempt items in the compliance period by the base period profit margin (the base period profit margin used is that applicable to combined exempt and nonexempt sales, i.e., base period profit margin as defined in § 150.31). This target "exempt" operating income is then compared to the firm's actual operating income for exempt sales in the compliance period. To the extent that actual operating income from exempt sales exceeds the target operating income on exempt sales, a firm's profit margin excess may be excused.

For example, assume a base period profit margin of 6% and the following results in the compliance period:

Compliance period	Total firm	Nonexempt	Exempt
Sales	100,000,000	60,000,000	40,000,000
Costs	93,300,000	56,300,000	37,000,000
Profit (operating income)	6,700,000	3,700,000	3,000,000
Profit margin (percent)	6.7		

Compliance period exempt sales	$40,000,000
Base period profit margin	×6%
Target "exempt" profit	2,400,000
Actual "exempt" operating income	−3,000,000
"Exempt" profit under (over) target	(600,000)
Firm total profit (operating income) overage or excess	700,000
Excess attributable to exempt sales	−600,000
Excess not attributable to exempt sales	100,000

A firm may account for mix shift by applying its current period mix to its base period and thereby recalculating its base period profit margin.

Issued in Washington, D.C., on May 24, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc. 74-12417 Filed 5-25-74;4:29 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Revision 1]

PART 20—EXPORT SALES REPORTING REQUIREMENTS

Certain Agricultural Commodities

On October 4, 1973, regulations were issued pursuant to section 812 of the Agriculture and Consumer Protection Act of 1973 requiring persons to report information with respect to contracts for export sales of certain agricultural commodities (38 FR 28055). This information is compiled and published weekly in compilation form. The standard forms to be used in reporting the information were set forth in Appendix 2.[1] From experience gained in following this procedure, it is believed the changes made in the regulations and the standard forms by this revision will facilitate both the reporting and compiling of such information.

Under the revision, provision is made for a reporting exporter who so desires to obtain approval for the use of computer generated printouts in lieu of the standard forms contained in Appendix 2 and for a reporting exporter to file a modified report where there has been no activity in particular reporting areas since the closing date of the previous report. A new form, C.E. 06-0100, is provided for reporting separately exports for exporter's own account, which information was previously reported together with other information on another form. The standard forms have been revised to provide further breakdown of information, and the regulations indicating how the information should be reported on the forms have been revised accordingly. The commodities for which reports of export sales are required to be made have not been changed. There are no other significant changes in the regulations as compared with the regulations previously in effect.

Since the revised regulations merely provide for the submission of the same information as previously required but in a manner which may be more readily reported and compiled, without changing the basic reporting responsibility of the exporter, it is found upon good cause that compliance with the notice, public rulemaking procedures, and the 30-day effective date provisions of 5 U.S.C. 533 is impracticable, unnecessary, and contrary to the public interest, and that the revision should become effective as set forth below.

Part 20 is revised to read as follows:

Sec.

AUTHORITY: Sec. 812 of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86.

§ 20.1 General.

The regulations of this Part 20 are issued to implement the export sales reporting requirements of section 812 of the Agriculture and Consumer Protection Act of 1973. The Act provides as follows:

All exporters of wheat and wheat flour, feed grains, oilseeds, cotton and products thereof, and other commodities the Secretary may designate produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period: (a) Type, class, and quantity of the commodity sought to be exported, (b) the marketing year of shipment, (c) destination, if known. Individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting. All exporters of agricultural commodities produced in the United States shall upon request of the Secretary of Agriculture immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as he may request. Any person (or corporation) who knowingly fails to report export sales pursuant to the requirements of this section shall be fined not more than $25,000 or imprisoned not more than one year, or both. The Secretary may, with respect to any commodity or type or class thereof during any period in which he determines that there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements, and that total supplies of such commodity in the exporting countries are estimated to be in surplus, and that anticipated exports will not result in excessive drain on domestic supplies, and that to require the reports to be made will unduly hamper export sales, provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

§ 20.2 Administration.

The regulations of this part will be administered by the Statistical Reporting Service (SRS) under the general supervision of the Administrator, SRS. Information pertaining to these regulations may be obtained from the office specified in § 20.10.

§ 20.3 Delegation of authority.

Authority is hereby delegated to the Administrator to promulgate amendments and revisions to the regulations in this part.

§ 20.4 Definitions.

As used in these regulations and in all instructions, forms, and documents pertaining hereto, the words and phrases defined in this section shall have the meaning assigned to them as follows:

(a) *Administrator.* The Administrator, Statistical Reporting Service, U.S. Department of Agriculture.

(b) *Buy-back contract.* A transaction under which a reporting exporter having sold a commodity for export to a foreign buyer liquidates the export sale contract by making an offsetting purchase of the same kind of commodity from the same foreign buyer.

(c) *Commodity.* Wheat and wheat flour, feed grains, oilseeds, cotton and products thereof and any other agricultural commodity the Secretary may designate. "Commodity" shall also mean a commodity having identifying characteristics as described in any announcement issued pursuant to § 20.5 such as class(es) of wheat, or staple length(s) of cotton but shall exclude commodities to be used for seed which have been treated in such a manner that their use is limited to seed for planting purposes. "Commodity" shall include only a commodity produced in the United States or a product processed in the United States from a commodity produced in the United States.

(d) *Country of destination.* (1) Any country outside the United States or (2) any territory or possession of the United States. Country of destination shall be the ultimate destination.

(e) *Export.* A shipment of a commodity from the United States destined to a country specified in paragraph (d) of this section. The commodity shall be deemed to have been exported on the date of the applicable export carrier onboard bill of lading or the date the com-

[1] Filed as part of the original document.

modity is received for shipment, as specified on the bill of lading, in the case of a commodity received for shipment in a lash barge or containerized van if a through on-board bill of lading is issued for shipment to a country specified in paragraph (d) of this section.

(f) *Export carrier.* The vessel on which a commodity is exported from the United States to a country specified in paragraph (d) of this section, or if export is by railcar, truck, or airplane, "export carrier" means such railcar, truck, or airplane.

(g) *Exports for exporter's own account.* Shipments made by the reporting exporter which are unsold at the time of export, shipments on consignment to selling agents of the reporting exporter for subsequent sale for the account of the reporting exporter, shipments by the reporting exporter that have not been allocated to any outstanding export sale, and shipments from the United States to Canada in bond for subsequent shipment to a third country.

(h) *Export sale.* A transaction entered into between a reporting exporter and a foreign buyer. The transaction must represent a written agreement under which (1) the exporter agrees to export the commodity, (2) the foreign buyer agrees to receive the commodity, (3) there is a firm dollar and cent price or an agreed upon mechanism by which a firm price can be determined, and (4) payment will be made to or for the account of the reporting exporter by or on the behalf of the foreign buyer for delivery of the commodity. The quantity of "outstanding export sale" means the quantity not yet exported under an export sale. A transaction which becomes operative only upon the imposition of export controls is excluded from this definition of "export sale" and such transactions shall not be reported under these regulations.

(i) *Foreign buyer and foreign seller.* A person whose place of doing business with respect to the transaction is outside the United States. Foreign buyer or foreign seller includes a person who maintains a place of doing business outside the United States even though the transaction is concluded in the United States by his agent who has a place of business in the United States or by his employee who does not maintain a place of doing business in the United States. (If such employee maintains a place of doing business in the United States with respect to the transaction, the resulting contract is construed to be a domestic sale.) Notwithstanding the foregoing, all foreign governments, agencies, and instrumentalities are considered foreign buyers or foreign sellers even though transactions are concluded by their employees in the United States or they maintain a place of business with respect to the transaction in the United States.

(j) *Marketing year.* The reporting period specified for a commodity in Appendix 1.

(k) *Optional origin contracts.* An export sale contract between a reporting exporter and a foreign buyer under which the reporting exporter has the option of exporting the commodity from the United States or from one or more other exporting countries or an export sale contract under which no origin is specified.

(l) *Person.* An individual, partnership, corporation, association or other legal entity.

(m) *Purchases from foreign seller.* The purchase of a commodity from a seller whose place of business with respect to the transaction is outside the United States when the terms of the contract provide that the commodity to be delivered under the contract will be exported from the United States or where the seller has the option of exporting the commodity from the United States or from one or more other exporting countries.

(n) *Quantity.* The actual contract quantity (exclusive of any upward or downward tolerance) specified in the agreement between the reporting exporter and foreign buyer or seller.

(o) *Reporting exporter.* A person who is engaged in the United States in the business of selling for export any commodity subject to these regulations, who maintains a bona fide business office for such purpose in the United States, and who sells a commodity to a foreign buyer irrespective of whether or not such person may appear as the shipper on the export documentation or whether or not such person is required to file a Shipper's Export Declaration. A reporting exporter shall not include agents of either the reporting exporter or foreign buyer, brokers, or freight forwarders unless such agents, brokers, or freight forwarders are acting in the capacity of a principal.

(p) *United States.* All of the 50 States, the District of Columbia and Puerto Rico.

§ 20.5 Announcements.

Commodities for which reports are required under these regulations are set forth in Appendix 1. Any change therein will be made by publication in the FEDERAL REGISTER of an amendment thereto, and, in addition, announcement of such change will be made through the press and ticker service. The unit of measure to be used in reporting the commodity, the beginning and ending dates of the marketing year for each commodity, and any other information deemed necessary to be included in the report will be specified in Appendix 1 and amendments thereto and in the announcements through press and ticker service.

§ 20.6 Submission of reports.

(a) *Weekly reports.* For each commodity for which reports are required under these regulations, the reporting exporter shall file weekly with the office specified in § 20.10 and not later than the time specified in paragraph (k) of this section, a report by marketing year on the applicable forms contained in Appendix (C.E. 06–0097, "Report of Optional Origin Sales," C.E. 06–0098, "Report of Export Sales and Exports," and C.E. 06–0100, "Report of Exports for Exporter's Own Account"), setting forth the following information and that required by such forms. Information for each applicable item on the respective form shall be reported, except such information need not be entered in columns with respect to which the reporting exporter indicates on the face of the report form that there has been no activity in connection with any item thereof since the closing date of his previous report.

(1) *United States origin sales only.* (i) Total quantity of outstanding export sales from the previous report by country of destination.

(ii) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance). Include the quantity of any optional origin export sale for which an option was exercised during the week to export the commodity from the United States.

(iii) Quantity of any purchases of the same kind of commodity made from foreign sellers during the week.

(iv) Quantity of export sales cancelled and quantity of buy-back contracts made during the week.

(v) Changes in destination during the week for export sales previously reported.

(vi) Changes in the marketing year during the week for export sales previously reported.

(vii) Exports made against export sales during the week.

(viii) Total outstanding balance of export sales at the close of business for the current report.

(2) *Optional origin sales (United States and other countries).* (i) Total quantity of outstanding export sales from the previous report by country of destination.

(ii) Quantity of export sales made during the week expressed in the specified unit of measure (do not include any tolerance) by country of destination.

(iii) Quantity of export sales for which an option was exercised during the week which would determine the origin of the commodity to be exported with the origin indicated as the United States or other than the United States.

(iv) Quantity of optional export sales cancelled and the quantity of optional buy-back contracts made during the week.

(v) Changes in destination during the week for sales previously reported.

(vi) Changes in the marketing year during the week for sales previously reported.

(vii) Total outstanding balance of optional export sales for which an option has not been exercised at the time of compiling the report.

(3) *Exports for exporter's own account.* (i) Total outstanding balance of exports for exporter's own account that has been shipped from the United States

as shown on the previous report by country where located or, if in transit, by country of intermediate destination.

(ii) Quantity of exports for exporter's own account exported during the week.

(iii) Quantity of previously reported exports for exporter's own account that was applied to new sales during the week.

(iv) Quantity of previously reported exports for exporter's own account that was applied to outstanding sales during the week.

(v) The total outstanding balance of exports for exporter's own account at the close of business for the current report.

(b) *Monthly reports.* The information described in paragraph (a) of this section shall be reported monthly when specified by an announcement issued pursuant to § 20.5.

(c) *Exporters who are required to report.* The reporting exporter has the sole responsibility of reporting any and all information required by these regulations. The following are examples of who shall be considered the reporting exporter for the purpose of these regulations. (Firm A in each example is a firm whose place of doing business with respect to the transaction is in the United States, and the commodity to be delivered under the purchase contract is subject to these regulations. See § 20.4 (i) for definition of a foreign buyer and foreign seller.)

(1) Firm A makes an export sale to Firm B whose place of doing business with respect to the transaction is also in the United States. Firm B has made or will make an export sale to a foreign buyer. In this case Firm A cannot report the sale to Firm B since Firm B's place of doing business with respect to the transaction is located in the United States. In this example, Firm B is required to report the sale to the foreign buyer.

(2) Firm A makes an export sale to a foreign buyer through the foreign buyer's agent and the agent's place of doing business with respect to the transaction is in the United States. In this example Firm A is required to report the export sale since the resulting contract is between Firm A and the foreign buyer.

(3) Firm A consigns an export to his agent (other than an employee of Firm A). When the agent makes a sale to a foreign buyer, Firm A is required to report the sale. If the agent makes the sale to a firm whose place of doing business with respect to the transaction is in the United States, Firm A will not report the sale.

(4) Firm A makes a purchase from a foreign seller. In this example, Firm A is required to report the purchase.

(5) Firm A makes a purchase from an agent of a foreign seller and the agent's place of doing business with respect to the transaction is in the United States. In this example, Firm A is required to report the purchase. The agent cannot report the sale to Firm A since he is not a principal party in interest in the contract and the foreign seller is not required to make a report of the sale since he is not a reporting exporter.

(6) If a reporting exporter has a transaction not described in paragraphs (c) (1) through (5) of this section and he is in doubt whether he should report the transaction, he should request in writing a decision from the office specified in § 20.10.

(d) *Contract Terms.* Reports of contract terms shall be filed when requested in accordance with § 20.11. The report showing contract terms shall be filed on C.E. 06–0099 "Contract Terms Supporting Export Sales and Foreign Purchases," and shall include the following:

(i) Reporting exporter's contract number.

(ii) Date of export sale or purchase.

(iii) Name of foreign buyer.

(iv) Delivery period specified in the export sale.

(v) Delivery terms specified in the export sale (F.O.B., C&F., etc.).

(vi) Actual quantity of the export sale or purchase.

(vii) Quantity not exported against the sale (do not include any tolerance).

(viii) Country of destination.

(ix) On purchases from foreign sellers, show separately from export sales items in paragraphs (d) (i), (ii), (iv), (v), and (vi).

(e) *Reporting of destinations.* If ultimate destination is not available at time of compiling a report, then report the intermediate destination if known, and if not, then report destination as "unknown". If a reporting exporter files a report showing intermediate or unknown destinations, he shall ascertain, if possible, the ultimate destination and report it in his next report after the destinations becomes known to him at any time up to and including reporting the quantity as having been exported.

(f) *Optional class or kind of commodity.* If the export sale provides for an option as to the class or kind of commodity to be delivered under the export sale, the reporting exporter should report the particular class or kind of commodity expected to be exported.

(g) *Range in contract quantity.* If the export sale provides for a range in quantity (e.g. 10,000 metric tons to 12,000 metric tons with or without a loading tolerance) with the reporting exporter or buyer having the option to declare a firm quantity at a later date, the reporting exporter shall report the maximum export sale quantity (exclusive of any loading tolerance). If an option is exercised for a lesser quantity at a later date, the reporting exporter shall report the reduction as an amendment to an export sale previously reported by him.

(h) *Transfer of unexported balances from one marketing year to the next marketing year.* If exports against an export sale are not complete by the end of the marketing year in which the commodity is being reported for export, the reporting exporter shall transfer the quantity not exported against the export sale to the next marketing year on the first report submitted after the beginning of the new marketing year.

(i) *Errors on previous reports.* Whenever an exporter discovers an error or is advised by SRS of an error on a prior report, he shall correct the error to reflect the proper outstanding export sales and exports on the current report and furnish a complete explanation of such reporting error.

(j) *When reports are not required.* (1) A reporting exporter shall submit reports only for those commodities for which he has outstanding export sales, has made exports for his own account for which an offsetting export sale has not been made and reported, or has made a purchase from a foreign seller.

(2) A reporting exporter may discontinue reporting for a commodity only when his actual exports and other required reporting of changes have reduced to zero all of his export sales, exports made for his own account and purchases from foreign sellers. The reporting exporter shall report his zero balance prior to discontinuing reporting for the commodity involved.

(3) If a reporting exporter discontinues making reports because he has reached a zero balance for a particular commodity, he shall be responsible to commence reporting again once he has made a new export sale or has made a new export for his own account or has made a new purchase from a foreign seller for that commodity.

(k) *Manner and time of reporting.*—(1) *Manner.* All reports must be filed in an original with the office specified in § 20.10. Each report shall contain the full business name, address and telephone number of the reporting exporter and the name and original signature of the person submitting the report on behalf of the reporting exporter. Computer generated printouts may be used in lieu of standard reporting forms when approved by the office specified in § 20.10.

(2) *Time of filing reports*—(i) *Reports that are delivered in person.* If reports are delivered in person, they must be received in the office specified in § 20.10 no later than 12 noon Washington, D.C., time on each Thursday and shall set forth the required information as of the preceding Sunday, midnight.

(ii) *Reports that are mailed.* If reports are mailed to the office specified in § 20.10 the envelope containing the reports must be received no later than 12 noon Washington, D.C., time on each Thursday at the addressed specified in § 20.10 or show that it was received by the U.S. Postal Service no later than 5 p.m. Monday (time zone at place of mailing) and shall set forth the required information as of the preceding Sunday, midnight. Do not use a meter to show the time or date mailed.

(iii) When a due date prescribed in paragraphs (k) (2) (i) or (ii) of this section falls on a National holiday, the due date shall be the next business day.

§ 20.7 Confidentiality of reports.

A reporting exporter's individual reports shall remain confidential and subject to examination only by designees of the Administrator of SRS. All reports

filed by exporters will be compiled and published in compilation form each week following the week of reporting.

§ 20.8 Failure to report.

Any person who knowingly fails to report export sales pursuant to the requirements of these regulations shall be fined not more than $25,000 or imprisoned not more than one year, or both.

§ 20.9 Records.

Each reporting exporter shall establish and maintain accurate records as to all export sales of commodities subject to these regulations. Such records shall include, but shall not be limited to, export sales contracts or other agreements with the foreign buyer or foreign seller pursuant to which any export has or will be made; bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto. Such records shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved for three years after the date of export to which they relate.

§ 20.10 Place of submission of reports.

Reports and information required to be submitted under these regulations shall be addressed to or delivered to the following office:

Statistical Reporting Service
Export Sales Reports
U.S. Department of Agriculture
Room 0764, South Agriculture Building
14th and Independence Avenue
Washington, D.C. 20250

§ 20.11 Additional reports and information.

The reporting exporter shall file such additional reports and information as may be required in connection with the administration of these regulations as may be requested by the office specified in § 20.10.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This revision shall become effective June 16, 1974. This revision shall not affect any obligation or liability arising under this Part 20 prior to such time. Reports containing information as of midnight June 16, 1974, shall be prepared and filed in accordance with the provisions of this Part 20 as revised.

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

HARRY L. TRELOGAN,
Administrator,
Statistical Reporting Service.

MAY 22, 1974.

APPENDIX 1.—*Commodities subject to reports, units of measure to be used in reporting, and beginning and ending dates of marketing years*

Commodity to be reported	Unit of measure to be used in reporting	Beginning of marketing year	End of marketing year
Wheat, hard red winter	Metric tons	July 1	June 30
Wheat, Soft red winter	do	do	Do.
Wheat, Hard red spring	do	do	Do.
Wheat, White	do	do	Do.
Wheat, Durum	do	do	Do.
Wheat, Mixed	do	do	Do.
Wheat products, all wheat flours (including clears), bulgur, semolina, farina and rolled, cracked and crushed wheat	do	do	Do.
Barley, unmilled	do	do	Do.
Corn, unmilled	do	Oct. 1	Sept. 30
Rye, unmilled	do	July 1	June 30
Oats, unmilled	do	do	Do.
Grain sorghums, unmilled	do	Oct. 1	Sept. 30
Soybeans	do	Sept. 1	Aug. 31
Soybean oil cake and meal	do	Oct. 1	Sept. 30
Soybean oil, including: crude (including degummed), once refined, soybean salad oil (including refined and further processed by bleaching, deordorizing or winterizing), hydrogenated.	do	do	Do.
Flaxseed	do	July 1	June 30
Linseed oil—including raw, boiled	do	do	Do.
Cottonseed	do	Aug. 1	July 31
Cottonseed oil cake and meal	do	Oct. 1	Sept. 30
Cottonseed oil, including: crude, once refined, cottonseed salad oil (refined and further processed by bleaching, deodorizing or winterizing), hydrogenated.	do	do	Do.
Cotton, American Pima—Raw, extra long staple	Running bales	Aug. 1	July 31
Cotton, Upland, Raw, staple length 1 1/16 inches and over	do	do	Do.
Cotton, Upland, Raw, staple length 1 inch up to 1 1/16 inches	do	do	Do.
Cotton, upland, Raw, staple length under 1 inch	do	do	Do.
Rice, Long grain, brown (including parboiled)	Metric tons	do	Do.
Rice, Medium, short and other classes, brown (including parboiled)	do	do	Do.
Rice, Long grain, milled (including parboiled)	do	do	Do.
Rice, Medium, short and other classes, milled (including parboiled)	do	do	Do.

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

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart F—United States Standards for Whole Dry Peas

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Pursuant to sections 203 and 205 of the Act, 60 Stat. 1087 and 1090 (7 USC 1622 and 1624), a notice was published in the FEDERAL REGISTER (39 FR 10911) on March 22, 1974, according to the administrative procedure provisions of section 553 of Title 5, United States Code, concerning a proposed revision of the U.S. Standards for Dry Peas (7 CFR 68.401 et seq.).

Approximately 600 reprints of the notice were sent to individuals, firms, and associations interested in the production, marketing, and use of whole dry peas. Interested parties were given until May 6, 1974, to submit data, views, or recommendations concerning the proposed revision.

In response to the notice, 10 written comments were received. Eight of the comments generally favored the proposed changes, with certain exceptions, and two comments were opposed. Of the eight comments generally favoring the changes, six took exception to the minimum size requirements specified in footnote 4 of § 68.406, Grades and grade requirements for dockage-free dry peas, and in § 68.408(b), the requirements for the special grade "Small."

Footnote 4 of the proposal stated that, other than the class Winter Dry Peas, peas of the numerical grades shall be of such size that not more than 3 percent shall pass through the 11/64 x ¾ oblong-hole sieve. The proposed requirements for the special grade "Small" also included the provision that not more than 3 percent of the peas shall pass through 11/64 x ¾ oblong-hole sieve.

The current standards provide that, for varieties of very small peas, the 10/64 x ¾ oblong-hole sieve shall be used in making uniformity of size determinations. The six comments requested that the use of this sieve be continued in making these determinations for varieties of very small peas. They contend that, otherwise, the Small-Sieve

Alaska variety, and certain other varieties of very small peas, would be unfairly scored in that very small peas of uniform size are in wide demand and breeders are currently at work developing other similar small seeded varieties.

The intent of footnote 4 is to maintain a degree of uniformity in size among individual lots of peas rather than limit the size of pea varieties. Therefore, in review, the Agricultural Marketing Service (AMS) believes it to be in the best interests of industry and consumers to continue using the 10/64 x 3/4 oblong-hole sieve in the uniformity of size determinations for very small peas. Accordingly, the 10/64 x 3/4 oblong-hole sieve will be used, in § 68.408(b), for determining the 3 percent allowance of undersized peas for the special grade "Small," in lieu of the 11/64 x 3/4 oblong-hole sieve which was specified in the proposal. Additionally, footnote 4 of § 68.406 shall include the provision that the 3 percent allowance of undersized peas shall be determined with the 10/64 x 3/4 oblong-hole sieve for peas which meet the requirements of the special grade "Small."

One favorable comment requested that the 12/64 x 3/4 oblong-hole sieve replace the 11/64 x 3/4 oblong-hole sieve mentioned in footnote 4 of § 68.406 when determining the 3 percent allowance of undersized peas for the regular Alaska varieties and the First and Best varieties. Available information indicates that this would be impractical since inspectors and graders are unable to identify peas as to variety with an acceptable degree of accuracy. After an informal discussion with AMS, the commenting party withdrew the request.

Three comments were opposed to the discontinuance of classifying dry peas by variety. They stated that their customers would have no assurance that they would receive the varieties for which they had contracted. AMS maintains that all parties would have the same assurance as to variety as they have under the current standards. Surveys have shown that consistent identification of peas as to variety, with an acceptable degree of accuracy, is beyond the capability of inspectors and others. To help meet the needs of the pea industry for identification purposes, the revision provides that official inspection personnel may, at the request of the applicant for inspection, include the applicant's declaration of variety in the "Remarks" section of the grade certificate.

One comment, from an overseas buyer, suggested that limits for weevil-damaged peas be tightened. It also stated that guarantees should be given that pesticide residues and toxic materials do not exceed Food and Drug Administration regulations. Available information indicates that the current limits for weevil damage are not unreasonable for processing purposes. There are no practicable tests for measuring pesticide residues. AMS does not knowingly assign a numerical grade to peas that are considered actionable by Food and Drug Administration (FDA).

One comment was opposed to the proposal because it would reduce the amount of varietal information that could be ascertained from the grade certificate. Available information indicates that buyers and sellers will be more completely informed than previously since it will be clear that the applicant, rather than the inspection agency, is responsible for the information regarding variety.

Three comments expressed concern that buyers, with whom they have already contracted on the basis of the current standards, might use the revision of these standards as a basis for refusing to honor their contracts when deliveries are made in the future. Provision has been made that, for a period of 6 months after adoption of these amendments, official inspection personnel shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards. If necessary, this provision could be extended upon request.

After fully considering all comments, the proposed standards are hereby adopted, together with the following changes:

1. Section 68.406, footnote 4 is amended to provide for the use of the 10/64 x 3/4 oblong-hole sieve for peas which meet requirements for the special grade "Small"—to accomodate very small peas which are reasonably uniform in size.

2. Section 68.408(b) is amended to delete the reference to the 11/64 x 3/4 oblong-hole sieve and to insert a reference to the 10/64 x 3/4 oblong-hole sieve—to provide for varieties of very small peas.

3. Make other minor changes for the purposes of clarity.

Accordingly, the United States Standards for Whole Dry Peas (7 CFR 68.401–68.410) are revised to read as follows:

Subpart F—United States Standards for Whole Dry Peas [1]

AUTHORITY: The provisions of this Subpart F issued under sec. 203 and 205, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

TERMS DEFINED

§ 68.401 Definition of whole dry peas.

Threshed seeds of the pea plant (*Pisum sativum* L.) and the winter field pea plant [*Pisum sativum* var. *arvense* (L.) Poir.] which after the removal of dockage contain 50 percent or more of whole peas and not more than 10.0 percent of foreign material.

§ 68.402 Definitions of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached peas.* Whole and pieces of dry peas of green-colored varieties which are bleached distinctly yellow in color or peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* The following five classes:

(1) *Smooth Green Dry Peas.* Dry peas of the garden type which have smooth seedcoats and green cotyledons and contain not more than 1.5 percent of other classes.

(2) *Smooth Yellow Dry Peas.* Dry peas of the garden type which have smooth seedcoats and yellow cotyledons and contain not more than 1.5 percent of other classes.

(3) *Wrinkled Dry Peas.* Dry peas of the garden type which have wrinkled seedcoats and contain not more than 1.5 percent of other classes.

(4) *Winter Dry Peas.* Dry peas of the winter field pea type which contain not more than 1.5 percent of other classes.

(5) *Mixed Dry Peas.* Any mixture that does not meet the requirements for the classes Smooth Green, Smooth Yellow, Wrinkled, or Winter Dry Peas.

(c) *Damaged peas.* Whole and pieces of dry peas which are distinctly:

(1) Damaged by frost, weather, disease, heat (other than materially discolored as a result of heating), or other causes; and

(2) Soiled or stained by dirt (not applicable for the class Wrinkled Dry Peas).

Damaged peas shall not include weevil-damaged peas or heat-damaged peas.

(d) *Defective peas.* The categories of defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, other classes, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(e) *Distinctly low quality.* Whole dry peas which are obviously of inferior quality because they are stained by an unknown foreign substance or because they otherwise contain a known toxic substance(s) or an unknown foreign substance(s) or because they are in an unusual state or condition, and which cannot be graded by use of the other grading factors provided in the standards.

(f) *Dockage.* Small, underdeveloped dry peas, pieces of dry peas, and all matter other than dry peas which can be removed readily by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph, "approved device" shall include sieves as set forth in paragraph (q) of this section and any other equipment that is ap-

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture:

(a) Equipment Manual, GR Instruction 916–6, effective September 25, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

(b) Inspection Handbook HB–1, effective November 1, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

proved by the Administrator as giving equivalent results.[3]

(g) *Dockage-free dry peas.* Dry peas from which the dockage has been removed.

(h) *Foreign material in dockage-free dry peas.* All matter other than dry peas and including detached seedcoats.

(i) *Foreign material in thresher-run dry peas.* All matter other than dry peas, including detached seedcoats, which cannot be readily removed in the determination of dockage.

(j) *Good color peas.* Dry peas that in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating class.

(k) *Heat-damaged peas.* Whole and pieces of dry peas which have been materially discolored as a result of heating.

(l) *Moisture.* Water content in whole dry peas as determined by an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[3] For the purpose of this paragraph "approved device" shall include the Motomco moisture meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(m) *Other classes.* Whole and pieces of dry peas which are of a contrasting color or which differ materially in shape, or other characteristics from the predominating class.

(n) *Peas with cracked seedcoats.* Dry peas having readily discernible cracked seedcoats or peas which have all or a part of the seedcoat removed, and broken peas which are more than one-half of a whole pea.

(o) *Poor color peas.* Dry peas that in mass are distinctly off-color from the characteristic color of the predominating class as a result of age or any other cause.

(p) *Shriveled peas.* Dry peas which are distinctly shriveled in contrast to the natural shape and appearance of normally developed peas.

(q) *Sieves.* (1) $^{9}/_{64}$ x $^{3}/_{4}$ *oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.1406 inch by 0.750 ($^{3}/_{4}$) inch.

(2) $^{10}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1562 inch by 0.750 ($^{3}/_{4}$) inch.

(3) $^{11}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1718 inch by 0.750 ($^{3}/_{4}$) inch.

(4) $^{12}/_{64}$ *x* $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1875 inch by 0.750 ($^{3}/_{4}$) inch.

(5) $^{13}/_{64}$ *x* $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.2031 inch by 0.750 ($^{3}/_{4}$) inch.

(6) $^{16}/_{64}$ *round-hole sieve.* A metal sieve 0.032 inch thick with round perforations 0.2500 inch in diameter.

(r) *Split peas.* The halves or smaller pieces of dry peas and dry peas in which the halves are loosely held together.

(s) *Thresher-run dry peas.* Dry peas from which the dockage has not been removed.

(t) *Weevil-damaged peas.* Whole and pieces of dry peas which are distinctly damaged by the pea weevil or other insects.

(u) *Whole peas.* Dry peas with one-fourth or less of the pea removed and with the cotyledons or parts of cotyledons firmly held together.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.403 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the dry peas after the removal of dockage with the following exceptions:

(1) Dockage in thresher-run dry peas shall be determined upon the basis of the peas as sampled.

(2) Color shall be determined after the removal of dockage, defective peas, and foreign material.

(b) Defects in peas shall be scored in accordance with the order shown in § 68.402(d) and once an individual pea is scored in a defective category it shall not be scored for any other defect. Percentages for all categories of defects shall be calculated on the basis of the total weight of the sample analyzed for defective peas.

§ 68.404 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the whole dry peas standards are applicable to peas produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of peas may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Grain Division Field Offices, official inspection agencies, and interested parties in the dry pea industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.405 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46 report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54 report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages shall be stated in whole and tenth percent to the nearest tenth percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.406 Grades and grade requirements for dockage-free dry peas. (See also § 68.408.)

	Maximum limits of									Minimum requirements for color
	Defective Peas								Foreign material	
	Weevil-damaged peas	Heat-damaged peas	Damaged peas [5]	Other classes [6]	Bleached peas [7]	Split peas	Shriveled peas	Peas with cracked seedcoats		
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1 [4]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	3.5	0.1	Good.
U.S. No. 2 [4]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	5.5	0.2	Good.
U.S. No. 3 [4]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	7.5	0.5	Poor.
U.S. Sample grade.	U.S. Sample grade shall be dry peas which: (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain metal fragments, broken glass, or a commercially objectionable odor; or (c) Contain more than 15.0 percent moisture; or (d) Are materially weathered, heating, or distinctly low quality; or (e) Are infested with live weevils or other live insects.[8]									

[4] Uniformity of Size requirements—Dry peas of any of the numercial grades shall be of such size that not more than 3.0 percent shall pass through the appropriate oblong-hole sieve as follows:

Peas	*Appropriate sieve*
Winter Dry Peas	$^{9}/_{64}$ x $^{3}/_{4}$
Special grade "Small" peas	$^{10}/_{64}$ x $^{3}/_{4}$
All other peas	$^{11}/_{64}$ x $^{3}/_{4}$

[5] Damaged peas do not include weevil-damaged or heat-damaged peas.
[6] These limits do not apply to the class Mixed Dry Peas.
[7] These limits do not apply to winter field peas and wrinkled peas.
[8] As applied to dockage-free whole dry peas, the meaning of the term "infested" is set forth in chapter 3 of Inspection Handbook HB–1.[3]

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

§ 68.407 Grade designation for dockage-free dry peas.

(a) The grade designation for dockage-free dry peas shall include, in the order named (1) the letters "U.S.," (2) the number of the grade or the words "Sample grade," (3) the name of each applicable special grade, and (4) the name of the class. The grade designation for the class Mixed Dry Peas shall also include, following the words "Mixed Dry Peas," the name and approximate percentage of each class of dry peas in the mixture, in the order of predominance.

(b) At the request of the applicant for inspection, official inspection personnel may include on the grade certificate under "Remarks," a statement substantially as follows: "Variety stated by the applicant to be: _____."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.408 Special grades and requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.406. Such special grades are established and determined as follows:

(a) *Large.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will readily pass through the 16/64 round-hole sieve.

(b) *Small.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will remain on the 16/64 round-hole sieve and not more than 3.0 percent will readily pass through the 19/64 x 3/4 slotted-hole sieve.

§ 68.409 Special grade designation.

The grade designation for large and small dry peas shall include, preceding the class, the word(s) "Large" or "Small," as warranted, and all other information prescribed in § 68.407.

§ 68.410 Thresher-run dry peas.

Thresher-run dry peas shall be inspected for factors only without reference to grade.

(a) Thresher-run dry peas may be inspected for: Class; defective peas and foreign material; dockage; color description; and moisture.

(b) The percentage of defective peas and foreign material shall be combined and shown on the certificate as "total defects and foreign material." For the classes of smooth seeded peas only the percentage of peas with cracked seedcoats in excess of 3.0 percent shall be included in the factor "total defects and foreign material." (Example: In a sample containing 3.2 percent of peas with cracked seedcoats, only 0.2 percent would be included in the total defects and foreign material.)

(c) The percentage of total dockage, total defects and foreign material shall be computed on the basis of the sample as a whole and be shown on the certificate as "total dockage, defects and foreign material."

Comments. For a period of 6 months after adoption of these amendments, inspection personnel shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards.

Effective date. The foregoing standards supersede the United States Standards for Dry Peas as amended May 18, 1972, and shall become effective July 1, 1974.

Done at Washington, D.C., on: May 23, 1974.

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

[FR Doc.74-12232 Filed 5-28-74;8:45 am]

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

[Valencia Orange Reg. 465, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period May 17–23, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 465 (39 FR 17429). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until June 28, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.765 (Valencia Orange Regulation 465 (39 FR 17429)) are hereby amended to read as follows:

"(i) District 1: 440,000 cartons;
"(ii) District 2: 396,000 cartons;
"(iii) District 3: 264,000 cartons."

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

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12224 Filed 5-28-74;8:45 am]

[Lemon Reg. 639, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 19–25, 1974. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

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

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in

the marketing situation since the issuance of Lemon Regulation 639 (39 FR 17756). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until June 28, 1974 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* Paragraph (b)(1) of § 910.939 (Lemon Regulation 639 (39 FR 17756)) is hereby amended to read as follows:

§ 910.939 Lemon Regulation 639.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 19, 1974, through May 25, 1974, is hereby fixed at 300,000 cartons.

* * * * *

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

Dated: May 22, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-12223 Filed 5-28-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Motor Gasoline Retail Sales Outlets

Section 211.106, Part 211 of Title 10 of the Code of Federal Regulations, as revised (39 FR 15960, May 6, 1974) effective June 1, 1974, concerning motor gasoline retail sales outlets, is amended as set forth below.

On May 1, 1974, the Federal Energy Office issued a revision of Part 211, the Mandatory Petroleum Allocation Regulations (39 FR 15960, May 6, 1974) to become effective June 1, 1974. Section 211.106(b)(3) of that revision provided that a supplier could not reassign all or part of an allocation entitlement from one retail outlet to another without FEO permission, unless treatment as a single firm had been granted under § 211.106 (b)(2). Section 211.106(c)(2) provided that an entity which operates more than one retail outlet and which intended to go out of business with respect to one or more sites, could apply for a readjustment of base period volumes of its remaining retail sales outlets.

These amendments are designed to make these provisions automatic in certain instances. Thus, § 211.106(c)(2)(ii) provides that an independent marketer or small or independent refiner which closed retail sales outlets during the period January 1, 1973, through May 31, 1974, shall receive an automatic adjustment on June 1, 1974, to the base period volumes of the remaining retail sales outlets which it operates. This adjustment shall be a proportionate increase in base period volumes by a total amount equal to the base period volumes of the closed outlets minus the base period volumes of any outlets newly opened during the period January 1, 1973 through May 31, 1974. In addition, § 211.106(c)(2)(i) provides that an entity which operates more than one retail sales outlet and intends to go out of business at one or more such outlets after June 1, 1974, may petition FEO for an adjustment of the base period volumes of its remaining retail sales outlets by the amount of the base period volumes of the outlets which will be closed.

Section 211.106(b)(3) is amended to allow independent marketers or small or independent refiners which operate more than one retail sales outlet to increase or decrease the allocation entitlement of any retail sales outlet up to twenty percent without prior FEO approval. Reassignment of entitlements in excess of twenty percent by independent marketers or small or independent refiners, or reassignment in any amount by other entities, must be approved by FEO.

These amendments and the provisions of § 211.106(b)(2), relating to petitions by independent marketers or small or independent refiners which operate two or more retail sales outlets for treatment of some or all of such outlets as a single firm, are the subject of Federal Energy Office Ruling 1974–13, issued concurrently with these amendments.

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

(Emergency Petroleum Allocation Act of 1973, Pub. L. 91–159, E.O. 11748; 39 FR 33575)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations, as revised (39 FR 15960, May 6, 1974), effective June 1, 1974, is amended as set forth herein, effective June 1, 1974.

Issued in Washington, D.C., May 23, 1974.

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

1. Section 211.106 is amended by revising paragraphs (b)(3) and (c)(2) to read as follows:

§ 211.106 Retail sales outlets.

* * * * *

(b) *Retail sales outlets as a firm.* * * *

(3) (i) A supplier's obligation to provide motor gasoline shall be determined separately for each retail sales outlet for which it has a supply obligation without distinguishing between retail sales outlets operated by the supplier and retail sales outlets not operated by the supplier. A supplier may not reassign all or part of an allocation entitlement from one retail sales outlet to another, including reassignments among its own retail sales outlets, without the express written permission of FEO except as provided by paragraph (b)(3)(ii) of this section unless a petition for treatment as a single firm of some or all of such supplier's retail sales outlets has been granted pursuant to paragraph (b)(2) of this section.

(ii) An independent marketer, or small or independent refiner, may reassign up to twenty (20) percent of the allocation entitlement (excluding any amounts which those retail sales outlets have certified pursuant to § 211.12(d) to be for ultimate use under an allocation level not subject to an allocation fraction) of a retail sales outlet which it operates to another retail sales outlet which it operates provided that no retail sales outlet may have its allocation entitlement (excluding any amounts which those retail sales outlets have certified pursuant to § 211.12(d) to be for ultimate use under an allocation level not subject to an allocation fraction) increased by more than twenty (20) percent pursuant to any reassignment permitted by this paragraph (b)(3)(ii). If an independent marketer or small or independent refiner is not the supplier of all of the retail sales outlets which it operates from a single terminal facility, it may make the reassignments permitted by this paragraph only among the retail sales outlets which it operates and which are supplied by the same supplier and terminal facility.

* * * * *

(c) *Loss of allocation entitlement for going out of business.* * * *

(2) (i) *Closings of retail outlets after June 1, 1974.* An entity which operates more than one retail sales outlet and which intends to go or goes out of business at one or more such retail sales outlets may petition FEO for an adjustment to the base period volumes of its retail sales outlets which will remain in business. FEO may allow such adjustments to the extent that the vacating of business at a particular retail sales outlet does not result in an inequitable distribution of motor gasoline in the market areas served by the entity and that such an adjustment would not otherwise be inconsistent with the objectives of the allocation program. Pending FEO action on a petition, FEO may provide interim adjustments to the base period volumes of the pertinent retail sales outlets, which will remain in business.

(ii) *Closings of retail outlets prior to June 1, 1974.* An independent marketer, or a small or independent refiner which went out of business with respect to one or more retail sales outlets which it operated during the period January 1, 1973 through June 1, 1974, shall receive an adjustment on June 1, 1974 to the base period volumes of its retail sales outlets which remain in business. An independent marketer or a small or independent refiner shall determine the net amount by which the base period volumes of the retail sales outlets which it operated and which went out of business during the period January 1, 1973 through June 1, 1974, exceed the base period volumes of the retail sales outlets which it opened for business and operated during the period January 1, 1973 through June 1, 1974. The base period volumes of each retail sales outlet which the independent marketer or small or independent refiner operates as of June 1, 1974 shall be increased by an amount which bears the same proportion to such net amount as the base period volume of the retail outlet bears to the sum of the base period volumes of all the retail sales outlets which the independent marketer, or small or independent refiner operates as of June 1, 1974. The independent marketer or small or independent refiner shall certify the adjustments to the base period volumes of its retail sales outlets under this subparagraph to the supplier or suppliers of such retail sales outlets. If a supplier disputes the validity of such adjustments certified to it, it may apply to the appropriate regional FEO for validation of the amounts of such adjustments. During the period that a request for validation is pending, the supplier shall supply motor gasoline based upon adjustments under this subparagraph.

[FR Doc.74-12364 Filed 5-24-74;12:46 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Price Rule for Sales of Unleaded Gasoline

This amendment to the Mandatory Petroleum Price Regulations is designed to provide instruction concerning the method of establishing selling prices for unleaded gasoline under FEO regulations, for refiners, resellers and retailers which have not marketed that product on May 15, 1973. The new price rules are effective June 1, 1974 and are applicable to sales of unleaded gasoline as that product is defined by the Environmental Protection Agency.

Because of the need for sellers to make advance preparations for compliance with the July 1, 1974 EPA marketing requirements for unleaded gasoline, some sellers have begun to place unleaded gasoline grades on the market. Those sellers which had not marketed this gasoline on May 15, 1973 do not have a clearly defined means of establishing a lawful selling price under the petroleum price regulations. FEO is therefore concerned that unrepresentative or inappropriate prices may be implemented without the special price rule which this amendment provides.

Accordingly, FEO is publishing these amendments to be effective June 1, 1974, in order to assure uniform determination of prices for unleaded gasoline. At the same time, however, FEO is publishing a notice of proposed rulemaking to amend Part 211 of its regulations, to provide specifically for the allocation of unleaded gasoline. The rule adopted today will be in effect for the month of June, 1974, and comments are invited in the rulemaking proceeding as to what the final price rule for unleaded gasoline should be. Comments may be focused solely on the price rule, or may discuss the relationship between the price rule and the proposed allocation rules, and should be submitted as directed in the notice of proposed rulemaking on the allocation amendments. Although the price rule is effective June 1, 1974, FEO wishes to make clear that it may adjust the rule at the conclusion of the related rulemaking proceeding.

The amendment issued today directs a refiner which did not produce unleaded gasoline prior to May 15, 1973, to apply the base price rule of § 212.82, and to use under that rule as the May 15, 1973 selling price for unleaded gasoline the selling prices for its premium grade of gasoline on May 15, 1973. Resellers, reseller-retailers, and retailers shall apply the price rule of § 212.93, but shall use as May 15, 1973 selling prices for unleaded gasoline their May 15, 1973 selling prices for premium gasoline. For purposes of measuring "increased costs" under § 212.92 of unleaded gasoline, resellers, reseller-retailers and retailers will take the difference between the current weighted average cost of unleaded gasoline in inventory and the weighted average cost of premium gasoline in inventory on May 15, 1973.

These rules are not the same as the "new item" rules, which would have required the use of another seller's price in the market. FEO has determined that the sale of unleaded gasoline by a seller which did not previously sell the item is an important pricing concern best addressed by a separate rule, and that the unleaded product does not meet the new item requirements of § 212.111. Accordingly, this amendment applies only to sellers which did not sell unleaded gasoline on May 15, 1973.

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

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

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

Issued in Washington, D.C., May 23, 1974.

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

Subpart H is amended by adding a new § 212.112 to read as follows:

§ 212.112 Unleaded gasoline.

(a) *Scope.* This section prescribes the method for calculating the maximum price which may be charged in sales of unleaded gasoline by refiners, resellers, reseller-retailers and retailers which did not sell a grade of unleaded gasoline on May 15, 1973, or within the 30-day period prior thereto.

(b) *Rule.* Notwithstanding the provisions of § 212.111 of this subpart, a firm offering for sale gasoline which is unleaded gasoline as defined by the Environmental Protection Agency (40 CFR Ch. I, Part 80), shall determine the price of that product in accordance with the provisions of Subpart E or Subpart F of this Part, as appropriate, provided that:

(i) For purposes of determining under § 212.82(f) the weighted average price at which unleaded gasoline was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, a refiner shall not use a price in excess of the weighted average price at which premium grade gasoline was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973; and

(ii) For purposes of determining under § 212.93(a) the weighted average price at which unleaded gasoline was lawfully priced by the seller in transactions on May 15, 1973, a reseller, reseller-retailer, or retailer shall not use a price in excess of the weighted average price at which premium grade gasoline was lawfully priced by it with the class of purchaser concerned on May 15, 1973; and

(iii) For purposes of computing under § 212.92 the "increased costs" of unleaded gasoline, a reseller, reseller-retailer, or retailer shall use the difference between the weighted average unit cost of unleaded gasoline in inventory and the weighted average unit cost of premium grade gasoline in inventory on May 15, 1973.

[FR Doc.74-12365 Filed 5-24-74;12:46 pm]

[Ruling 1974-13]

APPENDIX—FEO RULINGS

MANDATORY PETROLEUM ALLOCATION

Motor Gasoline Retail Sales Outlets

The revision of Subpart F of Part 211 of the Mandatory Petroleum Allocation Regulations issued May 1, 1974 (39 FR 15975, May 6, 1974), to be effective June 1, 1974, has raised several questions of general interest which FEO considers appropriate to address in a ruling. The questions involve § 211.106 concerning motor gasoline retail sales outlets, which has been amended concurrent with this ruling.

Section 211.106(c)(2)(i) provides that an entity which operates more than one retail sales outlet and which intends to go out of business with respect to one or more of such retail sales outlets, may petition for an adjustment of the base period volumes of its retail sales outlets which will continue in business. In addition, § 211.106(c)(2)(ii) as amended provides that an independent marketer or small or independent refiner which closed retail sales outlets during the period January 1, 1973 through May 31, 1974 shall receive an adjustment to the base period volumes of the retail sales outlets which it continues to operate.

Section 211.106(b)(3) provides that a supplier may not reassign all or part of an allocation entitlement from one retail sales outlet to another without FEO permission unless the supplier is an independent marketer, or a small or independent refiner. Independent marketers or small or independent refiners are permitted under the recent amendment to reassign up to 20 percent of base period use from one retail sales outlet to another without FEO approval.

Section 211.106(b)(2) permits the treatment of some or all of the retail sales outlets operated by an independent marketer or a small or independent refiner as a single firm under certain circumstances.

Section 211.106 (b)(2) and (b)(3)(i) and § 211.106(c)(2)(i) contemplate three distinct petitions requiring action by FEO. This ruling will set forth the criteria and data required for relief under those three subparagraphs. As a preliminary matter, it is to be noted that FEO will entertain such petitions prior to June 1, 1974, although the effective date of the new revision is June 1, 1974.

Petitions which involved retail sales outlets in more than one FEO region shall be filed with the regional FEO in each affected region. The regional offices shall coordinate their review and disposition of such petitions. In the event that the regional offices cannot agree upon disposition of such a petition, the petition shall be forwarded to National FEO for resolution.

The relief provided by § 211.106 (b)(2) and (b)(3)(i) and § 211.106(c)(2)(i) involves only those retail sales outlets which a petitioner actually operates or operated. Retail sales outlets in which a petitioner only holds or held a real property interest, including a lease, but which are or were operated by another entity, may not be considered for the relief afforded by § 211.106.

1. *Petitions for adjustments of base period use upon the closing of a retail sales outlet.* Any entity which operates more than one retail sales outlet and closes or intends to close one or more such outlets after June 1, 1974, may petition FEO pursuant to § 211.106(c)(2)(i) for an adjustment to the base period use of its retail sales outlets which will remain in business. A grant of such a petition would permit an increase in the base period use of the remaining retail sales outlets which the petitioner operates by an amount which does not exceed the base period use of the retail sales outlet or outlets which the petitioner closes or intends to close. Further, § 211.106(c)(2)(ii) provides an automatic adjustment for retail sales outlets closed by independent marketers or small or independent refiners during the period January 1, 1973 through June 1, 1974.

FEO anticipates that the relief available pursuant to § 211.106(c)(2) will resolve many of the problems which might otherwise prompt a petition under § 211.106 (b)(2) and (b)(3)(i). Further, petitions pursuant to § 211.106(c)(2)(i) will be susceptible to easier processing than those under § 211.106 (b)(2) and (b)(3)(i) and for these reasons, FEO will encourage priority processing and resolution of § 211.106(c)(2)(i) petitions.

(a) *Petitions of independent marketers and small and independent refiners.* Independent marketers or small or independent refiners may petition to adjust the base period use of retail sales outlets which they will continue to operate to take into account the retail sales outlets which they close or intend to close after June 1, 1974.

An independent marketer, or small or independent refiner which is the supplier of retail sales outlets which it operates generally should not petition for a § 211.106(c)(2)(i) adjustment since § 211.106(d)(2) provides for distribution of allocation entitlements among the retail sales outlets which it supplies whenever one of those retail sales outlets is closed. Section 211.106(d)(2) therefore insures that such entitlements stay within such supplier's distribution system. FEO will be reluctant to permit such a supplier to increase the base period volume of such supplier's own operated retail sales outlets to compensate for the closing of one of its retail outlets. The effect of § 211.106(d)(2) is to increase the supply available to all customers of such suppliers regardless of whether they are operated by the supplier, whenever a retail sales outlet supplied by such a supplier is closed.

In this connection, it should be noted that the operator of retail sales outlets is also the supplier of those outlets if it operates a terminal facility from which it furnishes product to, or otherwise physically delivers gasoline to, such outlets. The operator of retail sales outlets physically delivers gasoline to its outlets if it provides the tank trucks which deliver the gasoline to its retail outlets.

An independent marketer or small or independent refiner which files a petition for relief under § 211.106(c)(2)(i) should provide the following information:

(A) The number and location of all retail sales outlets which it has closed or intends to close, the base period volume of each such outlet, the amounts which each such retail sales outlet has certified for ultimate use under an allocation level not subject to an allocation fraction pursuant to § 211.12(d), the supplier for and the terminal facility from which the supplier supplies, each such outlet.

(B) The number and location of all retail sales outlets which the petitioner operates and which will remain open, the base period volume of each such outlet, the supplier for, and the terminal from which the supplier supplies, each such outlet.

(C) A statement that all the retail sales outlets in (A) and (B) are operated by petitioner and that copies of the petition will be filed with all affected FEO regional offices.

(D) Any information, documentation, and arguments which tend to establish that a grant of the petition would not result in an inequitable distribution of gasoline in the market areas served by the petitioner.

Pending review of the petition, FEO may order an interim adjustment to the base period use of the retail sales outlets which the petitioner will continue to operate. An interim adjustment will be made in the same manner as the final adjustment described in paragraph (c) below, except that the interim adjustment shall take into account only those outlets which the petitioner has actually closed between June 1, 1974, and the date of its petition.

FEO will grant the petitions of independent marketers or small or independent refiners which do not supply their own retail sales outlets unless substantial imbalances in the distribution of motor gasoline in the markets served by the petitioner would result. In compelling circumstances, FEO will grant the petitions of independent marketers, or small or independent refiners, which supply their own retail sales outlets.

FEO may consult the appropriate State Office with respect to the effect of the closing of a retail sales outlet within a State and may refuse to grant relief under § 211.106(c)(2)(i) with respect to an adjustment based upon a retail outlet closed or to be closed or may condition any relief under § 211.106(c)(2)(i) upon the petitioner's continued operation of one or more of the retail sales outlets which it has closed or would otherwise close. Final adjustments will be made as provided in paragraph (c) of this ruling.

(b) *Petitions from entities other than independent marketers or small or independent refiners.* FEO will also entertain § 211.106(c)(2)(i) petitions from entities other than independent marketers or small or independent refiners which operate retail sales outlets closed or be closed after June 1, 1974. Such petitioners must provide the same information required of a petitioner under paragraph (a) of this ruling. However, FEO would note that such petitions will be granted only in extraordinary circumstances. The allocation regulations currently have the effect of redistributing the allocation entitlements of closed retail sales outlets among all the purchasers of such petitioners without regard to whether they are operated by the petitioner. FEO would grant adjustments, therefore, only where it is necessary to maintain adequate distribution of supplies in a region or market area.

Petitioners must be prepared to demonstrate that the shift of allocation entitlements from a retail outlet closed or to be closed to identified retail outlets to continue in business is necessary to prevent shortages in the market area served by the retail sales outlet closed or to be closed and will not adversely affect purchasers from the retail sales outlets closed or to be closed whose use is under an allocation level not subject to an allocation fraction. No adjustment will be granted this class of petitioners until FEO has issued a written determination based upon the application. Adjustments will be made as provided by paragraph (c) of this ruling.

(c) *Final adjustments.* Upon taking final action on a petition pursuant to § 211.106(c)(2)(ii), FEO will adjust the base period volumes of petitioner's retail sales outlets as follows: First, FEO will aggregate the petitioner's retail outlets (including those closed or to be closed) by supplier. In those cases where a supplier furnishes motor gasoline to the petitioner's retail sales outlets from more than one terminal facility, FEO will aggregate the petitioner's retail outlets by terminal facility. Second, FEO will adjust the base period volumes of each separate aggregate group of retail sales outlets which are to continue in business. The sum of the base period volumes of the retail sales outlets closed or to be closed for which FEO will permit an adjustment and included within an aggregate group of retail sales outlets will be apportioned among the retail sales outlets within that aggregate group which the petitioner will continue to operate in the same proportion as the base period volume of each such retail outlet bears to the sum of the base period volumes of all the retail sales outlets in that group which the applicant will continue in business.

FEO will not reassign amounts certified by a retail sales outlet closed or to be closed pursuant to § 211.12(d) as being for ultimate use under an allocation level not subject to an allocation fraction.

FEO may, in lieu of the foregoing, adjust the base period volume of particular retail sales outlets to increase supplies in a market area served by the petitioner provided that such outlets are supplied by the same supplier which supplies the retail sales outlet closed or to be closed.

2. *Applications for reassignment of allocation entitlement.* Section 211.106(b)(3)(i) provides that a supplier's obligation to supply gasoline must be determined separately for each retail sales outlet which it supplies, regardless of whether it operates the cutlet. Therefore a supplier may not reassign all or part of an allocation entitlement from one outlet to another, including reassignment among its own operated outlets, unless (1) the supplier is an independent marketer or a small or independent refiner; or (2) the supplier has received written permission from FEO to reassign allocation entitlements among its own outlets.

Section 211.106(b)(3)(ii) provides that an independent marketer or small or independent refiner may reassign up to twenty percent of the allocation entitlement of a retail sales outlet (excluding amounts certified pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction) which it operates to its other retail sales outlets provided such reassignment does not result in an increase of more than twenty percent in the entitlement (excluding amounts certified pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction) of any other retail sales outlet which it operates. If the independent marketer or small or independent refiner is not the supplier of some or all of its retail sales outlets which it operates, the independent refiner or small or independent refiner may reassign allocation entitlements only among its retail sales outlets which are supplied by the same supplier and terminal facility. FEO's intention is to maintain the competitive market position of independent marketers, or small or independent refiners by keeping volumes within their distribution system. The movement of specific quantities of motor gasoline from one outlet to another in excess of that permitted by § 211.106(b)(3)(ii) therefore, will be granted only in unusual circumstances, since FEO intends to discourage shifts of product which may aggravate fuel imbalances within regions and among market areas.

FEO believes that the twenty percent reassignment under § 211.106(b)(3)(ii) permitted independent marketers or small or independent refiners is adequate for all but the most unusual cases. An independent marketer or small or independent refiner which wants to increase or decrease the allocation entitlement of any retail sales outlet which it operates other than as provided by § 211.106(b)(3)(ii) must petition FEO under § 211.106(b)(3)(i) for permission to do so.

Any operator of retail sales outlets, including independent marketers or small or independent refiners which desire to reassign amounts in excess of 20 percent, and which operates more than one retail sales outlet may petition FEO for permission to reassign allocation entitlements among its outlets. Such a petition shall be filed with the regional FEO office in which the outlets concerned are located, and shall specify the location of the outlets, the base period volumes or adjusted base period volumes of the outlets, amounts certified by the retail outlet pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction, amounts of gasoline which the applicant proposes to reassign and the outlets to which amounts are to be reassigned and from which amounts are to be delivered. The petition shall also identify the retail sales outlets to which all or part of an allocation entitlement is to be shifted, the outlets from which the entitlements are to be diverted, and the amounts involved. The petition shall state the reasons for the proposed reassignment, and any data, documentation or other information in support of the petition.

The petition may be granted only if FEO determines that the reassignment is necessary to preserve the competitive market position of an independent marketer or small or independent refiner and that inequitable distribution of gasoline in the market area served by the petitioner will not result from the reassignment. In the case of petitioners other than independent marketers, or small or independent refiners, a petition will be granted only if the reassignment is necessary to improve gasoline supplies in the market areas served by the retail outlets whose base period use would be increased and would not result in shortage of supply in the market areas of the retail outlet from which the assignment is to be made. Adjustments under this section shall be for a period and in amounts determined by FEO.

3. *Petitions for treatment of retail outlets as a single firm.* Section 211.106(b)(1) provides that each firm or part of a firm which operates a retail sales outlet shall be considered a separate firm with respect to each retail sales outlet and therefore a separate wholesale purchaser-reseller. An exception is provided to the provisions of § 211.106(b)(1) for independent marketers and small and independent refiners. As noted previously, FEO anticipates that proper use of § 211.106(c)(2) and § 211.106(b)(3) will provide adequate relief for most petitioners which might otherwise seek relief under § 211.106(b)(2). Consequently, FEO anticipates that petitions to treat some or all of the petitioner's retail sales outlets as a firm will only be granted in unusual circumstances.

An independent marketer or small or independent refiner may petition for treatment as a single firm only those retail outlets which it actually operates. A retail sales outlet in which the petitioner merely holds a real property interest, including a lease, but which is operated by another entity, may not be included among the retail outlets to be included to the petitioner's firm. Only those retail outlets supplied from the same terminal facility may be treated as a separate firm.

If the independent marketer or small or independent refiner supplies retail sales outlets other than those which it operates, its obligation to supply those other outlets shall in no way be diminished by a grant of its petition. An independent marketer or small or independent refiner which supplies its own operated outlets also will not be relieved of its obligation under § 211.106(d)(3) to report to FEO whenever it ceases to supply any retail sales outlet including those aggregated for treatment as a single firm, or of its obligation to obtain FEO assignment of a supplier/purchaser relationship and a base period volume for any new retail sales outlets which it intends to supply as provided by § 211.12(e).

A petition for treatment of retail sales outlets as a single firm must demonstrate that allowance of the petition will not result in an inequitable distribution of gasoline in the market areas served by the petitioner. A petition must be fully supported by detailed facts, figures and other relevant documentation and information, including the following.

(1) The number and location of the retail sales outlets which the petitioner proposes to treat as a single firm, including a map showing such locations, and a statement that such outlets are operated by the petitioner.

(2) The number and location of retail sales outlets which the petitioner has closed during the preceding six months, if any.

(3) The number and location of retail sales outlets which the petitioner intends to close during the next 12 months, if any.

(4) The name of the supplier of each of the retail sales outlets to be treated as a single firm and the terminal facility from which the outlets are supplied.

(5) The base period volume or adjusted base period volume of each retail sales outlet.

(6) The actual volume of motor gasoline sold by each such retail sales outlet during the period January 1 through March 31, 1972, and during the period January 1 through March 31, 1974.

(7) Information concerning the anticipated effect which a grant of the petition would have on the petitioner's customers, including any priority customers such as agricultural users, the petitioner's employees, transportation costs and other relevant matters.

(8) The reasons why relief under §211.106 (b) (3) and (c) (2) has not been adequate in the petitioner's case.

(9) Any other information, documentation, and arguments which tends to establish that allowance of the petition would not result in an inequitable distribution of gasoline in the market areas served by the petitioner.

FEO will not grant a petition for treatment of some or all of a petitioner's retail outlets as a firm or firms unless the petitioner demonstrates that separate treatment of such outlets would tend to lessen its competitive market position, that such treatment as a single firm will not result in an inequitable distribution of gasoline in the market areas served by the petitioner, and that ultimate users of motor gasoline served by petition under an allocation level not subject to an allocation fraction will not be adversely affected. FEO may refuse to include some or all of a petitioner's outlets within a firm or firms.

FEO will grant such petitions only on the following conditions:

(1) A firm will include only those retail outlets which have a common supplier and are supplied from the same terminal facility.

(2) A firm may not shift more than a fixed percent of a retail outlet's base period use (excluding amounts certified pursuant to § 211.12(d) for ultimate use under an allocation level not subject to an allocation fraction) within a month to another retail outlet or retail sales outlets within the firm.

(3) A firm may not shift to a retail outlet within a firm more than a fixed percent of its base period use within a month from another retail outlet or retail outlets within the firm.

(4) A firm may not shift product from itself to another firm.

(5) A firm may not close or open a retail sales outlet without FEO permission.

Petitions for treatment of retail sales outlets as a single firm or firms may be granted or denied in whole or in part, and a grant may be made conditional on certain actions by the petitioner, such as reopening a retail sales outlet in an area which is not adequately served. In addition, the grant of such a petition may be modified or revoked by FEO if such action becomes necessary to fulfill the objectives of the allocation program.

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

MAY 23, 1974.

[FR Doc.74-12367 Filed 5-24-74;12:46 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. L]

PART 212—INTERLOCKING BANK RELATIONSHIPS UNDER THE CLAYTON ACT

Relationships Permitted by Board

By notice of proposed rulemaking, published in the FEDERAL REGISTER on February 19, 1974 (39 6132), the Board of Governors proposed to permit under certain circumstances interlocking service by a director, officer or employee of a member bank with another bank, banking association, savings bank or trust company located in a low income or other economically depressed area, by amending § 212.3 of the Board's Regulation L.

Following consideration of the comments received, the Board has amended § 212.3, effective June 20, 1974, to permit certain interlocking relationships with minor modifications in language from that originally proposed.

An accompanying interpretation sets forth illustrative criteria that may be used in determining whether a certain area is a "low income or other economically depressed area."

The text of the amendment to § 212.3 reads as follows:

§ 212.3 Relationships permitted by Board.

In addition to any relationships covered by the foregoing exception, not more than one of the following relationships is hereby permitted by the Board of Governors of the Federal Reserve System in the case of any one individual.

* * * * *

(g) *Bank in low income area.* Any director, officer or employee of a member bank of the Federal Reserve System may be at the same time a director, officer or employee of not more than one other bank located, or to be located, in a low income or other economically depressed area, subject to the following conditions: (1) Such relationship is determined by the Board to be necessary to provide management or operating expertise to such other bank; (2) not more than three interlocking relationships between any two banks shall be permitted by this paragraph, except that persons serving in interlocking relationships pursuant to this paragraph shall in no instance constitute a majority of the board of directors of the other bank; (3) no interlocking relationship permitted by this paragraph shall continue for more than a five-year period, and (4) upon such other terms and conditions in addition to or in lieu of the foregoing, as may be determined by the Board in any specific case.

* * * * *

The Board has also adopted an interpretation relating to certain terms used in the regulation as set forth below.

§ 212.103 Exemption from section 8 of the Clayton Act for Banks in low income areas.

(a) Effective June 20, 1974, the Board of Governors amended § 212.3 of Regulation L to exempt under certain circumstances from the prohibitions of section 8 of the Clayton Act (15 U.S.C. § 19) interlocking relationships between a member bank and a bank in a "low income or other economically depressed area". (12 CFR 212.3(g).) This interpretation is intended to set forth some of the criteria that may be used in the designation of such an area.

(b) A "low income or other economically depressed area" is any area, without regard to political or other subdivisions or boundaries, which have some or all of the following characteristics:

(1) The rate of unemployment is substantially above the national rate;

(2) The median level of family income is significantly below the national median;

(3) The economy of the area has traditionally been dominated by only one or two industries, which are in a state of long-term decline;

(4) The rate of outmigration of labor or capital is substantial;

(5) The area is adversely affected by changing industrial technology;

(6) The area is adversely affected by changes in national defense facilities or production.

By order of the Board of Governors of the Federal Reserve System, May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12208 Filed 5-28-74;8:45 am]

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Bank Management Consulting Advice

Section 225.4(a)(12) of Regulation Y permits bank holding companies to offer management consulting advice to nonaffiliated banks subject to certain conditions. One of those conditions is that there be no interlocking personnel relationships between the bank holding company or any of its subsidiaries and the unaffiliated bank.

By action effective June 20, 1974, the Board has amended section 212.3 of the Board's Regulation L ("Interlocking Relationships under the Clayton Act" (12 CFR Part 212)) so as to permit interlocking personnel relationships between a member bank and a bank located in a low income or other economically depressed area. The public interest which the amendment to Regulation L serves would similarly be served by a relaxation of the restriction found in § 225.4(a)(12)(ii). Thus, the purpose of the present amendment is to permit a bank holding company to extend management consulting advice to an unaffiliated bank with which the bank holding company or any of its subsidiaries has established interlocking relationships pursuant to § 212.3(g) of Regulation L.

The text of the amendment to § 225.4(a)(12)(ii) reads as follows:

§ 225.4 Nonbanking Activities.

(a) *Activities closely related to banking or managing or controlling banks* * * *.

* * * * *

(12) * * * (ii) no officer, director or employee of the bank holding company or any of its subsidiaries serves as an officer, director or employee of the client bank, except where such interlocking relationships are or would be permitted by § 212.3(g) of Regulation L; * * *

The notice and public participation procedure described in section 553 of Title 5, United States Code is unnecessary in connection with this amendment for the reasons and good cause found by the Board, because this amendment operates to relieve restrictions otherwise applicable under § 225.4(a)(12) of Regulation Y, and such procedure would not aid the persons affected or otherwise serve any useful purpose.

Effective date: June 20, 1974.

By order of the Board of Governors of the Federal Reserve System, May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12209 Filed 5-28-74;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-960]

PART 528—NONDISCRIMINATION IN LENDING

Data on Loan Applicants

MAY 22, 1974.

On March 22, 1973 the Federal Home Loan Bank Board by Resolution No. 74-224 (39 FR 12110) amended the regulations for the Federal Home Loan Bank System (12 CFR, Chapter V, Subchapter B) by adding new § 528.6 thereto relating to the collection of certain information regarding residential loan applicants, to be effective June 1, 1974. The Federal Home Loan Bank Board considers it desirable to amend § 528.6 for the purposes of clarifying and simplifying the application of certain of the requirements imposed thereunder.

The changes made in paragraph (a) of § 528.6 are intended to clarify that member institutions with no offices located within one of the selected Standard Metropolitan Statistical Areas are not required to utilize a Fair Housing Information Statement Form to accompany an application for a loan on a residential property which is located within one of the selected Areas.

The change made in subdivision 528.6(b)(2) eliminates the requirement that Form "A" be completed in duplicate, and that made in § 528.6(c)(2) requires that Form "B" be completed in triplicate rather than duplicate and also specified the distribution of the three copies of the form.[1]

Accordingly, the Federal Home Loan Bank Board hereby revises paragraphs (a), (b)(2) and (c)(2) of said § 528.6 to read as set forth below, effective June 1, 1974:

§ 528.6 Data on loan applicants.

(a) *Recordkeeping requirements.* Each member institution with an office located in a standard metropolitan statistical area, defined by the Department of Commerce and listed in paragraph (b), (c) or (d) hereof, shall, to the extent prescribed herein, require that each application submitted to it for a loan or other service described in section 528.2 with respect to real property be accompanied by a "Fair Housing Information Statement," as prescribed by the Board, which shall be separate from the application. Each applicant shall be requested to sign and complete the applicant's portion of the Statement at the time the application is made.

[1] Forms filed as part of the original.

(b) * * *

(2) *Requirements.* Sections I and II of the Statement shall be completed by the member institution and Section I shall be given to the applicant at the time the application is made or as promptly thereafter as practicable; Section III shall be completed by the applicant. Sections II and III shall be retained by the member institution for at least three years following the date of the application whether or not the loan is approved. If the application is approved, Sections II and III retained by the member institution shall be placed in its file on the loan. If the application is denied, Sections II and III retained by the member institution, along with the application and any supporting materials, other than materials which belong to the applicant and which are returned to the applicant at the applicant's request, shall be placed in a file of rejected applications and retained for the period specified above. The material so retained shall include a specific statement of the reasons for denial of the application.

* * * * *

(c) * * *

(2) *Requirements.* The Statement shall be completed in triplicate. A copy shall be given to the applicant at the time the application is made or as soon thereafter as practicable and the other copies shall be retained by the member institution for at least three years following the date of the application whether or not the application is approved. If the application is approved, both copies shall be placed in the member institution's file on the loan. If the application is denied, the member institution shall complete Part II of the Statement and shall provide the applicant with a completed copy of Parts I and II of the Statement, and shall retain for three years a copy of the Statement as part of the written application. The member institution shall also retain for the period specified above any other documents obtained in connection with the application, except for documents which are the property of the applicant and which the applicant requests be returned.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that the institutions affected by such amendment should be given as much time as possible to comply with these requirements, and also because the amendments are of a clarifying nature, the Board hereby finds that notice and public procedure as to such amendment are impracticable, unnecessary and contrary to the public interest under the

provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reasons, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Copies of Forms "A", "B", and "C" are appended.

(Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619); 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981, 1982); E.O. 11063, 27 FR 527; sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1437; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260 as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464))

By the Federal Home Loan Bank Board.

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

[FR Doc.74-12270 Filed 5-28-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-9-AD; Amdt. 39-1855]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-10, Series 10, 30, and 40

Amendment 39-1810 (39 FR 12336), AD 74-08-06, requires the installation of a stop on the landing gear control valve, Part No. AYG7050, in accordance with Douglas Alert Service Bulletin No. A32-76, Revision 1, dated March 1, 1974. After issuing AD 74-08-06, Amendment 39-1810, the agency determined that in some cases this stop, if improperly installed or under adverse tolerances, could interfere with the motion of the bypass lever crank and thus prevent the free-fall of the landing gear when selected. Therefore, the AD is being amended to require inspection and/or modification of the stop incorporated in accordance with the AD.

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, Amendment 39-1810 (39 FR 12336), AD 74-08-06, is amended as follows:

(1) Amend the first paragraph, by changing the airplane factory serial numbers to which the AD applies, so that the paragraph, in pertinent part, reads:

Applies to Model DC-10, Series 10, 30, and 40 airplanes with the factory serial numbers as indicated in Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, or later FAA-approved revisions.

(2) Amend paragraphs (a) and (b), by adding a reference to Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, so that each paragraph, in pertinent part, reads:

Douglas Alert Service Bulletin No. A32-76, Revision 1, dated March 1, 1974, and Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, or later FAA-approved revisions. Incorporation of both service bulletins is required.

(3) Add a new paragraph (c), as follows:

(c) Within 24 hours after the effective date of this AD, as amended, unless previously accomplished, conduct an inspection of the landing gear control valve stop clearance as prescribed in Phase I of Douglas Alert Service Bulletin No. A32-82, dated May 13, 1974, or later FAA-approved revisions if the landing gear control valve stop has been installed as required by paragraph (b) of this AD. If the clearance is .050 inch or less, Phase II of the Douglas Alert Service Bulletin No. A32-82 must be accomplished prior to next flight.

(4) Re-identify paragraphs (c) and (d) as paragraphs (d) and (e), respectively.

This amendment becomes effective June 3, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, May 17, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-12182 Filed 5-28-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Grapefruit; Order Amending Standards of Identity, Quality, and Fill of Container

In a notice of proposed rulemaking to amend the definition and standards of identity (21 CFR 27.90), quality (21 CFR 27.91), and fill of container (21 CFR 27.92) for canned grapefruit published in the FEDERAL REGISTER of August 20, 1973 (38 FR 22408) the Commissioner of Food and Drugs, on his own initiative, proposed to amend the United States standards for canned grapefruit in consideration of the "Recommended International Standard for Canned Grapefruit."

Two comments from the Florida Canners Association, a trade association representing Florida processors of canned grapefruit, were received in response to the proposal. A third comment was received from the California Canners and Growers. The comments were as follows:

1. Objection was made to a possible misinterpretation of the requirement for determining compliance with the minimum cut out sirup strengths. That is, no container may have a cut out strength lower than that of the next lower category or 2 percentage points lower than its own category if no lower one exists. It was felt that the term "2 percentage points" could be misinterpreted as 2 percent of the cut out strength; e.g., 2 percent of 12, 16, etc. It was recommended that 2 percentage points be clarified as 2 percent by weight sucrose (degrees Brix).

To avoid possible misinterpretation, the Commissioner concludes that "2 percentage points" should be changed to "2 percent by weight sucrose (degrees Brix)".

2. It was proposed that an "acceptance procedure" of 1 out of 6, 2 out of 13, etc. (similar to that proposed for determining whether a lot is in compliance for quality and minimum fill), apply for determining compliance for packing medium density. No data were submitted in support of the proposed acceptance procedure.

Such a provision is not included in the Codex Standard, nor is it a part of the U.S. Department of Agriculture voluntary grade standards program. Further, the Commissioner concludes that inadequate justification for the application of the acceptance procedure for determining compliance for packing medium density was provided. The Commissioner concludes that compliance for sirup density shall be based on sample average as proposed.

3. It was requested that all Florida packers of canned grapefruit be given a grace period of 2 years to comply with the final order so that current label supplies can be exhausted in an orderly manner.

The Commissioner concludes that inadequate justification was given for the 2-year request. Accordingly, compliance with this order including all labeling changes required may begin July 29, 1974, and all products shipped in interstate commerce after December 31, 1974, shall comply with this regulation. The Commissioner concludes that this will provide reasonable time for compliance by industry and that any further delay would not be in the interest of the consumer.

4. Both the California Canners and Growers and the Florida Canners Association requested that the canned grapefruit identity standard provide for the optional use of concentrated grapefruit juice, reconstituted to single strength, as a liquid ingredient in the packing medium.

The Commissioner concurs in this request. Further, the use of grapefruit juice from concentrate shall be declared as part of the name.

5. It was requested that any safe and suitable nutritive carbohydrate sweetener be permitted in canned grapefruit. Proposals to amend other canned fruit identity standards to similarly provide for the optional use of such sweeteners

were published in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368 and 2377).

The Commissioner concurs in this request. Further, the specific sweeteners used shall be declared in the label statement of ingredients.

The Commissioner proposed to delete the requirement that the declaration of packing medium on the label be preceded by "In" or "Packed In". Upon further consideration the Commissioner concludes that this mandatory provision should be retained in order to be consistent with that proposed for other canned fruits in the FEDERAL REGISTER of January 21, 1974 (39 FR 2368 and 2377).

In consideration of the comments received and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standards of identity, quality and fill of container for canned grapefruit as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 27 be amended by revising §§ 27.90, 27.91, and 27.92 to read as follows:

§ 27.90 Canned grapefruit; identity; label statement of optional ingredients.

(a) *Product identification.* Canned grapefruit is the food prepared from one of the optional grapefruit ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may also contain one or more of the following safe and suitable optional ingredients:

(1) Spices.

(2) Natural and artificial flavoring.

(3) Lemon juice.

(4) Citric acid.

(5) Calcium chloride or calcium lactate or a mixture of the two calcium salts in a quantity reasonably necessary to firm the grapefruit sections, but in no case in a quantity such that the calcium contained in such calcium salt or mixture is more than 0.035 percent by weight of the finished food.

Such food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(b) *Optional grapefruit ingredient.* The optional grapefruit ingredients referred to in paragraph (a) of this section are prepared from sound, mature grapefruit (Citrus paradisi Macfadyen) of the color types white—produced from white-fleshed grapefruit, and pink—produced from pink or red-fleshed grapefruit and are in the following forms of units: Whole sections or broken sections. Each such form of units or a mixture of such forms of units prepared from a single varietal group (color type) is an optional grapefruit ingredient. The core, seeds, and major portions of membrane of such ingredient are removed. For the purpose of this section, a grapefruit section is considered whole when the unit is intact or an intact portion of such unit is not less than 75 percent of its apparent original size and is not excessively trimmed.

(1) For the purpose of paragraph (d) of this section, the name of the optional grapefruit ingredient is:

(i) "Section" or "segments", if 50 percent or more of the drained weight of the food consists of whole sections.

(ii) "Broken sections" or "broken segments", if less than 50 percent of the drained weight of the food consists of whole sections.

(2) The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.

(ii) Grapefruit juice and water.

(iii) Grapefruit juice.

(iv) Slightly sweetened sirup or slightly sweetened water.

(v) Light sirup.

(vi) Heavy sirup.

(vii) Slightly sweetened grapefruit juice and water.

(viii) Lightly sweetened grapefruit juice and water.

(ix) Heavily sweetened grapefruit juice and water.

(x) Slightly sweetened grapefruit juice.

(xi) Lightly sweetened grapefruit juice.

(xii) Heavily sweetened grapefruit juice.

As used in this subparagraph the optional packing medium "water" means, in addition to water, any mixture of water and grapefruit juice in which there is less than 50 percent grapefruit juice; the optional packing medium "grapefruit juice and water" means the liquid packing medium in which juice of mature grapefruit and water are combined as a liquid packing medium with not less than 50 percent grapefruit juice and the term "grapefruit juice" means single strength expressed juice of sound, mature fruit. It may be fresh, canned, or made from concentrate. However, if it is made from concentrate, the juice shall be reconstituted with water to not less than the soluble solids the grapefruit juice had before concentration.

(2) Each of the packing media in paragraph (c)(1) (iv) to (xii) of this section is prepared with a liquid ingredient and one or more safe and suitable nutritive carbohydrate sweeteners. Water is the liquid ingredient from which packing media in paragraph (c)(1) (iv) to (vi) of this section are prepared. Grapefruit juice and water are the liquid ingredients from which the packing media in paragraph (c)(1) (vii) to (ix) of this section are prepared. Grapefruit juice is the liquid ingredient from which the packing media in paragraph (c)(1) (x) to (xii) of this section are prepared. If one or more liquid nutritive carbohydrate sweeteners and grapefruit juice are combined as a liquid packing medium with not less than 50 percent grapefruit juice, the packing medium is as set forth in paragraph (c)(1) (vii) to (ix) of this section.

(3) The respective densities of packing media in paragraph (c)(1)(iv) to (ix) of this section as measured on the refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C. (68° F.), 15 days or more after the grapefruit are canned or the blended homogenized slurry of the comminuted entire contents of the container if canned for less than 15 days, according to the "Official Methods of Analysis of the Association of Official Analytical Chemists",[1] 11th Ed., 1970, page 526, section 31.011 (Solids) "By Means of Refractometer—Official Final Action" (and 47.012 and 47.015) without correction for invert sugar or other substances, are as follows:

(i) Packing media in paragraph (c)(1)(iv), (vii), and (x) of this section: Twelve percent or more but less than 16 percent.

(ii) Packing media in paragraph (c)(1)(v), (viii), and (xi) of this section: Sixteen percent or more but less than 18 percent.

(iii) Packing media in paragraph (c)(1)(vi), (ix), and (xii) of this section: Eighteen percent or more. A lot shall be deemed to be in compliance for packing medium density based on the average value for all the samples analyzed according to § 27.91(b) but no container may have a value lower than that of the next lower category or 2 percent by weight sucrose (degrees Brix) lower if no lower category exists.

(d) *Labeling requirements.* (1) The name of the food is "grapefruit" or "pink grapefruit," as appropriate for the color type of the grapefruit used. The name of the food shall also include a declaration of any flavoring that characterizes the product as specified in § 1.12 of this chapter and a declaration of any spice or seasoning that characterizes the product; for example, "with added spice." Whenever the word "sirup" is used, it may be alternatively spelled "syrup." When two or more of the optional ingredients specified in paragraphs (a)(1), (2) and (3) of this section are used, such words may be combined; for example, "with added cloves and cinnamon oil."

(2) The form and style of the grapefruit ingredient as provided for in paragraph (b) of this section and the name of the packing medium as used in paragraph (c) of this section preceded by "In" or "Packed In" shall be included as part of the name. When the packing medium is prepared from concentrated

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

grapefruit juice, the words "from concentrate" shall follow the words "grapefruit juice" in the name of the packing medium.

(3) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 27.91 Canned grapefruit: quality; label statement of substandard quality.

(a) The standard of quality for canned grapefruit is as follows:

(1) The food is free from extraneous material such as leaves, portions of leaves, and pieces of peel.

(2) The finished food contains per 500 grams (17.6 ounces) not more than:

(i) An aggregate area of 20 square centimeters (3.1 square inches) of tough membrane or albedo on the units.

(ii) Four developed seeds. A seed is considered a developed seed when it measures more than 9.0 millimeters (0.35 inches) in any dimension.

(3) Not more than 15 percent by weight of the drained grapefruit may be blemished units. A blemished unit is a grapefruit section or any portion thereof which is damaged by lye peeling, by discoloration, or by other visible injury. The drained weight is determined by the method prescribed in the standard of fill of container for canned grapefruit set forth in § 27.92(b).

(b) *Sampling and acceptance procedure.* A lot is to be considered acceptable when the number of "defectives" does not exceed the acceptance number in the sampling plans given in paragraph (b)(2) of this section.

(1) Definitions of terms to be used in the sampling plans in paragraph (b)(2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(v) *Defective.* Any sample unit shall be regarded as defective when any of the defects or conditions specified in the quality standard (paragraph (a) of this section) and § 27.92(c)(1) for minimum fill of container are present in excess of the stated tolerances.

(vi) *Accepted number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) Sampling plans and acceptance procedure:

Lot size (primary containers)	Size of container	
	Net weight equal to or less than 1 kilogram (2.2 pounds)	
	n	c
4,800 or less	13	2
4,801–24,000	21	3
24,001–48,000	29	4
48,001–84,000	48	6
84,001–144,000	84	9
144,001–240,000	126	13
over 240,000	200	19
	Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds)	
	n	c
2,400 or less	13	2
2,401–15,000	21	3
15,001–24,000	29	4
24,001–42,000	48	6
42,001–72,000	84	9
72,001–120,000	126	13
over 120,000	200	19
	Net weight greater than 4.5 kilograms (10 pounds)	
	n	c
600 or less	13	2
601–2,000	21	3
2,001–7,200	29	4
7,201–15,000	48	6
15,001–24,000	84	9
24,001–42,000	126	13
over 42,000	200	19

n=number of primary containers in sample
c=acceptance number

(c) If the quality of canned grapefruit falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; however, if the quality of the canned grapefruit falls below standard with respect to only one of the factors of quality specified by paragraph (a) (1), (2), or (3) of this section, there may be substituted for the second line of such general statement of substandard quality, "Good Food—Not High Grade", a new line as specified after the corresponding designation of paragraph (a) of this section which the canned grapefruit fail to meet:

(1) "Contains extraneous material".
(2)(i) "Excessive tough membrane".
(2)(ii) "Excessive seeds".
(3) "Excessive blemished units".

§ 27.92 Canned grapefruit; fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned grapefruit is:

(1) The fill of grapefruit and packing medium, as determined by the general method for fill of container prescribed in § 10.6(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(2) The drained weight of grapefruit ingredient is not less than 50 percent of the water capacity of the container, as determined by the method prescribed in paragraph (b) of this section and the general method for water capacity of containers prescribed in § 10.6(a) of this chapter.

(b) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 20.3 centimeters (8 inches) if the quantity of contents of the container is less than 1.4 kilograms (3 pounds) and 30.5 centimeters (12 inches) if such quantity is 1.4 kilograms (3 pounds) or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for the No. 8 sieve set forth in the "Definitions of Terms and Explanatory Notes," page xviii, of the "Official Methods of Analysis of the Association of Official Analytical Chemists",[2] 11th Ed., 1970. Without shifting the material on the sieve, incline the sieve at an angle of 17° to 20° to facilitate drainage. Two minutes after the drainage begins, weigh the sieve and drained grapefruit. The weight so found, less the weight of the sieve, shall be considered to be the weight of the drained grapefruit.

(c)(1) A container that falls below the requirement for minimum fill prescribed in paragraph (a)(1) of this section shall be considered a "defective". The food will be deemed to fall below the standard of fill when the number of defectives exceeds the acceptance number (c) in the sampling plans prescribed in § 27.91(b).

(2) Canned grapefruit will be deemed to fall below the standard of fill when the average drained weight of all containers analyzed when sampled according to the sampling plans prescribed in § 27.91(b) is less than that prescribed in paragraph (a)(2) of this section.

(d) If canned grapefruit falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Any person who will be adversely affected by the foregoing order may at any time on or before June 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received

[2] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on July 29, 1974, and all products shipped in interstate commerce after December 31, 1974, shall comply with this regulation except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated: May 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register March 26, 1973.

[FR Doc.74–12238 Filed 5–28–74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 568–74]

TECHNICAL CORRECTIONS

This order makes certain technical corrections in the regulations published in Chapter I of Title 28, Code of Federal Regulation, relating to the Department of Justice.

By virtue of the authority vested in me by 28 U.S.C. 509, Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart R

1. Paragraph (c) of section 3 of the Appendix to Subpart R of Part 0 is amended by substituting "Regional Directors" for "Regional Director."

§ 0.141 [Amended]

2. Section 0.141 of Subpart X of Part 0 is amended by deleting "the Director of the United States Marshals Service."

§ 0.167 [Amended]

3. The caption for § 0.167 of Subpart Y of Part 0 is amended by substituting "Deputy Attorney General" for "Attorney General."

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

§§ 5.1, 5.2, 5.4, 5.6 [Amended]

4. Paragraph (c) of § 5.1, the introductory paragraph of § 5.2, paragraph (a) of § 5.400, paragraph (a) of § 5.401, and § 5.600 of Part 5 are amended by substituting "Registration Unit" for "Registration Section."

PART II—REGISTRATION OF COMMUNIST ORGANIZATION AND MEMBERS THEREOF

§§ 11.100, 11.200, 11.201, 11.202, 11.206, 11.207, 11.300 [Amended]

5. Sections 11.100, 11.200, 11.201, 11.202, 11.206, 11.207, and 11.300 of Part II are amended by substituting "Criminal Division" for "Internal Security Division" each place the latter appears.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

§ 16.2 [Amended]

6. Section 16.2 of Part 16 is amended by substituting "Internal Security Section, Criminal Division" for "Internal Security Division."

PART 17—REGULATIONS RELATING TO THE CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL PURSUANT TO EXECUTIVE ORDER NO. 11652

§ 17.38 [Amended]

7. The caption to § 17.38 of Part 17 is revised to read "Department Review Committee."

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

§ 42.112 [Amended]

8. The amendment to paragraph (d) of § 42.112, published at 38 F.R. 17956 (July 5, 1973) is corrected to read as an amendment to paragraph (c) of that section.

PART 48—NEWSPAPER PRESERVATION ACT

§ 48.16 [Amended]

9. The caption of § 48.16 is amended by substituting "newspaper" for "newspapers".

Dated: May 20, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–12256 Filed 5–28–74;8:45 am]

[Order No. 569–74]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart P–1—Law Enforcement Assistance Administration

CERTIFICATION OF STATE AND LOCAL WORK-RELEASE LAWS TO ALLOW PRISONERS TO WORK UNDER FEDERAL CONTRACTS

Under 18 U.S.C. 4082, the Attorney General is empowered to authorize Federal prisoners to work at paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

Executive Order No. 325A of May 18, 1905, prohibited the employment, in the performance of Federal contracts, of any person who is serving a sentence of imprisonment at hard labor imposed by a court of a state, territory or municipality. That Executive order was superseded by Executive Order No. 11755 of December 29, 1973, which continues a similar prohibition against use of convict labor under Federal contracts, but allows for the employment of persons on parole or probation or under certified prisoner work-release programs, when certain criteria are met. The new Executive order authorizes the Attorney General to certify that the work-release laws or regulations of the jurisdiction involved are in conformity with the order and to revoke any such certification, after notice and opportunity for hearing.

This order delegates to the Administrator of the Law Enforcement Assistance Administration the Attorney General's authority under Executive Order 11755 and authorizes the Administrator to redelegate such authority to any of his subordinates.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new Subpart P–1 immediately after Subpart P:

Subpart P–1—Law Enforcement Assistance Administration

Sec.
0.90 Prisoner work-release programs.
0.91 Redelegation of authority.

AUTHORITY: 18 U.S.C. 4082.

Subpart P–1—Law Enforcement Assistance Administration

§ 0.90 Prisoner work-release programs.

Subject to the general supervision and direction of the Attorney General, the Administrator of the Law Enforcement Assistance Administration is authorized to exercise the power and authority vested in the Attorney General by Executive Order No. 11755 of December 29, 1973, with respect to certification and revoking certification of work-release laws or regulations.

§ 0.91 Redelegation of authority.

The Administrator of LEAA is authorized to redelegate to any of his subordinates any of the authority delegated to him by § 0.90.

Dated: May 20, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–12255 Filed 5–28–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PROCUREMENT REGULATIONS

These changes are primarily to update the several AECPR provisions requiring change to bring them into accord with recent FPR changes, and to reflect the replacement of OMB Circulars A–21 and A–88 by Federal Management Circular

73–8 and 73–6. In addition, several provisions have been corrected or clarified without substantive change and the listing of prefixes for AEC contracts has been updated to reflect organizational changes.

PART 9–1—GENERAL

1. Section 9–1.5401 is revised as follows:

§ 9–1.5401 Purpose.

This subpart sets forth AEC general policy with respect to the avoidance of organizational conflicts of interest. This subpart is in addition to and not in lieu of other requirements in the AECPR concerning AEC policies for avoiding conflicts of interest. (See § 9–59.006 and 9–12.54.) The Report to the President on Government Contracting for Research and Development (generally known as the Bell Report) proposed that each department and agency head develop a "Code of Conduct" for organizations in the research and development field. This subpart has been developed in accordance with that instruction.

PART 9–3—PROCUREMENT BY NEGOTIATION

2. In § 9–3.807–52, paragraph (b) is revised as follows:

§ 9–3.807–52 Approvals and waiver.

* * * * *

(b) Managers of Field Offices, for contracts estimated to be within the limits of their delegation of authority, may, without power of redelegation, waive the requirements for cost or pricing data under the circumstances set forth in FPR 1–3.807–3(b), 1–3.807–3(d)(2) and 1–3.807–6 provided that any such waivers are promptly reported to the Headquarters Division of Contracts for its information and coordination with the Assistant General Manager/Controller and other Headquarters staff.

3. Section 9–3.814.2, is revised as follows:

§ 9–3.814–2 Audit and records.

The clause in § 9–7.5006–1 shall be used for any negotiated contract which includes a "defective cost or pricing data" clause, except for a firm fixed-price contract or a fixed-price contract with escalation.

4. Section 9–3.814–52 is added as follows:

§ 9–3.814–52 Approvals and waiver.

Managers of Field Offices, for contracts estimated to be within the limits of their delegation of authority, may, without the power of redelegation, approve the waivers cited in FPR 1–3.814–1(c) and 1–3.814–3(c) provided that any such waivers are promptly reported to the Headquarters Division of Contracts for its information and coordination with the Office of Assistant General Manager/Controller and other Headquarters staff.

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

5. In § 9–4.5106–3a paragraphs (a), (b)(1) and (2), (c), (d), (e), and (f), are revised as follows:

§ 9–4.5106–3a Compensation for personal services of professional staff.

(a) In accordance with section B.7 and section J.7 of Federal Management Circular (FMC) 73–8, the proposing institution and the AEC must reach an understanding regarding the basis for charges to the AEC under the contract for personal services of professional staff members. It is AEC policy to use the payroll distribution procedure of section J.7.b, as the basis for charges for personal services of all nonprofessorial professional staff, and also for professorial staff in those cases in which it is not feasible to establish a stipulated salary support amount during the proposal and award process because detailed plans or knowledge of specific positions or individuals are not available.

(b) * * *

(1) Establish an appropriate stipulated salary support amount in accordance with the guidelines of FMC 73–8 and provide guidance to the field office regarding the amount of such individual stipulated salary support, or

(2) Request the field office to establish an appropriate stipulated salary support amount in accordance with the guidelines of FMC 73–8, and within any limitations established by the sponsoring headquarters division. In establishing appropriate stipulated salary support amounts, it will be necessary for the AEC headquarters division or field office to obtain information on the academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have, such as teaching assignments, administrative assignments, supervision of graduate students, or other institutional activities.

(c) The established stipulated salary support amount shall be provided for in the contracts and shall be the basis for charges for personal services of the specified staff member unless there is a significant change in performance by the staff member (see section J.7.e. of FMC 73–8 for examples of a "significant change"); if a significant change in performance occurs, the institution has the responsibility under FMC 73–8 to either: (1) Reduce the charges to the contract proportionately, or (2) Request an appropriate amendment of the contract to reflect the change in performance.

The contract should provide that if the alternative in paragraph (c)(1) of this section is followed, the contractor shall notify the Commission of such reduction, with an explanation of the basis of such reduction. In accordance with section J.7.e. of FMC 73–8, special provision must be made in the contract if summer salaries are to be paid under the stipulated salary support procedure; the contract should provide specifically for any stipulated salary support amount for summer salaries and provide that any research covered by stipulated summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance by the Commission.

(d) If after the award of a contract the contractor wishes to charge the AEC for the personal services of a professorial staff member for whom a stipulated salary support amount has not been established in the contract, the contractor shall use the payroll distribution procedure of section J.7.b. of FMC 73–8 as the basis for such charges, except as the parties may otherwise mutually agree in writing.

(e) The stipulated salary support procedure shall not be used as a basis for establishing the amount of a contractor's contribution to the research work. In those cases in which the contractor is required to maintain records in support of a contribution of the cost of professorial staff, the payroll distribution procedure of section J.7.b. of FMC 73–8 should be used.

(f) The certification required by Appendix C of § 9–16.5002–8 fulfills the certification requirement of section K of FMC 73–8 for the special research support agreement. In cost-type contracts (§ 9–16.5002–9) the payments article should provide for appropriate certification by the contractor, on payment invoices or vouchers, to meet the requirements of section K.

6. Section 9–4.5107–3 is revised as follows:

§ 9–4.5107–3 Cost-type contract.

The cost-type contract for research by educational institutions, outlined in § 9–16.5002–9, is generally used when the annual AEC support under a contract exceeds $500,000, or when the cost of the project cannot be estimated in advance with reasonable accuracy. In many cases the contractor shares in the cost of the work conducted under the contract, although this is not a prerequisite for AEC support (see § 9–4.56 for policy on cost sharing and Article III of § 9–16.5002–9). The contract provides for reimbursement to the contractor of allowable costs incurred, within a specified ceiling, for performance of the research in accordance with the provisions of the contract. Allowable costs are determined in accordance with Federal Management Circular (FMC) 73–8, FPR Subpart 1–15.3, and § 9–15.103. (For cost-type contracts with not-for-profit institutions other than educational institutions or research foundations established by educational institutions, reimbursement of costs is in accordance with the applicable AEC commercial cost principles.) Certain deviations in performance and other actions under the contract require AEC approval as specified in the contract. Such approval requirements will be in accordance with § 9–4.5112–5, to the extent necessary and appropriate.

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

7. In § 9–5.902, paragraph (a) is revised as follows:

§ 9–5.902 Use of GSA supply sources by AEC cost-type contractors.

(a) Managers of Field Offices may authorize cost-type contractors and cost-type subcontractors where all higher tier contracts and subcontracts are of cost type, to use General Services Administration (GSA) supply sources (i.e., items available through Federal Supply Schedule contracts and other GSA contracts and from GSA stores stock) in accordance with the requirements and procedures in FPR Subpart 1–5.9.

* * * * *

8. Section 9–5.5201–4 is revised as follows:

§ 9–5.5201–4 Direct purchase.

Vehicles may be procured by field offices from other sources where specific clearance has been granted by GSA. A copy of the field office request to GSA for clearance shall be forwarded to the Director, Division of Contracts for information. In those cases where a clearance has not been granted by GSA and where it is believed that procurement through GSA would impair or adversely affect the program, clearance for direct procurement shall be obtained from the Director, Division of Contracts, prior to the procurement. The purchase price shall not exceed any statutory limitation in effect at the time the procurement is made.

PART 9–7 CONTRACT CLAUSES

9. Section 9–7.5005–24 is revised as follows:

§ 9–7.5005–24 Pricing of adjustments.

See FPR 1–7.102–20, except that the cost principles and procedures in Part 9–15 of these regulations shall be cited.

10. Section 9–7.5006–1 paragraphs (c) and (g) are revised as follows:

§ 9–7.5006–1 Accounts, records, and inspection (CPFF).

* * * * *

(c) *Audit of subcontractors' records.* The contractor also agrees, with respect to any subcontracts (including lump-sum or unit-price subcontracts or purchase orders) where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor of any tier, to conduct an audit of the costs of the subcontractor in a manner satisfactory to the Commission or to have the audit conducted by the next higher tier subcontractor in a manner satisfactory to the contractor and the Commission, except when the Commission elects to waive such audit or approves other arrangements for the conduct of the audit.

* * * * *

(g) *Subcontracts.* The contractor further agrees to require the inclusion of provisions similar to those in paragraphs (a) through this paragraph (g) of this clause in all subcontracts (including lump-sum or unit-price subcontracts or purchase orders) of any tier entered into hereunder where, under the terms of the subcontract, costs incurred are a factor in determining the amount payable to the subcontractor.

NOTE: If the prime contract contains a "defective cost or pricing data" clause, this paragraph (g) shall be modified by adding the following:

The contractor further agrees to include an audit clause, the substance of which is the "audit" clause in FPR 1–3.814–2, in each subcontract which does not include provisions similar to those in paragraphs (a) through this paragraph (g) of this clause but which contains a "defective cost or pricing data" clause.

PART 9–16—PROCUREMENT FORMS

11. In § 9–16.404–50, paragraph (b) is revised as follows:

§ 9–16.404–50 AEC authorized additions to Standard Form 19.

* * * * *

(b) The following additional clauses in Standard Form 19 are authorized, if required or deemed appropriate under certain circumstances:

(1) Safety, health and fire protection (§ 9–7.5006–47).

(2) Security (§ 9–5004–11).

(3) Assignment (§ 9–7.5006–46).

(4) Renegotiation (§ 9–7.5004–20).

(5) Suspension of work (FPR 1–7.601–4).

(6) The following wage determination clause:

The wage rates set forth are the minimum rates which may be paid to the classifications of laborers and mechanics designated therein pursuant to the Davis-Bacon Act (Act of Mar. 3, 1931, as amended; 40 U.S.C. 276a et seq.). The Commission does not represent that said minimum wage rates do now, nor that they will at any time in the future, prevail in the locality of the work for such laborers or mechanics; nor that such mechanics or laborers are or will be obtainable at said rates for work under this contract; nor that said rates represent the most recent wage determination by the Secretary of Labor with respect to such classifications of laborers or mechanics in the locality of the work.

(7) Priorities, allocations, and allotments (§ 9–7.5006–52).

* * * * *

12. In § 9–16.5002–8 Appendix B—General Provisions, Article B–II—Inspection, Reports, Records, and Accounts, paragraph (c) and Appendix B—General Provisions, Article B–XXIX—Determination of Support Costs, paragraph (b) are revised as follows:

§ 9–16.5002–8 Outline of special research support agreement with educational institutions.

* * * * *

APPENDIX B GENERAL PROVISIONS

ARTICLE B–II—DEFINITIONS

* * * * *

(c) The Contractor agrees to keep records and books of account, in accordance with generally accepted accounting principles and practices, and consistent with the requirements of Federal Management Circular (FMC) 73–8, as constituted on the effective commencement date of the contract period, covering its costs and expenditures for items included under Article A–II(a) of Appendix A and which are in furtherance of the research work under this contract. In the event a Contractor contribution is listed in Article A–II(b), the Contractor shall maintain records adequate to permit the Commission to determine the extent of the contribution. If professional staff members are included under Article A–II(b), the Contractor shall maintain records on such personnel in accordance with the payroll distribution procedure of section J.7.b. of FMC 73–8.

* * * * *

ARTICLE B–XXIX—DETERMINATION OF SUPPORT COSTS

* * * * *

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A–II (a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A–II(b) (1) of Appendix A. Costs included in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of the contract for the pertinent contract period. The costs for the pertinent contract period shall be consistent with the principles of FMC 73–8 as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

* * * * *

13. In § 9–16.5002–9 Appendix B, Article B–2—Allowable Costs, paragraphs (a) (1) and (2) and Appendix B, Article B–33—Payments, are revised as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

APPENDIX B

ARTICLE B–2—ALLOWABLE COSTS

(a) * * *

(1) Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as that text is amended by Federal Management Circular (FMC) 73–8 as of the date of commencement of the contract period or, with respect to periods of extension of contract performance, as of the date of commencement of the pertinent extension period;

(2) FMC 73–6 as it may be amended from time to time; and

* * * * *

ARTICLE B–33—PAYMENTS

Insert § 9–7.5006–23 or § 9–5.7006–25, as appropriate, modified to reflect the no-fee position of educational institutions. An additional paragraph should be added to provide for appropriate certification by the Contractor, on payment invoices of vouchers, to meet the requirements of section K of FMC 73–8. If advance payments are to be made, the letter of credit procedure as provided for in Treasury Fiscal Requirements Manual, Part VI, Section 1020, will be used to the maximum extent feasible.

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

14. In § 9–53.106 is revised as follows:

§ 9–53.106 **Assigned contract prefixes.**

Prefixes for AEC contract numbers for the various field installations and headquarters divisions are set forth below:

Active offices

	Contract prefix
Field installations:	
San Francisco	AT(04–3)—
Grand Junction	AT(05–1)—
Idaho Falls	AT(10–1)—
Chicago	AT(11–1)—
Paducah	AT(15–1)—
Kansas City	AT(23–3)—
Nevada	AT(26–1)—
New Brunswick	AT(28–1)—
Los Alamos	AT(29–1)—
Albuquerque	AT(29–2)—
Brookhaven	AT(30–2)—
Schenectady	AT(30–3)—
Dayton	AT(33–1)—
Portsmouth	AT(33–2)—
Pittsburgh	AT(36–1)—
Savannah River	AT(38–1)—
Oak Ridge	AT(40–1)—
Richland	AT(45–1)—
Puerto Rico	AT(51–1)—
Headquarters:	
Headquarters Services	AT(49–1)—
General Manager	AT(49–2)—
Military Application	AT(49–3)—
Production and Materials Management	AT(49–4)—
Reactor Research and Development	AT(49–5)—
Biomedical and Environmental Research	AT(49–7)—
Physical Research	AT(49–8)—
Personnel	AT(49–13)—
International Programs	AT(49–14)—
Space Nuclear Systems	AT(49–15)—
Management Information and Telecommunications Systems	AT(49–17)—
Contracts	AT(49–18)—
Applied Technology	AT(49–19)—
Controlled Thermonuclear Research	AT(49–20)—
Office of Information Services	AT(49–21)—
Waste Management and Transportation	AT(49–22)—
Nuclear Materials Security	AT(49–23)—
Regulation	AT(49–24)—
Reactor Safety Research	AT(49–25)—

Inactive offices

Field Installation:	
Los Angeles	AT(04–1)—
Berkeley	AT(04–2)—
Canoga Park	AT(04–4)—
Rocky Flats	AT(05–2)—
Hartford	AT(06–1)—
Wilmington	AT(07–1)—
Spoon River	AT(11–2)—
Iowa (Burlington)	AT(13–1)—
Ames	AT(13–2)—
Detroit	AT(20–1)—
Centerline	AT(20–2)—
St. Louis	AT(23–2)—
Princeton	AT(28–2)—
Sandia	AT(29–3)—
New York	AT(30–1)—
Lockland	AT(33–3)—
Fernald	AT(33–4)—
Pantex	AT(41–1)—
Milwaukee	AT(47–1)—
Eniwetok	AT(50–1)—
Headquarters:	
Raw Materials	AT(49–6)—
Special Projects	AT(49–9)—
Labor Relations	AT(49–10)—
Isotopes Development	AT(49–11)—
Technical Information	AT(49–12)—
Peaceful Nuclear Explosives	AT(49–16)—
Space Nuclear Propulsion	SNP–

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.)

Effective Date: This amendment is effective May 29, 1974.

Dated at Germantown, Maryland, this 16th day of May 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.74–12191 Filed 5–28–74;8:45 am]

Title 45—Public Welfare

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

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33090–33096) setting forth regulations for the Strengthening Developing Institutions Program authorized by Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1051–1056).

Interested persons were invited to submit written comments, suggestions, or objections to the Division of College Support of the Bureau of Higher Education, Office of Education, regarding the proposed regulations.

A. *Summary of Comments—Office of Education Response.* The following comments were received by the Office of Education regarding the proposed regulations. In evaluating these comments, the Office of Education received the advice of the Advisory Council on Developing Institutions. After a summary of each comment, a response is set forth stating the changes which have been made in the regulations or the reasons why no change is deemed necessary.

1. Section 169.11 *General criteria—Comment.* A commenter suggested that the five year requirement of § 169.11(d) be maintained without the provision of an exception.

Response. The provision waiving the five year requirement of § 169.11(d) for institutions located on or near Indian reservations or a substantial number of Indians, is provided for in § 302(a)(2) of Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1052(a)(2)).

2. Section 169.12 *Quantitative factors for identifying developing institutions—Comments.* Numerous comments were received with regard to this section. One commenter indicated that the quantitative criteria are such that none of the public two or four year colleges, only three of the private four-year colleges, and only three of the private two-year colleges in his State could qualify as developing institutions. Three commenters were concerned about the criteria regarding low-income students. One suggested that the percentage of disadvantaged students should not be utilized as a criterion and that the emphasis should be on an institution's ability to define its mission. Another commenter stated that the minimum percentage of students from low-income families should be increased to 50 percent. The third commenter expressed satisfaction with the criterion regarding the percentage of students from low-income families.

Another commenter suggested that the criteria for identifying developing institutions were too restrictive in terms of the intent of the program. It was suggested by another commenter that institutions should have to meet only five of the eight criteria and could then justify their status as developing institutions in terms of that institution's mission or circumstances. Another commenter suggested that stronger consideration be given to the needs and mission of each institution rather than quantitative criteria.

Two commenters were concerned about the criteria dealing with the size of the institution. One said that the criterion dealing with libraries should be viewed in terms of the institution's circumstances and not merely the number of volumes in the library. The other said that the criterion related to the institutional size should be re-evaluated and either expanded or dropped.

Three commenters were concerned about the faculty salary criteria. One said that the faculty salaries are out of line in view of the high cost of living and that emphasis should be placed on faculty retraining and development. Another said that the salary ranges were unrealistic in terms of the present national market, that developing institutions require uniquely talented individuals who are worth a great deal, and worth should be recognized in salary schedules. The third commenter suggested that salary limitations should be removed.

Response. Section 169.12 will be amended by broadening the range of each of the eight factors that were identified as the most important quantitative measures in assessing whether an institution qualifies as "developing."

Several commenters have apparently overlooked the portion of § 169.12 which provides that "Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution".

3. Section 169.13 *Qualitative factors for identifying developing institutions—Comment.* One commenter said that the qualitative factors for identifying developing institutions should be reviewed in light of emerging open admissions and drop in and out policies. Another stated that geographic diversity should not be a factor in determining eligibility of urban institutions.

Response. Section 169.13(a) will be amended by deleting as a consideration the geographical diversity of an institution's student population. Furthermore, in evaluating an institution pursuant to the criteria listed in § 169.13(a), the Commissioner will take into consideration whether the institution has adopted an open enrollment admissions policy.

4. Section 169.25 *Professor Emeritus Grants—Comment.* A commenter suggested that a person should not be eliminated from consideration as a professor emeritus by an instiution awarding the grant if he was employed at that institution. The hardship of moving is cited as the reason for this observation.

Response. One of the basic purposes of the Professor Emeritus Program is to bring to developing institutions added strength and new perspectives. This purpose cannot be achieved if the professor emeritus is recruited from the faculty of the developing institution.

5. Subpart D—*Advanced Institutional Development Program—Section 169.32 Cooperative Arrangements—Comment.* One commenter suggested that societal needs are sometimes different from real needs of developing institutions. Another stated that developing institutions in the Advanced Institutional Development Program have a dual responsibility of meeting societal needs and minority student needs which may conflict.

Response. Societal needs should not be viewed as in conflict with the needs of developing institutions or minority students.

6. Section 169.33 *Allowable Activities—Comment.* A commenter suggested that under the Advanced Institutional Development Program, too much emphasis is being placed on graduate school. He states that placement in jobs with upward mobility is equally valid.

Response. Under section 169.33(a) equal importance is placed on entry to graduate school and placement in jobs with upward mobility.

7. Section 169.34 *Institutional plan—Comment.* One commenter suggested that the fund replacement feature should be reconsidered in light of the developing institutions' difficulties in fund raising. The commenter indicated that the fund replacement feature of the Advanced Institutional Development Program may not work to the advantage of institutions. He suggested that it may be wise to build in an endowment capability at the outset of the program.

Response. It is recognized that it may be difficult for some developing institutions to comply with the fund replacement feature of the Advanced Institutional Development Program. Consideration is being given to the development of new legislation that would assist institutions in building an endowment capability.

8. Sections 169.29 and 169.38 *Allowable costs—Comments.* A commenter suggested that a delineation be made between direct and indirect costs under both the Basic and Advanced programs.

Response. Programs authorized by Title III, HEA are subject to the Office of Education General Provisions (38 FR 30654, November 6, 1973). Subpart G of the Part 100a (45 CFR 100a.80–100a.84) discusses cost principals; § 100a.82 and Appendix C of Part 100a (38 FR 30654, 30698—November 6, 1973) discuss the cost principals for institutions of higher education.

Sections 169.29 (Basic Program) and 169.38 (Advanced Program) describe in general terms allowable program costs. The inappropriateness of paying indirect costs on these programs is implicit in the nature of the program, i.e., the awards made are essentially staffing and resource grants. However, in order to make this point perfectly clear §§ 169.29 and 169.38 have been amended to explicitly provide that "indirect cost shall not be charged against the grant." This restriction does not, however, preclude the funding of projects to improve the capacity and effectiveness of institutions in areas which are normally considered to be indirect i.e., libraries, accounting, and procurement.

9. *General comments.* A commenter suggested that the Title III regulations are geared too intensively to rural and Southern areas. Another stated that the program has inappropriately been billed as a program for only certain minority colleges.

Response. A careful review of the Title III grantee list reveals as many grants in urban and non-Southern areas as in rural and Southern areas. Similarly the Title III grantee list demonstrates that the program is not limited to only certain minority colleges.

Comment. A commenter suggested that there should be greater coordination between the States and Federal Government in programs such as this.

Response. The Office of Education attempts, whenever possible and relevant, to coordinate the operation of its programs with State governments. However, we do not believe that the Developing Institutions Program readily lends itself to such coordination.

B. The Office of Education General Provisions have caused the following changes:

1. Section 169.6 is revised as follows:

§ 169.6 *General provisions regulation.*

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

2. Section 169.7 and 169.8 are deleted.

3. The first sentence of § 169.28 is amended to read as follows:

§ 169.28 *Evaluation and award procedures.*

(a) *Evaluation criteria.* In addition to evaluation on the basis of criteria set forth in § 100a.26(b) of this chapter, the Commissioner will evaluate requests for program support under this subpart in accordance with the following criteria:

* * * * *

4. The first sentence of § 169.37 is amended by addition of the clause "Notwithstanding § 100a.26(b) of this chapter * * *."

After consideration of the above comments, Chapter I of Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date. These regulations shall be effective on June 28, 1974.

(Catalog of Federal Domestic Assistance Program Number 13.454; Strengthening Developing Institutions)

Dated: April 26, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 24, 1974.

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

1. Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new Part 169, reading as follows:

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Subpart A—General Provisions

Subpart B—Criteria for Identifying Developing Institutions

Subpart C—Basic Institutional Development Program

Subpart D—Advanced Institutional Development Program

AUTHORITY: Section 301–306 of Title III of the Higher Education Act of 1965, as amended by section 121(a) of Title I of P.L. 92–318, 86 Stat. 241–245 (20 U.S.C. 1051–1056), unless otherwise noted.

Subpart A—General Provisions

§ 169.1 Statement of purpose.

The purpose of this part is to assist developing institutions of higher education which demonstrate a desire and potential to make a substantial contribution to the higher education resources of the nation but which for financial and other reasons are struggling for survival and

are isolated from the main currents of academic life. The Commissioner will support the establishment of cooperative arrangements under which these developing institutions may draw on the talent and experience of the stronger colleges and universities, on the educational resources of business and industry, and on the strengths of other developing institutions in an effort to improve their academic programs, administrative and management resources and their student services. The Commissioner will also support National Teaching Fellows and Professors Emeritus under this part.

(20 U.S.C. 1051–1054, 1056.)

§ 169.2 Definitions.

As used is this part:

"Act" means Title III of the Higher Education Act of 1965, as amended.

"Academic Year" means a period of time usually eight or nine months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, twenty-eight semester hours, forty-two quarter hours or 900 clock hours of instruction.

(20 U.S.C. 1051–1054, 1056.)

"Developing Institution" is an institution of higher education that is so classified under Subpart B.

"Institution of higher education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965.

(20 U.S.C. 1141(a).)

"Junior or Community College" means an institution of higher education (1) which does not provide an educational program for which it awards a bachelors degree (or an equivalent degree), (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and (3) which does (a) provide an educational program of not less than two years which is acceptable for full credit toward such a bachelors or equivalent degree, or (b) offers a two year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b).)

(20 U.S.C. 1051–1054 unless otherwise noted.)

§ 169.3 Advisory Council on Developing Institutions.

An Advisory Council on Developing Institutions will be established consisting of nine members appointed by the Commissioner with the approval of the Secretary. The Advisory Council will assist the Commissioner

(1) In identifying developing institutions through which the purposes of this part may be achieved, and

(2) In establishing the priorities and criteria to be used in making grants under this part.

(20 U.S.C. 1053.)

§ 169.4 Funding limitation.

Junior or community colleges may receive not more than 24 per centum of the sums appropriated for any fiscal year for carrying out the provisions of this part.

(20 U.S.C. 1051.)

§ 169.5 Limitation.

Funds made available pursuant to this part shall not be used for a school or department of divinity as defined in section 1201(1) of the Higher Education Act of 1965 or for any religious worship or sectarian activity.

(20 U.S.C. 1056, 1141(1))

§ 169.6 General provisions regulation.

(a) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

(20 U.S.C. 1051–1056)

Subpart B—Criteria for Identifying Developing Institutions

§ 169.11 General criteria.

A "developing institution" is an institution of higher education in any State which:

(a) Is legally authorized to provide, and provides within the State, an education program for which it awards a bachelor's degree, or is a junior or community college;

(b) Admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(c) Is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(d) Meets the requirements of paragraphs (a) and (c) of this section during the five academic years preceding the academic year for which it seeks assistance under this part, unless in the case of institutions located on or near an Indian reservation or a substantial population of Indians, the Commissioner determines that a waiver of those requirements will increase the opportunity for Indians to obtain the benefits of higher education; and

(e) Is, on the basis of the quantitative and qualitative factors set forth in §§ 169.12 and 169.13 respectively, (1) making reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and (2) for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(20 U.S.C. 1052)

§ 169.12 Quantitative factors for identifying developing institutions.

The following eight factors have been identified as the most important quantitative measures in assessing whether an institution meets the conditions set forth in § 169.11(e). They have been quantified by institutional type and control. These factors define the range of developing institutions. Every institution which meets all the quantitative standards will be included for further evaluation under the qualitative criteria. Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution.

	At least—	Not more than—
2- year private institutions		
1. Full-time equivalent enrollment	200	4,650
2. Full-time enrollment	160	4,325
3. Percent of faculty with masters	50	94
4. Average faculty salary	$6,225	$14,000
5. Percent of students from low-income families [1]	16	100
6. Total expenditures for educational and general purposes	$350,000	$8,500,000
7. Total educational and general expenditures per FTE student	$500	$6,500
8. Total volumes in library	3,500	40,000
2-year public institutions		
1. Full-time equivalent enrollment	300	10,100
2. Full-time enrollment	240	7,475
3. Percent of faculty with masters	30	95
4. Average faculty salary	$7,600	$15,500
5. Percent of students from low-income families [1]	10	100
6. Total expenditures for educational and general purposes	$500,000	$13,000,000
7. Total educational and general expenditures per FTE student	$500	$4,600
8. Total volumes in library	6,000	71,000
4-year private institutions		
1. Full-time equivalent enrollment	300	5,960
2. Percent of faculty with doctorates	10	60
3. Average professor's salary	$8,750	$18,215
4. Average instructor's salary	$7,000	$13,100
5. Percent of students from low-income families [1]	10	100
6. Total expenditures for educational and general purposes	$600,000	$15,120,000
7. Total educational and general expenditures per FTE student	$900	$4,860
8. Total volumes in library	9,000	337,120

	At least—	Not more than—
2-year private institutions		
4-year public institutions		
1. Full-time equivalent enrollment	600	7,200
2. Percent of faculty with doctorates	20	62
3. Average professor's salary	$10,900	$20,600
4. Average instructor's salary	$7,300	$14,000
5. Percent of students from low-income families [1]	20	100
6. Total expenditures for educational and general purposes	$1,600,000	$16,000,000
7. Total educational and general expenditures per FTE student	$900	$4,985
8. Total volumes in library	10,000	317,580

[1] For purposes of this subpart a low-income family is one whose adjusted family income is less than $7,500.

(20 U.S.C. 1052)

§ 169.13 Qualitative factors for identifying developing institutions.

Those institutions which satisfy the requirements set out in § 169.12 will be further assessed on the following qualitative factors which will be used to assess whether the institution meets the conditions set forth in § 169.11(e). These factors will be evaluated over a three year period. Such period will include the academic year in which the institution is seeking recognition as a developing institution and the preceding two academic years.

(a)(1) *Enrollment.* Consideration will be given to the institution's full-time equivalent enrollment, the number of its graduates continuing their education either at a four year institution in the case of a junior or community college, or at a graduate or professional school, the class standing of entering freshmen in their high school graduating class, the percentage of freshmen completing their first year and the percentage of freshmen graduating from the institution. If such enrollment data are in a decline over the three year period the institution must demonstrate that such a decline is not inconsistent with continued institutional viability.

(2) In evaluating an institution pursuant to the criteria discussed in paragraph (a)(1) of this section, the Commissioner will take into consideration whether the institution has adopted an open enrollment admissions policy. As used in this section an open enrollment admissions policy of an institution of higher education means that the institution will admit as regular students all students who apply to that school for admission who have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(b) *Institution personnel.* An institution will be evaluated with regard to the quality of its personnel in the areas of institutional administration including financial operations, student services, teaching and research. Factors considered in making such an evaluation will include the percentage of professional personnel with advanced degrees and the salary scale of the institution.

(c) *Institutional vitality.* An institution will be evaluated in terms of its vitality and viability. Factors considered in such a determination will include its fund raising capability, whether the institution has a planning capability and whether the institution has devised an institutional development plan.

(20 U.S.C. 1052.)

§ 169.14 Effect of classification.

(a) Those institutions which meet the quantitative and qualitative criteria set out in §§ 169.12 and 169.13 will be classified as "developing institutions" for the purpose of this part and for the purpose of section 305 of the Act. Applications for grants under this part will be further evaluated on their merits.

(b) A reevaluation of an institution's classification as a developing institution will be made periodically.

(20 U.S.C. 1052, 1055.)

§ 169.15 Application requirements.

An institution wishing to be designated as a developing institution shall file an application which shall be in such form and contain such information as the Commissioner may from time to time prescribe and shall include:

(a) The signature of the institutional head;

(b) Data describing institutional participation in Federal programs, both education and other, by program title. The institution shall also state amount of funds it received under each program;

(c) Institutional data described in §§ 169.12 and 169.13; and

(d) An institutional eligibility narrative in which the applicant shall state the reasons it considers itself qualified to be designated as a "developing institution."

(20 U.S.C. 1052.)

Subpart C—Basic Institutional Development Program

§ 169.21 Program objectives.

The purpose of grants made pursuant to this subpart is to assist in raising the academic quality of developing institutions that show both a desire for and a promise of institutional improvement in order that they may more fully participate in the higher education community. The Basic Institutional Development program attempts to narrow the gap between small, weak colleges and stronger institutions. The principal means for doing so is through cooperative arrangements in which developing institutions may draw upon the talent and experience of assisting institutions of higher education, including other developing institutions, as well as upon business and industry in the area of faculty and curriculum development, administrative improvement, student services. National Teaching Fellows may be requested to release faculty of developing institutions to further their education, and Professors Emeriti may be requested to make special contributions to institutional needs.

(20 U.S.C. 1054.)

§ 169.22 Cooperative arrangements.

(a)(1) The Commissioner may award grants to developing institutions to pay part of the costs of planning, developing and carrying out cooperative arrangements between developing institutions, between developing institutions and other institutions of higher education, and between a developing institution and a business entity, an agency or an organization, which show promise as effective measures for strengthening the academic program, administrative capacity, and student services of the developing institutions.

(2) In each cooperative arrangement receiving assistance under this subpart the developing institution shall be the legal recipient of the grant award and shall be legally responsible for administering the project assisted under such grant.

(b) The types of cooperative arrangements that will be funded include bilateral and consortium arrangements.

(1) *Bilateral arrangement.* A bilateral arrangement is an arrangement between the applicant developing institution and another institution of higher education or an agency, organization, or business entity under which the latter will provide assistance and resources to the developing institution to carry out activities described in section 169.23.

(2) *Consortium arrangement.* A consortium arrangement is an arrangement between the applicant developing institution and at least two other developing institutions which provides for the exchange or joint use of resources to the mutual benefit of all the participants. Such a consortium of developing institutions may also enter into arrangements with institutions of higher education and other agencies, organizations, or business entities for the latter to assist the developing institution in carrying out the activities described in § 169.23.

(20 U.S.C. 1054.)

§ 169.23 Grant activities.

(a) The type of activities and projects that may be funded under cooperative arrangements include such activities and projects as

(1) The exchange of faculty and students with other institutions of higher education;

(2) Arrangements for bringing visiting scholars to developing institutions;

(3) Faculty and administrative staff improvement programs such as internships (including internships for administrative staff), attendance at short term institutes, advanced study including stipends of up to $4,000, and participation in research projects;

(4) The introduction of new curricula and curricular materials;

(5) The development and operation of cooperative education programs involving alternate periods of academic study and business or public employment;

(6) The joint use of facilities such as libraries and laboratories, as well as the purchase of necessary books, materials, and equipment;

(7) The obtaining of specialized personnel for developing institutions in such areas as media, reading, computers, institutional research and management; and

(8) Faculty and salary supplements for a faculty member who is engaged in a special project or activity for the benefit of the developing institution. Such request must be carefully documented and such salary supplements will generally be limited to three (3) years.

(20 U.S.C. 1054.)

§ 169.24 National Teaching Fellowships.

(a) The Commissioner may grant funds to developing institutions, independently or in conjunction with the funding of a cooperative arrangement, for the purpose of awarding National Teaching Fellowships.

(b) National Teaching Fellowships may be awarded by a developing institution to junior faculty members of institutions of higher education other than developing institutions and graduate students who have completed all requirements for a masters degree in the institution in which they are enrolled or who possess the equivalent of a masters degree in related professional experience, whose training and experience will serve the needs of the developing institution.

(c) National Teaching Fellows may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study; or

(3) Strengthen an understaffed academic program.

(d) Each National Teaching Fellowship shall include a stipend for each academic year of teaching in an amount not to exceed $7,500 plus an allowance of $400 for each dependent of the Fellow. The developing institution may supplement the stipend paid to the National Teaching Fellow, but such increase may not be paid from funds received under this part.

(e) The period of a National Teaching Fellowship may not exceed two academic years.

(f) A National Teaching Fellow may not engage in advanced study that is inconsistent with the Fellow's duties as a full-time faculty member.

(20 U.S.C. 1054.)

§ 169.25 Professor Emeritus Grants.

(a) The Commissioner may grant funds to developing institutions either independently of or in conjunction with the funding of a cooperative arrangement to permit such institutions to award Professors Emeritus Grants. Such grants may be awarded to professors or to other skilled higher education personnel who have retired from active service at institutions of higher education other than the developing institution awarding the grant. The Commissioner will award such funds only if he determines that the program of teaching or research for which a Professor Emeritus Grant is requested meets the educational needs of the applicant institution and is reasonable in light of the specific competence(s) of the Professor Emeritus.

(b) A Professor Emeritus may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study;

(3) Provide specialized competence in a particular area that will serve the needs of the developing institution;

(4) Assist in new programs;

(5) Conduct institutional research or research connected with the development of the institution; or

(6) Strengthen an understaffed academic program.

(c) A Professor Emeritus Grant shall include a stipend for each academic year of teaching or research. The stipend shall not exceed the salary of a comparable staff member of the developing institution and shall take into consideration the retirement benefits being received by the Professor Emeritus. The institution may supplement the stipend of the Professor Emeritus but such increase may not be paid with funds received under this part. Funds may also be awarded to the developing institution for the payment of travel and moving expenses, housing and fringe benefits for Professors Emeritus. Professors Emeritus shall be hired on a semester (or equivalent) or on an annual basis.

(d) The period of a Professor Emeritus Grant may not exceed two academic years unless it is determined by the Commissioner upon the advice of the Advisory Council described in section 169.3 that the additional period is necessary to fully complete the program objective for which the Professor Emeritus was originally requested.

(20 U.S.C. 1054.)

§ 169.26 Application requirements.

(a) Each application for assistance under this subpart shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) The signature of the institutional head;

(3) The total amount of funds requested for each year in the case of multi-year requests;

(4) The number of cooperative arrangements requested;

(5) The name of each such arrangement;

(6) A listing of such arrangements in order of the applicant institution's priority;

(7) A listing of each institution of higher education, agency, organization, and/or business entity from which the applicant developing institution expects to draw resources;

(8) A program budget; in the case of a proposed multi-year project the initial year budget;

(9) A narrative indicating an overview of the institution's involvement in activities supported under this part. This narrative shall also describe the objectives of the institution's proposed program and explain the relationship between the proposed programs and the overall planned development of the institution;

(10) A program narrative which shall contain a concise description of each program to be undertaken in a cooperative arrangement including the nature and extent of the activities planned as well as the program's expected specific impact (including quantitative results expected) on those institution(s) partipicating in the program. If National Teaching Fellowships or Professors Emeritus are requested, the program narrative should explain specifically the institution's need for such personnel support;

(11) Letters of commitment from each institution, agency, organization, or business entity, signed by the president of such institution or agency and addressed to the coordinator of the cooperative arrangement. The coordinator shall be responsible for submitting copies of these letters as a part of the complete proposal. These letters shall be used to demonstrate that

(i) The proposal as submitted accurately reflects the terms of the cooperative arrangement,

(ii) The budget is correctly represented and includes, where appropriate, the dollar value of service or contribution offered by the assisting institution or agency, and

(iii) The institution or agency will carry out its part of the program(s), if the application for Federal funds is approved;

(12) Procedures for the administration of each program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(13) Procedures as will insure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for purposes of this subpart, and in no case supplant such funds;

(14) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(15) Such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart to the applicant; and

(16) Such reports, in such form and containing such information, as the Commissioner may require to carry out

his functions under this subpart and procedures for keeping such records and affording such access thereto, as he may find necessary to assure correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications under this subpart.

(20 U.S.C. 1054.)

§ 169.27 Multi-year grants.

Multi-year grants may be awarded to developing institutions to provide up to three years of support for the development and implementation of cooperative arrangements. The continued funding of these projects will be contigent upon the continued eligibility of the applicant institution(s), institutional progress, and the availability of Federal funds.

(20 U.S.C. 1054.)

§ 169.28 Evaluation and award procedures.

(a) *Evaluation criteria.* In addition to evaluation on the basis of criteria set forth in § 100a.26(b) of this chapter, the Commissioner will evaluate requests for program support under this subpart in accordance with the following criteria:

(1) The program demonstrates a major focus on providing a successful educational experience for low-income students;

(2) The program demonstrates promise for moving colleges into the mainstream of higher education as a result of careful long-range planning and substantial improvements in the area of development and management;

(3) The program demonstrates coordination with other Federal, State, and local efforts to produce a maximum impact on the needs of developing institutions;

(4) With regard to junior and community colleges that the program demonstrates that it serves the needs of students in urban areas; and

(5) The program demonstrates good communication between faculty, students, administration, and, where appropriate, local communities in its planning and implementation.

(b) *Evaluation procedure.* Each application for support under this subpart will be reviewed and evaluated by a panel of field readers who are not employees of the Office of Education, who will advise the Commissioner with respect to funding such applications. The final funding decision shall rest with the Commissioner. When proposals appear equal in merit, consideration will be given to such factors as geographic location, type of program, and national educational needs served.

(20 U.S.C. 1054.)

§ 169.29 Allowable costs.

(a) The Commissioner will pay part of the costs that are reasonably related to the development and implementation of cooperative arrangements and the entire cost of National Teaching Fellowships and Professor Emeritus Grants, except that, notwithstanding § 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The purchase of equipment will be limited to equipment that is necessary to achieve specific program objectives.

(20 U.S.C. 1054.)

Subpart D—Advanced Institutional Development Program

§ 169.31 Scope and purpose of the advanced institutional development program.

The Commissioner will make grants to selected developing institutions adjudged to have the potential for accelerated institutional development to expedite the institution's progress towards achieving both operational and fiscal stability and participation in the mainstream of American higher education.

(20 U.S.C. 1054.)

§ 169.32 Cooperative arrangements.

The Commissioner will award grants to selected developing institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements, as described in section 169.22, between developing institutions, between developing institutions and other institutions of higher education and between developing institutions and other agencies, organizations and business entities which show promise as effective measures for strengthening the academic program and administrative capacity of the grantee institution. Such grants may be used for curriculum development compatible with changing societal needs, student services including academic and career counseling, and faculty and administrative improvement programs.

(20 U.S.C. 1054)

§ 169.33 Allowable activities.

The type of activities that may be funded include such activities as:

(a) New programs which seek to serve the educational needs of low-income students by providing them with the background required to obtain employment with upward mobility, which seek to move them into professional areas where low-income students are underrepresented, or which equip them to gain admittance to graduate schools;

(b) Programs or projects which allow the institution to structure or restructure itself so that it may relate more directly to emerging professional or career fields; and

(c) Curriculum development.

(20 U.S.C. 1054.)

§ 169.34 Institutional plan.

(a) An applicant shall submit with its application an outline of a long range (5 year) plan which shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) The planned institutional programs including:

(i) a description of the program objectives or intended program changes,

(ii) a description of the specific activities or projects for which funds are requested, and

(iii) a description of proposed cooperative arrangements;

(2) The budget for the program and the proposed allocation of funds to each activity or project;

(3) A statement of institutional development goals, describing the planned impact of the funded program upon the institution;

(4) A general strategy for replacing funds awarded under this subpart by the end of the grant period;

(5) A description of steps to be taken, if any, to develop the institutional planning and management capability by the end of the grant period;

(6) A plan for evaluating the progress made by the institution in meeting its goals and objectives including the replacement of grant funds and the development of a management capability if such latter activity is proposed.

(b) The final plan shall be submitted to the Commissioner for approval at such time as the Commissioner may prescribe. Such plan must be approved by the chief administrative officer of the institution, with the concurrence of the governing board of the institution.

(c) All components of the long range plan submitted pursuant to paragraph (a) of this section shall be revised periodically to reflect future program considerations. Significant changes shall become part of the plan only upon approval of the Commissioner.

(20 U.S.C. 1054.)

§ 169.35 Program priorities.

In selecting grantees under section 169.37 the Commissioner will give preferential consideration to those applicants whose proposed programs are likely to best carry out one or more of the following objectives:

(a) The provision of training in professional and career fields in which previous graduates of developing institutions are severely underrepresented;

(b) The addition of substantial numbers of graduates of developing institutions prepared for emerging employment and graduate study opportunities;

(c) The development of more relevant approaches to learning by utilizing new configurations of existing curricula as well as a variety of teaching strategies;

(d) The development of new or more flexible administrative styles; and

(e) The improvement of methods of institutional effectiveness so as to increase the fiscal and operational stability of the institution and improve its academic quality.

(20 U.S.C. 1054.)

§ 169.36 Application requirements.

(a) Each application for assistance under this subpart shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) A statement of institutional objectives which take into account the history, development, and continuing or proposed future role of the college. Such a statement shall be based upon the following information, if available:

(i) A description of the local, regional or national geographic area which the institution plans to serve,

(ii) State or regional manpower data including any reports relevant to an assessment of projected employment opportunities for graduates,

(iii) Data on the characteristics of students currently admitted to the institution including geographical origins, enrollment by sex, aptitude test score distributions at time of admittance, distribution of enrollment by curricular area, enrollment by major field, indications of career goals, and

(iv) Follow up data on graduates, including job placements, location and nature of employment, institutions attended for further study, and fields of further study;

(3) The outline for the long range plan described in section 169.34;

(3) Data on student enrollment and student characteristics including trend data;

(4) Faculty characteristics and trends;

(5) Institutional financial data and projections;

(6) Curriculum range;

(7) Such other information as is required by section 169.37;

(8) Procedures for the administration of the program to insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(9) Procedures to insure the Federal funds made available under this subpart for any fiscal year shall be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for these programs and in no case supplement such funds;

(10) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(11) Provision for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart; and

(12) Provision for making such reports as the Commissioner may require to carry out his functions and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications for assistance under this subpart.

(20 U.S.C. 1054.)

§ 169.37 Grantee selection.

Notstanding § 100a.26(b) of this chapter, institutions will be selected for grants under this subpart as follows:

(a) Initially applicant institutions will be assessed in relation to other developing institutions with regard to those quantitative and qualitative characteristics which are indicative of institutional, academic, and financial strength. Such characteristics include:

(1) The institution's enrollment and the trend of enrollment;

(2) The institution's full-time faculty in terms of size, faculty-student ratio, and academic qualifications;

(3) The institution's present and projected financial position with respect to

(i) Total income,

(ii) Income sources and the amount received from each source,

(iii) Expediture per full-time equivalent student.

(iv) Rate of growth of income, and

(v) Endowment and gifts as a total amount and as a percentage of income,

(4) The ability of the institution to attract and hold qualified students, as indicated by such factors as:

(i) The percentage of freshmen students who graduate,

(ii) The percentage of graduates accepted to institutions offering bachelor degrees (for junior and community colleges), and graduate, or professional schools,

(iii) The percentage of graduating class gainfully employed;

(5) The ability of the institution to attract qualified faculty; and

(6) The institution's past success in and present capability for formulating and using a plan for the allocation of resources in light of its stated goals and priorities.

(b) Those applicant institutions determined under paragraph (a) of this section to have the greatest comparative degree of financial, academic, and institutional strength will be further assessed in light of the programs priorities reflected in section 169.35 and on the relationship between the type of program proposed by the institution and the financial, academic, and other characteristics of the institution.

(c) In making the assessments required by paragraph (b) of this section the Commissioner will review the information contained in the institution's application and may in addition make site visits to such institutions.

(20 U.S.C. 1054.)

§ 169.38 Allowable costs.

(a) The Commissioner will pay part of the cost of developing and implementing a long-range plan for accelerated institutional development except that costs for the implementation of such a plan are allowable only to the extent that they are incurred after that plan has been approved by the Commissioner. However, notwithstanding section 100a.-82 of this chapter, indirect costs shall not be charged against the grant.

(b) The institution may not expend more than 10 percent of grant funds for the development or improvement of a planning, management, and evaluation capability.

(c) Purchase of equipment is allowed only if such equipment is necessary to achieve the program objectives.

(20 U.S.C. 1054.)

[FR Doc.74-12386 Filed 5-28-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1102; Amdt. 4]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. and Penn Central Transportation

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 22nd day of May 1974.

Upon further consideration of Service Order No. 1102 (37 FR 13697, 28634; and 38 FR 17843, 33086 and 33302), and good cause appearing therefor:

It is ordered, That: § 1033.1102 *Service Order No. 1102.* (a) (Delaware and Hudson Railway Company and Penn Central Transportation Company, George P. Baker, Robert W. Blanchette, and Richard C. Bond, trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in

the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12281 Filed 5-28-74;8:45 am]

[Corrected S.O. No. 1168, Amdt. No. 1]

PART 1033—CAR SERVICE

Vermont Railway, Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of May 1974.

Upon further consideration of Service Order No. 1168 (39 FR 2366) and good cause appearing therefor:

It is ordered, That: Service Order No. 1168 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1168 Service Order No. 1168.

(a) *(Vermont Railway, Inc., authorized to operate over certain tracks owned by the State of Vermont).*

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy of it in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12280 Filed 5-28-74;8:45 am]

[No. FF-C-51]

PART 1085—FREIGHT FORWARDERS OF HOUSEHOLD GOODS

Postponement of Effective Date

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22nd day of May, 1974.

Upon consideration of the record in the above-entitled proceeding, and

It appearing that the Commission has issued a booklet, Form BOp 107, "Information for Shippers of Household Goods by Regulated Freight Forwarder", which may be reproduced by the regulated freight forwarders at their expense and which should be utilized in order to comply with the regulation adopted in the above-entitled proceeding, 49 CFR 1085.1; and that, accordingly, the forwarders will need additional time before being able to comply with the said regulation; and good cause appearing therefor;

It is ordered, That the effective date of the order of January 3, 1974, in the above-entitled proceeding, be, and it is hereby, postponed and fixed as July 1, 1974; and that order of February 28, 1974, in this proceeding, be, and it is hereby, vacated and set aside.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12284 Filed 5-28-74;8:45 am]

SUBCHAPTER C—ACCOUNTS, REPORTS AND RECORDS

[No. 32464, Sub-No. 1]

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

Minimum Rule of Property Accounting for Inland and Coastal Waterways Carriers

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 3rd day of May 1974.

On January 10, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 1515) advising all interested parties that the Commission had under consideration the revision of the minimum rule for the capitalization level applicable to inland and coastal waterways carriers property acquisitions, additions and betterments. No objections have been received and the proposed regulations are hereby adopted without change as shown by the instructions attached to and made a part of this order.

Wherefore, and good cause appearing:

It is ordered, That Instructions for Property Accounts of Inland and Coastal Waterways Carriers prescribed in Part 1209 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations are amended as shown in the appendix attached hereto.

It is further ordered, That these amendments are effective January 1, 1974.

And it is further ordered, That service of this order shall be made to all carriers by inland and coastal waterways which are affected thereby, and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

(Sec. 313, 54 Stat. 994, as amended (49 U.S.C. 913)

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

1. In Index of Property Instructions, after line item "42 Basis of Charges" add: 43 Minimum rule.

2. Under General Instructions, Instruction 11 "Depreciation accounting," paragraph (h) is amended as follows:

11 Depreciation accounting.

* * * * *

(h) List of accounting units of property. (1) The following is a list of depreciable transportation property units designated for inclusion in Account Nos. 141 to 146 in connection with accounting for property acquisitions and retirements provided the cost of each unit is as much or more than the amount established as the minimum rule in Instruction 43.

(2) Reserved.

(3) * * *

145. Office and other terminal equipment: Any article of furniture, office appliance, engineering instrument or other complete unit of equipment.

* * * * *

3. Under Property Instructions, immediately after the text of property instruction 42 "Basis of Charges," the following new instruction number, title and text is added:

43 Minimum rule.

Acquisitions of transportation property (other than land), including additions, betterments, and replacements, costing less than $1,000 shall be charged to operating expense. An amount less than $1,000 may be adopted for purpose of this rule provided the carrier first notifies the Commission of the amount to be adopted, and thereafter makes no change in the amount unless authorized by the Commission. The minimum amount for capitalization shall be applied to individual property units designated in Instruction 11, or expenditures made under a complete project of additions, betterments, and replacement.

4. Instruction 47, paragraphs (a) and (b) are amended as follows:

47 **Retirements and replacements.**

(a) * * *

(4) Minor items of depreciable property retired and replaced with items of a different type or design or constructed of a different grade of material effecting a substantial improvement and rendering the part applied more durable or of greater capacity than that retired, provided the replacement would be chargeable to the property accounts under the minimum rule in Instruction 43.

NOTE: If the retirement and replacement of minor items is in kind or does not effect a substantial improvement, the cost of the replacement including cost of removal shall be charged to the maintenance account appropriate for repairs, and no adjustment shall be made of the property accounts.

(b) * * *

(1) [Reserved]

* * * * *

[FR Doc.74-12283 Filed 5-28-74;8:45 am]

proposed rules

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Ch. II]

NARCOTICS AND DANGEROUS DRUGS

Solicitation of Comments

The Administrator of the Drug Enforcement Administration under the authority vested in the Attorney General by section 301, 307, 308, 501(b) and 1008(e) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 827, 828, 871(b) and 958(e)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations has ordered that a review of Parts 1300 to 1316 of Title 21 of the Code of Federal Regulations be undertaken and revised as needed.

All persons, including agencies of Federal, state and local governments, are invited to submit their written comments or proposals to the Hearing Clerk, Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537, on or before July 2, 1974. In view of the anticipated volume of response, there will be no written replies from the Drug Enforcement Administration.

Dated: May 21, 1974.

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

[FR Doc.74-12230 Filed 5-28-74;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

ASSATEAGUE ISLAND NATIONAL SEASHORE, MARYLAND AND VIRGINIA

Operation of Oversand Vehicles

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 6 of the act of September 21, 1965 (79 Stat. 826; 16 U.S.C. 459f5), 245 DM1 (34 FR 13879), National Park Service Order No. 77 (38 FR 7476), and Director, Mid-Atlantic Region Order No. 1 (39 FR 3694), it is proposed to add a new paragraph (b) to § 7.65 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this rulemaking is to authorize the establishment of a system of oversand permits to control and restrict off-road travel by oversand vehicles on Assateague Island National Seashore under guidelines provided by EO 11644 (37 FR 2877) by requiring that motor vehicles must obtain an oversand permit before entering upon or traveling the designated off-road routes in the park area. The proposed regulation states the grounds for granting, restricting, or denying applications for permits; identifies the open and closed zones for off-road travel; allows the Superintendent to establish a limitation on the number of oversand vehicles which may travel simultaneously on a beach or other off-road zone; provides rules of travel applicable to such zones; and authorizes the suspension or revocation of a permit for violation of provisions of this regulation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly interested persons may submit written comments, suggestions, or objections to the Superintendent, Assateague Island National Seashore, Route 2, Box 294, Berlin, Maryland 21811 on or before June 14, 1974. Section 7.65 is as follows:

§ 7.65 Assateague Island National Seashore.

* * * * *

(b) *Operation of oversand vehicles*—(1) *Definitions.* In addition to the definitions found in §§ 1.2 and 4.1 of this chapter, the following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them.

(i) *Oversand vehicle.* Any motorized vehicle which is capable of traveling over sand including—but not limited to—over-the-road vehicles such as beach-buggies, four-wheel-drive vehicles, pick-up trucks, and standard automobiles.

(ii) *Self-contained vehicle.* Any towed or self-propelled camping vehicle that meets the Recreation Vehicle Institute's standards for installation of plumbing and waste holding tanks with a minimum of 40-gallons storage capacity.

(iii) *Park area.* Any federally owned or controlled lands within the authorized boundaries of Assateague Island National Seashore which are under the administrative jurisdiction of the National Park Service.

(iv) *Primary dune.* Barriers or mounds of sand which are either naturally created or artificially established bayward of the beach berm which absorb or dissipate the wave energy of high tides and coastal storms.

(v) *Dunes crossing.* A maintained vehicle accessway over a primary dune designated and marked as a dunes crossing.

(2) *Oversand permits.* No oversand vehicle, other than an authorized emergency vehicle, shall be operated on a beach or designated oversand route in the park area except under an oversand permit issued by the Superintendent.

(i) The Superintendent is authorized to establish a system of oversand permits. Any person, firm, or corporation may apply to the Superintendent for a permit. Before granting the permit, the Superintendent shall consider whether or not the nature and extent of use is consistent with the criteria contained in sections 3 and 4 of EO 11644 (37 FR 2877) including such factors as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations.

(A) On this basis, the Superintendent may approve the application, deny the application, or grant the application with appropriate limitations or restrictions.

(ii) Oversand permits may be issued for periods of 1 day to 1 year depending on the reasonable requirements of the applicant.

(iii) No permit will be issued for a vehicle:

(A) Which is not equipped to travel over sand and which does not contain the following equipment to be carried at all times when traveling on a beach or designated oversand route in the park: shovel, jack, tow rope or chain, board or similar support for the jack, and low pressure tire gauge;

(B) Which does not conform to applicable State laws having to do with licensing, registering, inspecting, and insuring of such vehicles;

(C) Which fails to comply with provisions of § 4.12, 4.19, and 4.21; and

(D) Which has a manufacturer's rated capacity in excess of 1 ton or, for a travel trailer in excess of 26 feet long: *Provided,* That application may be made to the Superintendent for a single trip permit for a vehicle of greater capacity or length when such use is not inconsistent with the purposes of these regulations.

(iv) Oversand permits are not transferable and shall be carried by the operator of the vehicle for which it has been issued while traveling in the park. It shall be displayed as directed by the Superintendent at the time of issuance.

(3) *Authorized and prohibited travel.* (i) Except as otherwise provided in this section and in applicable parts of Parts 2 and 4 of this chapter, travel by oversand vehicles is permitted as follows:

(A) In Maryland south of the State park, daily throughout the year at any

time, on a designated oversand route bayward of the primary dune and on designated portions of a beach seaward of the primary dune.

(B) In Virginia on the Toms Cove Hook area, daily throughout the year from 4 a.m. to 10 p.m., along designated portions of a beach seaward of the primary dune.

(ii) Travel by motorcycles is permitted only on the public highways and parking areas within the park area.

(iii) (A) Travel by self-contained vehicles is permitted under paragraph (3) (i) of this section provided that no overnight parking is allowed on a beach seaward of the primary dune at any time.

(B) In Maryland south of the State park, such vehicles may use designated self-contained areas bayward of the primary dunes for overnight parking.

(C) In Virginia, fisherman, who obtain a special overnight beach fishing permit, may remain in the park area between the hours of 10 p.m. one day and 4 a.m. the following day subject to special regulations jointly issued by the Superintendent and the Refuge Manager, Chincoteague National Wildlife Refuge.

(iv) Travel within the park area by authorized emergency vehicles is permitted at any time.

(v) Travel by oversand vehicles, other than authorized emergency vehicles, is prohibited in the following portions of the park area subject, however, to existing rights of ingress and egress:

(A) Between the Assateague State Park and the Ocean City Inlet.

(B) On the beach seaward of the primary dune within designated portions of the North Beach and Toms Cove public use complex.

(C) *Provided, however, That* the Superintendent may establish times when oversand vehicles may use portion of the beach in either the Maryland or Virginia public use complex by the posting of appropriate signs or marking on a map which may be available at the office of the Superintendent—or both.

(vi) When oversand vehicle use in a particular zone exceeds 12 vehicles per mile of beach, the Superintendent may temporarily close or limit access to that zone until a lower level of use is reestablished.

(4) *Rules of the road.* (i) Oversand vehicles shall be operated only in established tracks on designated portions of the park area. No such vehicles shall be operated on any portion of a dune except at posted crossings nor shall such vehicles be driven so as to cut circles or otherwise needlessly deface the sand.

(ii) Oversand vehicles shall not be parked so as to interfere with the flow of traffic on designated oversand routes. Such vehicles may not park overnight on a beach seaward of the primary dune unless one member of the party is actively engaged in fishing at all times. Towed travel trailers used as self-contained vehicles in the off-road portion of the park area may not be parked on a beach seaward of the primary dunes.

(iii) Upon approaching or passing within 100 feet of a person on foot, the operator of an oversand vehicle shall reduce speed to 15 miles per hour. Speed at other times on any designated oversand route shall not exceed 25 miles per hour.

(iv) When two vehicles approach from opposite directions in the same track, both operators shall reduce speed; and the operator with the ocean on his right shall pull out of the track to allow the other vehicle to pass.

(v) Passengers shall not ride on the fenders, hood, roof, or tailgate, or in any other position outside of a moving oversand vehicle; and such vehicles shall not be used to tow a person on any recreational device over the sand or in the air or water of the park area.

(vi) During an emergency, the Superintendent may close the park; or he may suspend for such period as he shall deem advisable any or all of the foregoing regulations in the interest of public safety; and he may announce such closure or suspension by whatever means are available.

(5) *Violations.* In addition to the penalties prescribed in § 1.3 of this chapter, the Superintendent may suspend or revoke any oversand permit issued under this part for violation of the foregoing regulations. Failure to operate a motor vehicle in conformance with the terms of a permit shall be deemed a violation of these regulations.

THOMAS F. NORRIS, Jr.,
Superintendent, Assateague Island National Seashore.

[FR Doc.74-12263 Filed 5-28-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 319]

MANDATORY MEAT INSPECTION

Fat Content in Fresh Beef Sausage

Statement of considerations. On October 11, 1973, there appeared in the FEDERAL REGISTER (38 FR 28072) a notice to inform the public of the Department's decision to deny petitions to amend § 319.142 of the meat inspection regulations (9 CFR 319.142) to raise the maximum fat limit in "Fresh Beef Sausage" to 50 percent.

The basis of that denial, as explained in the notice, was that:

(1) Insufficient factual justification was provided by the petitioners.

(2) Information assembled by the Department did not verify that product labeled "Fresh Beef Sausage" has customarily been produced with a fat content of as much as 50 percent.

(3) The petitioners stated that they wished to provide an alternative breakfast meat to "pork sausage". The term "breakfast sausage" is available for this use and refers to an uncured, ground or chopped meat product that is formulated as "fresh" sausage and which contains up to 50 percent fat.

(4) A standard for "Fresh Beef Sausage" permitting more than 30 percent fat would be misleading to the consumer, in that excessively fat ground beef products could be used which should more properly be labeled "Imitation Hamburger."

The Department invited persons wishing to submit data, views, or arguments concerning the fat limit for fresh beef sausage to do so by filing them, in duplicate, with the Hearing Clerk by December 21, 1973.

A total of 33 comments on the notice were received from individuals, State and local government representatives, industry organization representatives, meat companies, and other interested parties.

Twenty-four of the comments submitted favored the Department's decision to limit the fat content in "Fresh Beef Sausage" to 30 percent. Nine of the comments opposed the Department's decision and contended that the fat limit should be as high as 50 percent. One of the opposing comments came from an industry organization representing a number of processors manufacturing this product.

The comments in opposition were mainly based on the contention that limiting the fat in "Beef Sausage" to 30 percent would deny processors an opportunity to produce this product in competition with fresh pork sausage (which has a 50 percent fat limitation, based on trimmable fat). Other concerns expressed by the opposing comments were that the Department's decision would deny consumers who have a preference for fresh beef sausage the opportunity to purchase it at prices comparable to those for fresh pork sausage, and that production of fresh beef sausage with a maximum fat content of 30 percent would result in a product with palatability and textural characteristics unacceptable to the consumer.

Fourteen of the comments in support of the Department's decision to enforce the 30 percent fat limitation came from representatives of State and municipal governments, who appeared to have expertise with respect to this product as well as to the consumer preferences in their geographic locales.

The Department's information contradicts the contentions that a 30 percent fat limitation would deny consumers a familiar product. The ad hoc survey mentioned in the notice was conducted by requesting all Federal inspectors in establishments producing this product to send in existing data concerning fat analysis. Of all the reports submitted, data from 5 plants was deemed sufficient to permit analysis. (Only a small number of plants produce this product.) The data from these five plants was first reduced to a mean average fat content for samples from a plant. Then the average plant fat contents were averaged. The results showed that for all these plants the average trimmable fat percent was 33.46 and the average analytical fat percent was 34.22.

None of the comments from individuals indicated concern for product palatability or texture if the maximum fat content is 30 percent. Some did express a concern with respect to product prices, with the claim made that allowing a 50 percent fat limitation would assist in controlling production costs since the principal ingredient, beef, could contain comparatively less lean and therefore be reduced in price. This point was considered, but it does not seem to be of overriding significance in this case since the major issue is what do consumers expect in "Fresh Beef Sausage." Comments frequently expressed to the Department indicate consumers do not consider fat to be a valuable component of meat products and have a strong interest in reducing their fat intake.

Further, the Department's standards for other products which limit the fat content and which require them to be made from beef (such as hamburger, ground beef, and chopped and formed beef steak) limit the maximum fat content to 30 percent. Products sold as fresh beef sausage can resemble these other products, and it would be confusing to consumers if the "Fresh Beef Sausage" could contain more fat than the other products resembled, without carrying "Imitation" labeling or being labeled "Breakfast Sausage".

Based on the data, views, and information available to the Department with respect to this matter, there does not appear to be justification for changing the decision which was announced in the October 11 notice to deny the petitions to provide regulatory authority for fresh beef sausage to contain a maximum of 50 percent fat. The Department's information indicates that during the period of the product's review, its fat limit of 30 percent has not been uniformly applied. Therefore, some processors will be required to arrange for new sources of beef ingredients and adjust production operations in other ways to comply with the maximum fat limit. To provide the time necessary for these purposes, the effectiveness of the provision with respect to the fact limitation of 30 percent in fresh beef sausage, as indicated in § 319.142 of the meat inspection regulations, is suspended until July 29, 1974.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 F.R. 28464, 28477)

It does not appear that further public participation in rulemaking proceedings on this decision would make additional significant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures are impracticable and unnecessary.

This notice shall become effective on May 29, 1974.

Done at Washington, D.C., on May 21, 1974.

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

[FR Doc.74-12165 Filed 5-28-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

2-MERCAPTOIMIDAZOLINE

Use In Closures and Product Delivery Systems for Drugs and Cosmetics and In Components of Medical Devices; Correction

In FR Doc. 74-10047 appearing at page 15306 in the FEDERAL REGISTER of Thursday, May 2, 1974, in the second column of the preamble, the word "such" was inadvertently omitted from the text of the fourth line, which should be changed to read "such a drug product, including a biological".

Dated: May 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-12239 Filed 5-28-74;8:45 am]

[21 CFR Part 37]

CANNED PACIFIC SALMON

Proposed Standards of Identity and Fill of Container

The Food and Agriculture Organization/World Health Organization Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Pacific Salmon."

The United States, as a member of the Food and Agriculture Organization of the United States and of the World Health Organization, is under obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with minor deviations. A participating country which concludes that it cannot accept the standard in any of these ways is requested to indicate the reasons for the ways in which its requirements differ from the Codex standard. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

The United States has definitions and standards of identity (21 CFR 37.10), and fill of container (21 CFR 37.12) for canned Pacific salmon as promulgated by the Commissioner of Food and Drugs. The U.S. standards differ in several respects from the recommended international standard. The basis of this proposal to amend the U.S. canned Pacific salmon standards is the fact that, in the opinion of the Commissioner, it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to adopt, insofar as is practicable, the recommended worldwide standard for canned Pacific salmon, hereinafter referred to as the Codex standard.

The Codex standard references the Codex "Sampling Plans for Prepackaged Foods, 1969," that were developed by the Codex Committee on Processed Fruits and Vegetables and are being considered by the Codex Committee on Sampling and Analysis. There are no sampling plans in any of the effective U.S. food standards. A sampling plan was published in the FEDERAL REGISTER of February 15, 1974 (39 FR 5760) in the revision of the U.S. standard for canned sweet corn (21 CFR 51.20). The Codex sampling plans, although they are included by reference in the Codex standard, have not reached the final step of development and therefore may be subject to further modification.

The Commissioner, however, believes that this is an opportune time to elicit comments on sampling plans and proposes to limit the sampling plans to Codex Inspection Level II which is appropriate where disputes, enforcement, or need for better lot estimate is necessary Definitions for "Lot" and "Sample unit" have been expanded to make them more applicable to a wider range of size of primary containers.

The units of measurements in the U.S. standard of fill of container are stated in pounds and ounces, whereas the Codex standard uses only the Metric System. The Commissioner recognizes that the International (Metric) System is generally used throughout the world, and in the United States for technical analysis, and may eventually be adopted by this country for common usage. The Commissioner, therefore, proposes that the International (Metric) System be used in the U.S. standards of quality and fill of container with the equivalent units of the U.S. customary system shown parenthetically.

The Codex standard also includes hygiene requirements, processing requirements, and certain basic labeling requirements that are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act, which is the legal basis for the promulgation of food standards, but that are dealt with by other sections of that act.

Amendment of the U.S. standards of identity and fill of container for canned Pacific salmon will be based upon consideration of the Codex standard set forth below, together with comments and supporting data received and other available information. In addition, changes have been made to the Part 1 regulations since promulgation of the canned Pacific salmon regulations (standards) on October 12, 1972 that have resulted in some minor inconsistencies between them. The Commissioner concludes that it is in the interest of consumers to amend § 37.10 (e) (2) and (3) to reflect those changes.

CAC/RS 3.1969

RECOMMENDED INTERNATIONAL STANDARD FOR CANNED PACIFIC SALMON

1. Description.

1.1 Product definition.

Canned Pacific Salmon is the processed flesh of any of the species of fish listed below, packed in hermetically sealed containers, and so processed with heat to prevent spoilage and to destroy all pathogenic organisms

and to soften the bones: *Oncorhynchus nerka, Oncorhynchus kisutch, Oncorhynchus tschawytscha, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus masou.*

1.2 Styles.

1.2.1 Regular Style consists of canned salmon to which salt has been added.

1.2.2 No Added Salt consists of canned salmon to which no salt has been added.

1.3 Form of Pack.

1.3.1 Regular Pack shall consist of sections which are cut transversely from the fish and which are filled vertically into the can. The sections shall be packed so that the cut surfaces are approximately parallel with the ends of the container.

1.3.2 Skinless and Boned Salmon shall consist of regular pack canned salmon from which the skin and vertebrae have been substantially removed.

1.3.3 Minced Salmon shall consist of salmon which has been minced or ground.

1.3.4 Salmon Tips or Tidbits shall consist of small pieces of salmon.

2. Essential composition and quality factors.

2.1 Raw material.

become convex, but both ends may be pressed from clean, wholesome salmon.

2.2 Ingredients.

2.2.1 Salt.

2.2.2 Oil edible salmon oil comparable in colour, viscosity and flavour to the oil which would naturally occur in the product, may be added.

2.3 Processing.

The fish shall have heads (including gills), tails, fins, loose scales, viscera and blood removed; damaged or discoloured flesh associated with bruises or small wounds shall be cut away; the fish shall be well washed; the body cavity thoroughly cleaned to remove blood and viscera; the fish shall be well packed, in accordance with the form of pack desired, in clean containers which are free from dents, rust or defective seams.

2.4 Canned product.

On opening the cans shall appear well filled with fish. The colour, texture, odour and flavour shall be characteristic of good quality canned salmon of the particular species. The bones shall be soft and the flesh shall be practically free from bruises, blood spots, honey-combing or abnormal colours. There shall be no hard bones, foreign material or foreign odours and flavours, in particular, there shall be no objectionable odours or flavours associated with decomposition. The contents shall be free from viscera and reasonably free from pieces of detached or loose skin or scales. In the case of regular packs, the sections of fish shall be arranged so that the cut surfaces are approximately parallel to the opened end and the skin side parallel to the walls of the can. Regular packs shall be reasonably free from cross packs and pieces of skin or section of the vertebrae across the top of the can.

3. Hygiene.

It is recommended that the products covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1–1969).

4. Labelling.

In addition to Sections 1, 2, 4, 5 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. * CAC/RS 1–1969) the following specific provisions apply:

4.1 The name of the food.

4.1.1 The name of the product shall be the designation appropriate to the species of the fish packed as shown below.

Species	*Designation*
Oncorhynchus-nerka.	Sockeye Salmon or Red Salmon.
Oncorhynchus-kisutch.	Coho Salmon, Silver Salmon on Medium Red Salmon.
Oncorhynchus-tschawytscha.	Spring Salmon, King Salmon on Chinook Salmon.
Oncorhynchus-gorbuscha.	Pink Salmon.
Oncorhynchus-keta.	Chum Salmon or Keta Salmon.
Oncorhynchus-masou.	Cherry Salmon.

4.1.2 Except for Regular Style and Regular Pack, the style and form of pack shall be declared in accordance with section 1.2 and 1.3.

4.2 List of ingredients.

A complete list of ingredients shall be declared on the label in descending order of proportion.

4.3 Net contents.

The net contents shall be declared by weight in either the metric ("Système International" Units) or avoirdupois or both systems as required by the country in which the food is sold.

4.4 Name and address.

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

4.5 Country of origin.

The country of origin of the food shall be declared unless it is sold within the country of origin in which case the country of origin need not be declared.

4.6 Lot identification.

Each container shall be embossed or otherwise permanently marked in a code which identifies the cannery, species, and date of canning.

5. Methods of analysis and sampling.

The methods of analysis and sampling described hereunder are international referee methods

5.1 Sampling for destructive examination.

The number of samples to be taken from all lots for the examination of product quality, testing of vacuum and determination of net weight shall be in accordance with the Sampling Plans for Prepackaged Food (1969).

5.2 Vacuum tests.

5.2.1 Ordinary vacuum test.

Samples shall be tested for vacuum using a Bourdon tube gauge.

5.2.2 Special vacuum test.

Where there is any doubt that the vacuum of the canned product may not be sufficient for shipment to hot climates or high altitudes, samples shall be subject to the following test:

The vacuum of the canned product can be considered satisfactory if after the incubation of 24 cans for 24 hours at 40°C no can becomes a "springer" or a "swell" and not more than one can becomes a "flipper".[1]

5.3 Examination of product quality.

After examination for vacuum and net weight, the sample taken for destructive examination shall be examined organoleptically by persons trained in such examination.

The terms "springer", "swell" and "flipper" are in common usage in English speaking countries. These terms are usually understood to mean the following:

Springer. Swelled can with only one end remaining out; on pressing this end it will return to normal, but the other end will bulge out.

Swell. (1) (noun) A container with either one or both ends bulged by moderate or severe internal pressure. (2) (verb) To bulge were internal pressure. (2) (verb) To bulge out by internal pressure, as by gases caused

Flipper. A can having both ends flat but with insufficient vacuum to hold the ends in place, thus a sharp blow will cause the end to become convex, but both ends may be pressed to their normal position.

In many respects, the provisions of the present U.S. standards and the Codex standard are identical, but in certain instances there are variations. The following is a comparison of what, in the opinion of the Commissioner, are the differences between the U.S. and Codex standards on which the Commissioner particularly requests comments with available supporting data; following each item of comparison is the action the Commissioner proposes to take in the event no comments are received:

COMPARISON OF IDENTITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Styles or forms.* 21 CFR 37.10(c) does not specifically provide for the style "No Added Salt" (Codex 1.2.2) nor for the forms of pack "Minced Salmon" (Codex 1.3.3) or "Salmon Tips or Tidbits" (Codex 1.3.4).

Codex 4.1.2 provides for labeling of those styles/forms. The style "No Added Salt" would be permitted under the present provisions of 21 CFR 37.10 as salt is listed as an optional ingredient, but to emphasize the absence of added salt by labeling may be misleading because it could be construed to imply that the product is low sodium, and Pacific salmon is not considered to be a low sodium food.

The pack forms "Minced Salmon" and "Salmon Tips or Tidbits," while making up an insignificant proportion of the annual canned salmon production, are recognized articles of commerce in the world market. The Commissioner proposes to provide for the forms indicated above in 21 CFR 37.10 and has concluded that such action will benefit consumers and facilitate world trade.

2. *Quality.* 21 CFR 37.10(c) provides for identity aspects of canned salmon only.

Codex 2.4 states that "the colour, texture, odour and flavor shall be characteristic of good quality canned salmon of the particular species."

The Commissioner proposes no change as the quality aspects in Codex are not specific enough to be useful in enforcing legal requirements.

3. *Vacuum requirement and test.* 21 CFR 37.10 does not provide for a specified vacuum or vacuum test.

Codex 5.2 provides for vacuum tests.

The Commissioner proposes no change in the U.S. standard since vacuum in a canned product is achieved by adherence to good manufacturing practices and as such is dealt with by other sections of the act.

COMPARISON OF FILL OF CONTAINER ASPECTS AND PROPOSED COURSE OF ACTION

1. Section 37.12(a) (21 CFR 37.12(a)) provides a standard of fill of container for canned salmon, based on a 24-can average, that includes all the contents of the container and is not less than the minimum net weight specified for

[1] Explanatory note:

the corresponding can size in the following table:

I. *Can size*	II. *Minimum net weight*
603 x 405	64 oz (4 lb).
301 x 411	16 oz (1 lb).
301 x 408	15½ oz.
401 x 211	15½ oz.
607 x 406 x 108	15½ oz.
301 x 308	12 oz.
307 x 200.25	7¾ oz.
513 x 307 x 103	7¾ oz.
307 x 113	6¾ oz.
301 x 106	3¾ oz.
407 x 213 x 015	3¾ oz.

The Codex standard does not specifically provide for a fill of container but Codex 2.4 does state that "On opening the cans shall appear well filled."

The Commissioner concludes that the fill of container aspects in Codex are not specific enough to be useful in enforcing legal requirements. For the sake of uniformity with other recently promulgated standards, however, the Commissioner proposes that the acceptance procedure be based on the Codex "Sampling Plan: For Prepackaged Foods, 1969" and that lot acceptance be based on the average net weight of all the containers in the sample.

2. Section 37.12(b) (21 CFR 37.12(b)) provides specific labeling requirements for substandard in fill.

Codex is silent on disposition of canned Pacific salmon that does not meet the standard.

The Commissioner proposes no change as the provision provides a means of dealing with canned Pacific salmon that does not meet the standard.

Accordingly, the Commissioner proposes on his own initiative that the existing canned Pacific salmon standards of identity (21 CFR 37.10) and fill of container (21 CFR 37.12) be amended as set forth below to provide for certain features, based on consideration of the Codex standard, which, in his opinion, would promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919; 21 U.S.C. 341, 371(e)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 37 be amended as follows:

1. In § 37.10 by adding new paragraphs (c)(3) and (4) and revising paragraphs (e)(2) and (3) to read as follows:

§ 37.10 Canned Pacific salmon; identity.

* * * * *

(c) * * *

(3) "Minced Salmon" shall consist of salmon which has been minced or ground.

(4) "Salmon Tips or Tidbits" shall consist of small pieces of salmon.

* * * * *

(e) * * *

(2) Whenever the form of pack is that described in paragraph (c)(2), (3), or (4) of this section, the word or words describing the form of pack shall be included as part of the name of the food, for example, "red salmon skinless and backbone removed."

(3) The common name of each of the ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. By revising § 37.12 to read as follows:

§ 37.12 Canned Pacific salmon, fill of container; label statement of substandard fill.

(a) The standard of fill of container for canned salmon is a fill including all the contents of the container and is not less than the minimum net weight specified for the corresponding can size in the following table:

I. *Can size*	II. *Minimum net weight*
603 x 405	1.814 kg (64 oz).
301 x 411	453 g (16 oz).
301 x 408	439 g (15½ oz).
401 x 211	439 g (15½ oz).
607 x 406 x 108	439 g (15½ oz).
301 x 308	340 g (12 oz).
307 x 200.25	219 g (7¾ oz).
513 x 307 x 103	219 g (7¾ oz).
307 x 113	191 g (6¾ oz).
301 x 106	106 g (3¾ oz).
407 x 213 x 015	106 g (3¾ oz).

If the can size in question is not listed, calculate the value for column II as follows: From the list, select as the comparable can size, that one having the nearest water capacity of the can size in question, multiply the net weight listed in column II by the water capacity of the can size in question, and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in § 10.6(a) of this chapter.

(b) Sampling and acceptance procedure: The sample size of the sample representing the lot will be selected in accordance with the sampling plan shown in paragraph (b)(2) of this section. A lot is to be considered acceptable when the average net weight of all the sample units is not less than the minimum net weight stated in paragraph (a) of this section for the corresponding can size.

(1) Definitions of terms to be used in the sampling plans in paragraph (b)(2) of this section are as follows:

(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size (n).* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, the entire contents of a container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit.

(2) Sampling plans:

	Number of primary containers in sample
Lot size (primary containers):	
4,800 or less	[1] 13
4,801 to 24,000	[1] 21
24,001 to 48,000	[1] 29
48,001 to 84,000	[1] 48
84,001 to 144,000	[1] 84
144,001 to 240,000	[1] 126
Over 240,000	[1] 200
2,400 or less	[2] 13
2,401 to 15,000	[2] 21
15,000 to 24,000	[2] 29
24,001 to 42,000	[2] 48
42,001 to 72,000	[2] 84
72,000 to 120,000	[2] 126
Over 120,000	[2] 200

[1] Net weight equal to or less than 1 kilogram (2.2 pounds).

[2] Net weight greater than 1 kilogram (2.2 pounds) but not more than 4.5 kilograms (10 pounds).

(c) If canned salmon falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal on or before August 27, 1974. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 21, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–12237 Filed 5–28–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 13542; Notice No. 74–5A]

AIRWORTHINESS REVIEW PROGRAM

Compilation of Proposals: Availability and Invitation to Submit Comments

On February 15, 1974, the Federal Aviation Administration, by Notice 74–5 (39 FR 5785), invited all interested persons to submit proposals for consideration during the 1974–75 airworthiness regulations review. In that Notice, the FAA announced that it would make available a compilation of those proposals that are to be given further consideration as possible agenda items for the Airworthiness Review Conference (December 2–11,

1974), for comment by all interested persons.

The FAA hereby announces the availability of the compilation of proposals described in Notice 74–5. The compilation is being routinely distributed to all those who submitted proposals and to others who have expressed interest in the program. Other interested persons may obtain a copy of the compilation by contacting the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS–77, 800 Independence Avenue, SW., Washington, D.C. 20591.

Interested persons are invited to submit whatever written data, views, or arguments they may wish concerning proposals included in the compilation. All comments should be submitted in duplicate to the Federal Aviation Administration, Flight Standards Service, Attention: Airworthiness Review Staff, AFS–77, 800 Independence Avenue, S.W., Washington, D.C. 20591. In order to receive proper consideration, comments must be received not later than August 1, 1974. Comments are specifically solicited on any possible environmental impact of the proposals. All comments received will be available in the rules docket, both before and after the closing date for comments, for examination by interested persons.

As stated in Notice 74–5, a copy of which is appended to the compilation, not all proposals contained in the compilation of proposals will necessarily be included in the Final Agenda. The disposition of proposals in this regard will depend, in large measure, on the comments received. In this connection, it should be noted that there are over one thousand proposals in the compilation. In consideration of the large volume of material involved, interested persons are urged to follow the guidelines for comments recommended in the preface to the compilation.

As Notice 74–5 also indicates, the proposals and related justifications included in the compilation should be viewed as working proposals for further consideration. They may not represent the full or final position of the identified proponent. The comments made on the proposals in response to this Notice and additional discussion and dialogue at the Airworthiness Review Conference will form the basis on which FAA will make a final determination of which items will be included in the Notice of Proposed Rule Making scheduled for issuance by May 30, 1975.

The compilation includes an enclosure of unprocessed proposals received after the April 15, 1974, closing date. The FAA was unable to process these proposals but wishes to make them available for whatever relevant information they may contain. Those proposals, and comments upon them, will only be processed as time allows. In this connection, it should be noted that it may not be possible to give consideration, in the development of the Final Agenda, to late comments received in response to this notice.

It should be noted that the FAA may elect to undertake rule-making procedures, separate from the Airworthiness Review, on issues pertaining to proposals contained in the compilation of proposals, or included in the Final Agenda. In such cases, the pertinent proposals may be removed from further consideration during the Airworthiness Review.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 22, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74–12184 Filed 5–28–74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 74–NW–10–AD]

BOEING MODEL 727 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 series airplanes. There have been cracks in the main landing gear wheel well pressure floor on Boeing Model 727 series airplanes. One crack resulted in rapid depressurization of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of the pressure floor adjacent to the body station 910 floor beam on airplanes which have accumulated 15,000 flights or more. Boeing Alert Service Bulletin 727–53–124 was issued for inspection and repair of the pressure floor. This service bulletin presently does not contain preventive modification instructions; however, a forthcoming revision will include such instructions. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Airworthiness Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108.

All communications received on or before July 15, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applicable to all Boeing Model 727 Series Airplanes with 15,000 or More Flights, Certificated in all Categories. Compliance Required as Indicated

To detect cracks in the main landing gear wheel well pressure floor adjacent to the floor beam at station 910, accomplish the following:

(A) Within the next 800 flights, unless accomplished within the last 800 flights, and at intervals thereafter not to exceed 1600 flights, inspect the pressure floor for cracks in accordance with Boeing Alert Service Bulletin 727–53–124, dated May 3, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(B) If cracks are detected that are within the crack limits specified in Table I of Paragraph III of Boeing Alert Service Bulletin 727–53–124, dated May 3, 1974, or later FAA approved revisions, stop drill the cracks and seal per Paragraph III B. Within 600 flights thereafter, repair in accordance with Paragraph III C of the Service Bulletin, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) If cracks are detected that exceed the cracks limits specified in Table I of Paragraph III of Boeing Alert Service Bulletin 727–53–124, dated May 3, 1974, or later FAA approved revision, stop drill, seal and install the repair doubler per Paragraph III C of the Service Bulletin or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, before further flight. These repairs constitute terminating action for the repaired side.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on May 20, 1974.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc.74–12183 Filed 5–28–74;8:45 am]

[14 CFR Part 39]

[Docket No. 74–WE–25–AD]

SARGENT INDUSTRIES, PICO DIVISION REGULATOR P/N 30001

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Sargent Industries, Pico Division regulator, P/N 30001. There have been delayed actuations of the regulator on various passenger evacuation slide and slide/rafts that resulted in delayed inflation initiation. A delayed actuation has not occurred during an actual passenger evacuation. However, to insure the highest possible degree of safety in the public interest, the agency believes that installation of a modified regulator in all aircraft incorporating the affected part should be mandatory. The manufacturer

has issued a service bulletin covering the modification, which consists of improved lubrication, o-ring and back-up rings. The proposed compliance time is intended to permit the orderly implementation of the program, which covers over 8,000 regulators, by operators of aircraft. Since this condition is likely to exist or develop in other regulators of the same design, the proposed airworthiness directive would require modification of the regulator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before July 1, 1974, will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SARGENT INDUSTRIES, PICO DIVISION. Applies to Sargent Industries, Pico Division Regulator P/N 30001 Incorporated in Aircraft Certificated in All Categories

NOTE: This regulator is installed in, but not limited to, B-727, B-737, DC-8, DC-9, DC-10, and L-188 aircraft.

Compliance required within two years after the effective date of this AD, unless already accomplished.

To prevent delayed actuation of regulator P/N 30001, modify the Sargent Industries, Pico Division regulator, P/N 30001, in accordance with Sargent Industries, Pico Division Service Bulletin 25-51, dated March 14, 1974, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, California on May 17, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-12186 Filed 5-28-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-CE-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Pittsburg, 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 June 28, 1974, 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.

A new public-use instrument approach procedure is being established at the Atkinson Municipal Airport, Pittsburg, Kansas, utilizing a non-directional beacon located on the airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Pittsburg, Kansas.

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

PITTSBURG, KANSAS

That airspace extending upward from 700' above the surface within a 6.5 statute mile radius of Atkinson Municipal Airport (latitude 37°26'48" N., longitude 94°43'50" W.); and within three statute miles each side of the 358 true bearing from Pittsburg, Kansas RBN (latitude 37°26'35" N., longitude 94°43'52" W.); extending from the 6.5 statute mile radius area to eight statute miles NNW of the Pittsburg, Kansas RBN; and that airspace extending upward from 1200' above the surface within 9.5 statute miles west and 4.5 statute miles east and parallel to the 358° bearing from the Pittsburg RBN, extending from the Pittsburgh RBN to a distance of 18.5 statute miles NNW of the Pittsburg RBN, but excluding that controlled airspace with a base altitude of 1200' above the ground which is presently established and published.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on May 1, 1974.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.74-12185 Filed 5-28-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-10; Notice 3]

AIR BRAKE STANDARD EFFECTIVE DATE FOR TRAILERS

Closing Date For Comments

This notice changes the time available for comments on a proposal to delay until January 1, 1975, the effective date (as it applies to trailers) of Standard No. 121, *Air brake systems*, 49 CFR 571.121. The notice of proposed rulemaking on this subject was published May 17, 1974 (39 FR 17563) and allowed a comment period that closes June 17, 1974.

Numerous communications to the NHTSA from trailer manufacturers, an axle supplier, and the Truck Trailer Manufacturers Association, indicate that it is necessary to establish the standard's effective date sooner than late June in order to avoid severe disruption in contractual arrangement for new components. The NHTSA has concluded that a shorter comment period is justified to permit rapid issuance of a final decision.

Another issue proposed in the May 17 notice would establish a new category of trailers. The closing date for comments on this aspect of the proposal remains June 17, 1974.

For these reasons, the NHTSA changes the comment period on its proposal to delay until January 1, 1975, the effective date (as it applies to trailers) of Standard No. 121, 49 CFR 571.121, from June 17, 1974, to June 4, 1974.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on May 23, 1974.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.74-12290 Filed 5-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19984, RM-2124]

FM BROADCAST STATIONS; CABOOL, MO.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202 (b).

1. On March 25, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the Federal Register on April 2, 1974, 39 FR 12035. The time for filing comments has expired and

the date for filing reply comments is presently May 20, 1974.

2. On May 20, 1974, Kickapoo Prairie Broadcasting Co., Inc. (Kickapoo), by counsel, requested that the time for filing reply comments be extended to and including June 3, 1974. Counsel states that he attempted to contact counsel for Cabool Broadcasting Corporation, proponent in this proceeding, to ascertain whether comments were filed by Cabool, and, if so, to obtain a copy thereof. He notes, however, that Cabool's counsel was away from the city. Kickapoo counsel states that a review of the docket finally turned up the comments filed by Cabool but in view of the delay in obtaining a copy and the necessity for transmitting them by mail for review by Kickapoo's engineer in St. Louis, additional time is required for review and determination of whether reply comments are warranted and if so, the preparation thereof.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly *It is ordered*, That the date for filing reply comments is extended to and including June 3, 1974.

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

Adopted: May 21, 1974.

Released: May 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-12243 Filed 5-28-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20017 RM-2093]

FM BROADCAST STATIONS; HEALDSBURG, CALIF.

Proposed Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b).

1. On April 10, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 22, 1974, 39 FR 14227. The dates for filing comments and reply comments are presently May 23, and June 3, 1974, respectively.

2. On May 17, 1974, Redwood Empire Stereocasters (Redwood), licensee of Station KZST(FM), Santa Rosa, California, requested that the time for filing comments be extended to and including June 24, 1974. Redwood states that Mr. Gordon Zlot, General Manager of Station KZST(FM) has assumed primary responsibility for the preparation of comments, but it will be impossible for him to finalize such comments by the scheduled filing date since he is presently on jury duty and also needs more time to complete field work in the area of the proposed site, some of which work will involve an air survey.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing comments and reply comments is extended to and including June 24 and July 8, 1974, respectively.

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

Adopted: May 17, 1974.

Released: May 21, 1974.

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

[FR Doc.74-12242 Filed 5-28-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19999; RM-2142]

FM BROADCAST STATIONS; HOLLIDAYSBURG, PA.

Proposed Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b).

1. On April 3, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 15, 1974, 39 FR 13557. Comment and reply comment dates are presently May 17 and May 27, 1974, respectively.

2. On May 16, 1974, Altoona Trans-Audio Corporation, licensee of AM Station WRTA, Altoona, Pennsylvania, through counsel, filed a request for extension of time in which to file comments and reply comments to and including May 31 and June 14, 1974, respectively. Counsel states that Altoona Trans-Audio wishes to file comments in support of the above petition but in order to allow for the necessary coordination between Altoona Trans-Audio, its legal counsel, and its engineering consultant, an additional period of time is required.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered* that the dates for filing comments and reply comments are extended to and including May 31 and June 14, 1974, respectively.

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

Adopted: May 17, 1974.

Released: May 21, 1974.

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

[FR Doc.74-12240 Filed 5-28-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19981 RM-2155, RM-2377, and RM-2378]

FM BROADCAST STATIONS; ST. GEORGE, S.C., CHARLESTON, S.C.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b).

1. On March 22, 1974, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on April 1, 1974, 39 FR 11933. The time for filing comments has expired and the date for filing reply comments is presently May 16, 1974.

2. On May 16, 1974, Soundamerica Corporation (Soundamerica), requested that the time for filing reply comments be extended to and including June 4, 1974. Soundamerica states that the additional time is necessary in order to submit appropriate engineering data in connection with the counterproposal filed in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing reply comments is extended to and including June 4, 1974.

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

Adopted: May 17, 1974.

Released: May 21, 1974.

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

[FR Doc.74-12241 Filed 5-28-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 211]

UNLEADED GASOLINE

Proposed Allocation and Pricing

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, in Subpart F of Part 211 to provide for the allocation of unleaded gasoline.

On January 10, 1973, the Environmental Protection Agency published regulations requiring certain retail outlets to offer unleaded gasoline for sale (40 CFR, CH. I, Part 80). This notice proposes a revision of FEO's regulations to facilitate the allocation of unleaded gasoline.

EPA has estimated that 60 to 85 percent of all 1975 model automobiles, both imported and domestic, will require the use of unleaded gasoline. The requirement for unleaded gasoline is to avoid damage to the catalytic converters with which most of these vehicles will be equipped in order to meet air pollution standards. Sales of unleaded gasoline will probably represent between five and ten

percent of the market for motor gasoline by late 1974.

EPA has issued regulations requiring all retail sales outlets of gasoline selling more than 200,000 gallons per year to provide one grade of unleaded gasoline as of July 1, 1974. There are more than 110,000 retail sales outlets in this category of the approximately 350,000 retail sales outlets of all sizes. EPA's regulations were issued prior to January 15, 1974, when FEO issued its regulations covering the allocation and pricing of motor gasoline pursuant to the Emergency Petroleum Allocation Act of 1973. FEO's proposed regulations are designed to supplement EPA's regulations.

In view of the possible competitive advantage which will accrue to those firms which will have unleaded gasoline available for sale, FEO would require all motor gasoline suppliers to offer to their wholesale purchasers an equitable share of their unleaded gasoline supplies. Similarly, due to the uncertainty surrounding the introduction of unleaded gasoline for sale, no wholesale purchaser would be required by its supplier to accept any quantity of unleaded gasoline as part of its allocation entitlement to gasoline. Each supplier would be required to allocate unleaded gasoline to retail sales outlets and other purchasers to which it supplies motor gasoline pursuant to supplier/purchaser relationships required by FEO regulations without regard to whether the supplier has previously supplied unleaded gasoline to the purchaser.

Each supplier would calculate an "allocation ratio" for unleaded gasoline which would be the ratio of the supplier's supply of unleaded gasoline to the supplier's total motor gasoline supply for a month. Each of its wholesale purchasers would for that month then be entitled to receive as part of their allocation entitlement from that supplier the same ratio of unleaded gasoline to total motor gasoline as their supplier's allocation ratio. The supplier would then be required to offer any remaining unleaded gasoline on a proportionate basis to those wholesale purchasers which have indicated a desire to purchase additional quantities of unleaded gasoline.

The total allocation entitlement of any wholesale purchaser to motor gasoline (leaded and unleaded) under this proposal would remain constant. Only the percentage of unleaded gasoline may change.

Suppliers which do not manufacture and purchasers which are unable to find a supplier of unleaded gasoline would apply to the appropriate regional FEO office for assignment of a supplier of unleaded gasoline. Entities operating two or more retail sales outlets would also be permitted to apportion their entitlements of unleaded gasoline for those outlets among their retail sales outlets.

FEO is aware that unleaded gasoline is currently being offered for sale by suppliers which did not sell unleaded gasoline on May 15, 1973. As a result, there has been confusion as to the lawful price which such suppliers may charge. Therefore, concurrent with the issuance of this notice of proposed rulemaking, FEO has amended its pricing regulations effective June 1, 1974, to provide a new § 212.112 concerning the pricing of unleaded gasoline for June 1974 by suppliers which did not offer for sale a grade of unleaded gasoline on May 15, 1973. Section 212.112 is intended to be an interim measure pending the issuance of a final rule effective July 1, 1974, concerning the allocation and pricing of unleaded gasoline. FEO also invites comment upon the final rules which it should adopt for the pricing of unleaded gasoline.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AL, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Allocation and Pricing of Unleaded Gasoline." Fifteen copies should be submitted. All comments received by June 10, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748; 38 FR 33575)

In consideration of the foregoing, it is proposed to amend Subpart F of Part 211, Chapter II, Title 10, of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., May 23, 1974.

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

Section 211.108 is proposed to be renumbered as § 211.109 and a new § 211.108 added to Subpart F of Part 211 to read as follows:

§ 211.108 Allocation of unleaded gasoline.

(a) *General.* All the provisions of this subpart shall apply to all substances meeting the definition of motor gasoline, including unleaded gasoline, premium and regular gasoline, without regard to the different characteristics of those substances except as provided in this section with respect to unleaded gasoline. In addition to the provisions of § 211.105, a supplier of unleaded gasoline shall further allocate unleaded gasoline in accordance with paragraph (c) of this section to retail sales outlets and other purchasers to which it supplies motor gasoline (whether leaded or unleaded) without regard to whether the supplier has previously supplied unleaded gasoline to that purchaser. Notwithstanding § 211.106, entities operating two or more retail sales outlets may apportion their supplies of unleaded gasoline among such retail sales outlets as provided by paragraph (d) of this section.

(b) *Definitions.* "Allocation entitlement" means for a wholesale purchaser-reseller, its allocation entitlement as described in § 211.12(b)(1); and for a wholesale purchaser-consumer or an end user, its allocation entitlement as described in § 211.12(b)(2).

"Allocation ratio" means the ratio of a supplier's total supply of unleaded gasoline to the supplier's total supply of motor gasoline (leaded and unleaded).

"Unleaded gasoline" means unleaded gasoline as defined by the Environmental Protection Agency.

(c) *Method of allocation for unleaded gasoline.* (1) For a period which corresponds to a base period, each supplier shall make available to each of its purchasers which are entitled to receive motor gasoline from that supplier a volume of unleaded gasoline which bears the same ratio to that purchaser's allocation entitlement as the supplier's allocation ratio for that period.

(2) No purchaser may be required to accept any quantity of unleaded gasoline in lieu of part or all of its allocation entitlement to motor gasoline (leaded and unleaded) for a period which corresponds to a base period.

(3) A supplier shall offer on a proportional basis, any of its supply of unleaded gasoline which remains after its initial offer of unleaded gasoline pursuant to paragraph (c)(1) of this section, to its purchasers which desire to purchase additional quantities of unleaded gasoline.

(4) The total volume of leaded and unleaded gasoline which a supplier allocates to a purchaser for a period which corresponds to a base period shall equal the total amount of motor gasoline (leaded and unleaded) which the supplier could otherwise allocate to that purchaser pursuant to this subpart without regard to the provisions of this section.

(5) Any supplier which does not manufacture unleaded gasoline, or any purchaser which has been notified that its supplier will not supply it with unleaded gasoline, and which with reasonable diligence cannot otherwise obtain a supply of unleaded gasoline under the provisions of this part, may apply to the appropriate regional FEO in accordance with FEO forms and instructions for assignment of a supplier of unleaded gasoline.

(6) Any firm assigned by FEO to supply unleaded gasoline to a purchaser may elect to receive leaded gasoline in exchange for the unleaded gasoline.

(d) *Apportionment among retail sales outlets.* Notwithstanding the provisions of § 211.106(b) of this subpart, entities operating two or more retail sales outlets may apportion their entitlements of unleaded gasoline for those outlets between and among those retail sales outlets without restriction provided that no retail sales outlet shall be supplied a total volume of motor gasoline (leaded or unleaded) which exceeds the total amount of motor gasoline which the supplier could otherwise allocate to that retail sales outlet pursuant to this subpart

without regard to the provisions of this section.

(e) *Relationship to EPA regulations.* Nothing in this section shall be interpretated to supersede any regulation concerning unleaded gasoline issued by the Environmental Protection Agency.

[FR Doc.74-12366 Filed 5-24-74;12:46 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10774; File No. S7-515]

MODIFICATION OF SHORT SALES

Extension of Time for Public Comment

On March 6, 1974, the Commission published for comment proposed amendments to Securities Exchange Act Rule 3b-3, Rule 10a-1 and Rule 10a-2 modifying existing regulation of short sales in response to contemplated changes in the manner of reporting transactions in listed securities, namely the implementation of a "composite transaction reporting system" (Securities Exchange Act Release No. 10668). The time for submitting such comments expired May 1, 1974.

The Commission has received request for additional time within which to submit comments on the proposed amendments and has determined to extend the time for submitting comments to June 1, 1974. All interested persons are invited to submit their comments in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before June 1, 1974. Such communications should refer to File No. S7-515 and will be available for public inspection.

(Secs. 3(b), 10(a), 23(a), 48 Stat. 882, 891, 901; as amended 49 Stat. 704, 1379 (15 U.S.C. 78c(b), 78j(a), 78w(a))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MAY 1, 1974.

[FR Doc.74-12231 Filed 5-28-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Parts 1, 13, and 17]

VETERANS BENEFITS

Field Station Committees on Waivers and Compromises

The Central Office Board on Waivers and Compromises and the Department of Medicine and Surgery Board on Collections and Compromises have been abolished and the functions transferred to the field station Committee on Waivers and Compromises. The jurisdiction of the Committee also has been expanded.

Section 1.955 places the administrative control of Committee functions in the Division Chief of the Fiscal activity and the quality control in the Chairman. Section 1.956 widens the jurisdiction of the Committee and includes for the first time waiver consideration of plot allowance, clothing allowance, automobile or other conveyance and adaptive equipment allowances. It also authorizes consideration of debts resulting from services furnished in a medical emergency, settlement of breached career residency contracts, consideration of other debts arising in connection with transactions of the Department of Medicine and Surgery and claims for erroneous payment of pay and certain allowances made to employees. This section likewise provides the Chief Benefits Director may assume original jurisdiction to determine a particular issue arising within the Committee's jurisdiction. Section 1.957 authorizes one person with special competence to make a waiver decision where the debt is $500 or less and also vests in the Committee the prior authority of the Central Office Boards. Section 1.963a empowers the Committee to consider waiver requests of erroneous payment of pay and allowances to an employee not exceeding $500 and to apply the elements listed therein. It also provides for no right of appeal to the Board of Veterans Appeals from a decision denying a request for waiver of erroneous payment of pay or allowances. Section 1.967 authorizes refund of amounts repaid because of erroneous payment of pay or allowances where waiver is granted. Section 1.968 allows an ad hoc Board in Central Office to conduct an administrative review in a school liability case. This is the only instance in which a Committee case will be submitted to Central Office.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before June 28, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that these proposed regulations will be made effective the date of final approval.

PART 1—GENERAL PROVISIONS

1. In Part 1, a new centerhead and §§ 1.955 through 1.970 are added to read as follows:

Field Station Committees on Waivers and Compromises

AUTHORITY: 38 U.S.C. 1820(a)(4) and 3102; 5 U.S.C. 5584.

Field Station Committees On Waivers and Compromises

§ 1.955 Field station Committees on Waivers and Compromises.

(a) *Delegation of authority and estsablishment.* (1) Section 1.955 et seq. are issued to implement 38 U.S.C. 1820(a)(4) and 3102 and 5 U.S.C. 5584. The duties, delegations of authority and all actions required of the Committee, are to be accomplished under the direction of, and authority vested in, the Director of the field station.

(2) There is established in each field station with Department of Veterans Benefits activities, a Committee on Waivers and Compromises to perform the duties and assume the responsibilities delegated by §§ 1.956 and 1.957.

(b) *Committee on Waivers and Compromises*—(1) *Composition.* The Committee shall consist of a Chairman and five members at stations having loan guaranty activities or four members at other stations. Members shall be selected so that in each of the debt claims activities of compensation, pension and education, insurance, loan guaranty (at station having such activities), and finance, there is at least one member with special competence. An alternate Chairman and alternate members may be designated to act in the absence of their principals, when needed.

(2) *Selection.* The Director shall designate the employees to serve as Chairman, members and alternates. Except upon specific authorization of the Chief Benefits Director, when workload warrants a full-time committee, such designation will be part-time additional duty upon call of the Chairman.

(3) *Control and staff.* The Division Chief of the Fiscal activity is accountable for the administrative control of the Committee functions. The quality control of the Committee and its professional and clerical staff is the responsibility of the Chairman.

(4) *Overall control.* The Controller is delegated complete management authority, including planning, policy formulation, control, coordination, supervision and evaluation of Committee operations.

(c) *Panels.* When a claim is properly referred to the Committee, the Chairman shall ordinarily designate a panel of three (of whom the Chairman may be one, and one other shall be specially

qualified in the program field in which the debt arose), who shall consider and determine the action to be taken. If their decision is unanimous, it will be the Committee decision. Otherwise, the case will be considered by the entire membership of the Committee and a majority shall determine the decision. In such cases the Chairman shall not vote except when necessary on four-member committees to break a tie.

(d) *Single signature authority.* Where a request is for waiver of collection of a debt of $500 or less, exclusive of interest, the Chairman shall desiginate one person with special competence in the program area where the debt arose, to consider the request. His signature alone to the decision will suffice.

§ 1.956 Jurisdiction.

(a) The field station Committees are authorized, except as to determinations under § 2.6(e)(4)(i) of this chapter where applicable, to consider and determine as limited in §§ 1.955 through 1.970, questions of school liability, settlement of breached career residency contracts, compromise and/or waiver concerning the following debts and overpayments:

(1) Arising out of operations of the Department of Veterans Benefits:

(i) Overpayment or erroneous payments of pension, compensation, dependency and indemnity compensation, burial allowances, plot allowance, subsistence allowance, education or insurance benefits, clothing allowance and automobile or other conveyance and adaptive equipment allowances.

(ii) Debts arising out of the loan program under 38 U.S.C. ch. 37 after liquidation of security, if any.

(iii) Such other debts as may be specifically designated by the Chief Benefits Director.

(2) Arising out of operations of the Department of Medicine and Surgery:

(i) Debts resulting from services furnished in error (§ 17.62(a) of this chapter).

(ii) Debts resulting from services furnished in a medical emergency (§ 17.62(b) of this chapter).

(iii) Settlement of breached career residency contracts.

(iv) Other claims arising in connection with transactions of the Department of Medicine and Surgery (§ 17.64(c) of this chapter).

(3) Claims for erroneous payment of pay and allowances made to employees (section 5584, title 5, United States Code).

(b) The Chief Benefits Director may, at his discretion, assume original jurisdiction and establish an ad hoc Board to determine a particular issue arising within this section.

§ 1.957 Committee authority.

(a) *Field station Committee.* On matters covered in § 1.956, the field station Committee is authorized to determine the following issues:

(1) *Waivers.* A decision may be rendered to approve or deny waiver of collection of a debt in excess of $500 except for erroneous payment of pay and allowances. Where the amount is $500 or less, exclusive of interest, a single signature to the decision will suffice.

(2) *Compromises*—(i) *Loan program debts.* Accept or reject a compromise offer irrespective of the amount of the debt (loan guaranty matters under 38 U.S.C. ch. 37, are unlimited as to amount).

(ii) *Other than loan program debts.* (*a*) Accept or reject a compromise offer on a debt which exceeds $1,000 but which is not over $20,000 (both amounts exclusive of interest).

(*b*) Accept or reject a compromise offer on a debt of $1,000 or less, exclusive of interest, where there has not been a prior denial of waiver.

(3) *School liability.* Liability of a school, or liability of both the school and the veteran or eligible person.

(4) *Breached career residency contracts.* Final settlement of any breached career residency contract in which terms are different than those provided in the contract, which will result in the payment of less than liquidated value or in an extension of time in which to pay damages.

(b) *Fiscal officer.* The Division Chief of the Fiscal activity has authority to:

(1) Suspend or terminate collection action on all debts of $20,000 or less, exclusive of interest.

(2) Accept or reject a compromise offer for other than loan program debts of $1,000 or less, exclusive of interest, where there has been a prior denial of waiver.

§ 1.958 Finality of decisions.

A decision by the field station Committee operating within the scope of its authority, denying waiver of all or part of an overpayment is subject to appeal. There is no right of appeal from a decision rejecting a compromise offer or that a school is liable for the amount of an overpayment.

§ 1.959 Records and certificates.

The Chairman of the Committee shall execute or certify any documents pertaining to its proceedings. He will be responsible for maintaining needed records of the transactions of his Committee and preparation of any administrative or other reports which may be required.

§ 1.960 Legal and technical assistance.

Legal questions involving a determination under § 2.6(f)(4) of this chapter will be referred to the Chief Attorney for action in accordance with delegations of the General Counsel, unless there is in existence a General Counsel's opinion or an approved Chief Attorney's opinion dispositive of the controlling legal principle. As to matters not controlled by § 2.6(f)(4) of this chapter, the chairman of the field station Committee or at his instance, a member, may seek and obtain advice from the Chief Attorney on legal matters within his jurisdiction and from other division chiefs in their areas of responsibility, on any matter properly before the Committee. Guidance may also be requested from the Central Office Staff.

§ 1.961 Releases.

On matters within its jurisdiction, the Committee may authorize the release of any right, title, claim, lien or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration under the provisions of 38 U.S.C. ch. 37, or on an acquired loan, or on a vendee account.

§ 1.962 Waiver of overpayments.

The term "overpayment" means payments made and determined to be erroneous, indebtedness resulting from services erroneously furnished and indebtedness of a veteran-borrower or veteran-transferee under the loan guaranty program or the indebtedness of the spouse, under laws administered by the Veterans Administration.

(a) Benefits subject to waiver include indebtedness due the Veterans Administration because of or in connection with hospitalization, domiciliary care, or treatment of a veteran, a person who claimed he or she was a veteran, or a person to whom such benefits were granted on the assumption that he or she was an eligible veteran.

(b) In any case where there is an indication of fraud or misrepresentation of a material fact on the part of the debtor or any other party having an interest in the claim, action on a request for waiver will be deferred pending appropriate disposition of the matter. However, the existence of a prima facie case of fraud shall, nevertheless, entitle a claimant to an opportunity to make a rebuttal with countervailing evidence; similarly, the misrepresentation must be more than non-willful or a mere inadvertence. The Committee may act on a request for waiver concerning such debts, after the Chief Attorney has determined that prosecution is not indicated, or the Department of Justice has notified the Veterans Administration that the alleged fraud or misrepresentation does not warrant action by that department, or the Department of Justice or the appropriate United States Attorney specifically authorized action on the request for waiver.

§ 1.963 Waiver; other than loan guaranty.

(a) *General.* Recovery of overpayments of any benefits made under laws administered by the Veterans Administration shall be waived if recovery of the indebtedness from the payee who received such benefits would be against equity and good conscience.

(b) *Application.* Request for waiver of an overpayment will be considered only if received within 2 years following the date of notice to the payee.

(c) *Third persons.* Waiver of recovery may be authorized, if warranted, where Veterans Administration payments have come into the possession of a person other than the person entitled.

§ 1.963a Waiver; erroneous payment of pay and allowances.

(a) Pay is defined in 4 CFR 91.2 to mean salary, wages, pay, compensation, emoluments and remuneration for services. It includes, but is not limited to, overtime pay; night, Sunday standby, irregular and hazardous duty differential; pay for Sunday and holiday work; payment for accumulated and accrued leave, and severance pay. It does not include expenses of travel and transportation or expenses of transportation of household goods.

(b) Allowances as they relate to an employee include, but are not limited to, payments for quarters, uniforms, and overseas cost of living expenses, but exclude travel and transportation expenses and relocation allowances. All requests for waiver of salary overpayments and allowances shall be referred for consideration of waiver before any determinations are made as to compromise or suspension or termination of collection action as follows:

(1) If the erroneous payment of pay or allowances was more than $500 in the aggregate, the request for waiver, after review and necessary development, shall be referred to the VA Controller for transmittal to the General Accounting Office, or

(2) If the erroneous payment of pay or allowances was not more than $500 in the aggregate, the request for waiver shall be referred to the Chief of the Fiscal or Finance activity for review and necessary development before transmittal to the Committee on Waivers and Compromises.

(c) Waiver action may not be taken on claims arising out of erroneous payments of pay or allowances made to or in behalf of an employee unless:

(1) Application for waiver is submitted within 3 years immediately following the date on which the erroneous payment of pay was discovered, or

(2) Application for waiver is submitted within 3 years immediately following the date on which the erroneous payment of allowances was discovered, or October 2, 1975, whichever is later.

(d) Claims arising out of erroneous payment of pay or allowances may be waived in whole or part whenever collection would be against equity and good conscience and not in the best interests of the United States. Generally those criteria will be met by a finding that the erroneous payment of pay or allowances occurred through administrative error and that there is no indication of fraud, misrepresentation, fault or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim. The foregoing elements, instead of the elements set forth in § 1.965, will be applied to waiver consideration of erroneous payment of pay and allowances to an employee.

(e) There shall be no right of appeal to the Board of Veterans Appeals from a determination made under this section denying a waiver of erroneous payment of pay or allowances.

§ 1.964 Waiver; loan guaranty.

(a) *General.* An indebtedness of a veteran or the indebtedness of the spouse may be waived only when both of the following factors are determined to exist:

(1) Following default there was a loss of the property which constituted security for the loan guaranteed, insured or more under chapter 37 of title 38, United States Code; and

(2) Collection of such indebtedness would be against equity and good conscience.

(b) *Spouse.* The waiver of a veteran's indebtedness shall inure to the spouse of such veteran insofar as concerns said indebtedness, unless the obligation of the spouse is specifically excepted. However, the waiver of the indebtedness of the veteran's spouse shall not inure to the benefit of the veteran unless specifically provided for in the waiver decision.

(c) *Widow (widower) or former spouse.* A widow or widower of a veteran or the former spouse of a veteran may be granted a waiver of the indebtedness provided the requirements of paragraph (a) of this section are met.

(d) *Preservation of Government rights.* In cases in which it is determined that waiver may be granted, the action will take such form (covenant not to sue, or otherwise) as will preserve the rights of the Government against obligors other than the veteran or the spouse.

(e) *Application.* There is no time limit for filing an application for waiver of indebtedness under this section.

(f) *Exclusion.* Except as otherwise provided in this section, the indebtedness of a nonveteran obligor under the loan program is excluded from waiver.

§ 1.965 Application of standard.

(a) The standard "Equity and Good Conscience", will be applied when the facts and circumstances in a particular case indicate a need for reasonableness and moderation in the exercise of the Government's rights. The decision reached should not be unduly favorable or adverse to either side. The phrase "equity and good conscience" means arriving at a fair decision between the obligor and the Government. In making this determination, consideration will be given to the following elements, which are not intended to be all inclusive:

(1) Fault of debtor: Where actions of the debtor contribute to creation of the debt.

(2) Balancing of faults: Weighing fault of debtor against Veterans Administration fault.

(3) Undue hardship: Whether collection would deprive debtor or family of basic necessities.

(4) Defeat the purpose: Whether withholding of benefits or recovery would nullify the objective for which benefits were intended.

(5) Unjust enrichment: Failure to make restitution would result in unfair gain to the debtor.

(6) Changing position to one's detriment: Reliance on Veterans Administration benefits results in relinquishment of a valuable right or incurrence of a legal obligation.

(b) In applying this single standard for all areas of indebtedness, the following elements will be considered, any one of which, if found, will preclude the granting of waiver:

(1) Fraud or misrepresentation of a material fact (see § 1.962(b)).

(2) Material fault: The inexcusable commission or omission of an act that directly results in the creation of a debt to the Government.

(3) Lack of good faith: Absence of an honest intention to abstain from taking unfair advantage of the holder and/or the Government.

§ 1.966 Scope of waiver decisions.

(a) Decisions will be based on the evidence of record. A hearing may be held at the request of the claimant or his representative. No expenses incurred by a claimant, his representative, or any witness incident to a hearing will be paid by the Veterans Administration.

(b) A field station Committee may:

(1) Waive recovery as to certain persons and decline to waive as to other persons whose claims are based on the same veteran's service.

(2) Waive or decline to waive recovery from specific benefits or sources, except that:

(i) There shall be no waiver of recovery out of insurance of an indebtedness secured thereby; i.e., an insurance overpayment to an insured. However, recovery may be waived of any or all of such indebtedness out of benefits other than insurance then or thereafter payable to the insured.

(ii) There shall be no recovery, by withholding or setoff against benefits payable under laws administered by the Veterans Administration, of an indebtedness arising out of any loan under the loan guaranty program made to, assumed by, or guaranteed or insured on account of the debtor, unless the written consent of the debtor is first obtained.

§ 1.967 Refunds.

(a) Voluntary payments and offsets whether voluntary, or involuntary, made from Veterans Administration benefits on or after the date of receipt by the Veterans Administration of a request for waiver will be refunded if waiver is granted, except as provided in paragraph (b) of this section.

(b) Refund of payments made on a loan guaranty indebtedness will not be made when only a part of the debt is waived or when collection of the balance of the indebtedness by the Veterans Administration from obligors, other than the husband or wife of the person requesting waiver, will be adversely affected.

(c) Amounts which have been recovered by the U.S. Government prior to the date of receipt by the Veterans Administration of a request for waiver,

will not be refunded and will be excluded from waiver. However, amounts repaid because of erroneous payment of pay or allowances to employees will be considered for waiver action and, if waived, refund will be made to the employee, provided application for refund is made no later than 2 years following the date of waiver.

§ 1.968 Educational benefits.

(a) *General.* The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by § 21.4203 or § 21.4204 of this chapter, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. If it appears that the falsity or misrepresentation was deliberate, no administrative collection may be pursued pending a determination whether the matter should be referred to the Department of Justice for possible criminal or civil action. However, the amount of the overpayment may be recovered from the school by administrative collection procedure when the false certification or misrepresentation is the consequence of an administrative error or a mistake of fact, or where it is determined that no criminal or civil action is warranted. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any civil or criminal liability under this or any other law. (38 U.S.C. 1785)

(b) *Reporting.* If a school is required to make periodic or other certifications, failure to report facts which resulted in an overpayment will be considered prima facie evidence of willfulness or negligence. Similarly, the submission of an incorrect certification as to fact will be considered prima facie evidence of a false certification. In either instance the prima facie showing is subject to rebuttal.

(c) *Field station Committees.* The field station Committee in the field station having jurisdiction over the area in which the school is located is authorized to find:

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) Liability of the school, or liability of both the school and the veteran or eligible person.

(d) *Extent of liability.* Waiver of collection of an overpayment as to a veteran or eligible person will not relieve the school of liability for the overpayment. Recovery in whole or in part from the veteran or eligible person will limit such liability accordingly. If an overpayment has been recovered from the school and the veteran or eligible person subsequently repays the amount in whole or in part, the amount repaid will be reimbursed to the school.

(e) *Notice to school.* If the school is found liable for an overpayment, the school will be notified of the decision and the right to request an administrative review of the decision within 60 days from the date notice of the decision is mailed to the school. The 60-day time limit may be extended to 90 days at the discretion of the field station Committee. The request must be in writing, setting forth fully all of the contentions and errors assigned.

(f) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office where it will be considered by an ad hoc Board convened for that purpose. The Board's decision will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station Committee in any case where the ad hoc Board reverses a finding made by the Committee that the school is liable.

(g) *Review and modification.* The Board may review and modify its decision upon submission of new and material evidence. The field station Committee will forward such evidence with its recommendation.

(h) *Finality of decisions.* The Board has authority to act for the Administrator in making administrative reviews of determinations that a school is or is not liable for an overpayment to a veteran or an eligible person. There is no right of appeal to the Board of Veterans Appeals.

§ 1.969 Revision of decisions; waiver and school liability.

(a) *Jurisdiction.* A decision involving waiver or school liability may be reversed or modified on the basis of new and material evidence, fraud, a change in law or interpretation of law specifically stated in a Veterans Administration issue, or clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered by the same or any other field station Committee if the decision was rendered by a field station Committee.

(b) *Finality of decisions.* Except as provided in paragraph (a), a decision involving waiver or school liability rendered by the Committee having jurisdiction is final, subject to the provisions of:

(1) Sections 3.104(a), 19.153 and 19.154 of this chapter as to finality of decisions except as provided in § 1.968(h);

(2) Sections 3.105 (a) and (b) of this chapter as to revision of decisions, except that the Central Office Staff may postaudit or make an administrative review of any decision of a field station Committee;

(3) Sections 3.103, 19.113 and 19.114 of this chapter as to notice of disagreement and the right of appeal, except as provided in § 1.968(h);

(4) Section 19.124 of this chapter as to the filing of administrative appeals and the time limits for filing such appeals.

(c) *Difference of opinion.* Where reversal or amendment of a decision involving waiver is authorized under § 3.105(b) of this chapter because of a difference of opinion, the effective date of waiver will be governed by the principle contained in § 3.400(h) of this chapter.

§ 1.970 Standards for compromise.

Decisions of the Committee respecting acceptance or rejection of a compromise offer shall be in conformity with the standards in §§ 1.900 through 1.937. In loan guaranty cases the offer of a veteran or other obligor to effect a compromise must relate to an indebtedness established after the liquidation of the security, if any, and shall be reviewed by the Committee. An offer to effect a compromise may be accepted if it is deemed advantageous to the Government.

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

§§ 13.200–13.217 [Revoked]

2. Sections 13.200 through 13.217, Central Office Board on Waivers and Compromises, are revoked.

PART 17—MEDICAL

3. Section 17.64 is revised to read as follows:

§ 17.64 Referrals of compromise settlement offers.

Any offer to compromise or settle any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *To Chiefs of Fiscal activities.* If the debt represents charges made under § 17.62(a), the compromise offer shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, provided:

(1) The debt does not exceed $1,000, and

(2) There has been a previous denial of waiver of the debt by a field station Committee on Waivers and Compromises.

(b) *To Chief Attorneys.* If the debt in any amount represents charges for medical services for which there is or may be a claim against a third party tort-feasor or under workman's compensation laws or Public Law 87–693; 76 Stat. 593 (see § 1.903 of this chapter) or involves a claim contemplated by § 1.902 of this chapter over which the Veterans Administration lacks jurisdiction, the compromise offer (or request for waiver or proposal to terminate or suspend collection action) shall be promptly referred to the field station Chief Attorney having jurisdiction in the area in which the claim arose, or

(c) *To Committee on Waivers and Compromises.* If one of the following situations contemplated in paragraph (c) (1) through (3) of this section applies

(1) If the debt represents charges made under § 17.62(a), but is not of a type contemplated in paragraph (a) of this section, or

(2) If the debt represents charges for medical services made under § 17.62(b), or

(3) A claim arising in connection with any transaction of the Department of Medicine and Surgery for which the instructions in paragraph (a) or (b) of this section or in § 17.65a(c) are not applicable, then, the compromise offer should be referred for disposition under § 1.900 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action.

4. In § 17.65, paragraph (a) is amended to read as follows:

§ 17.65 Terminations and suspensions.

Any proposal to suspend or terminate collection action on any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62(a) or (b) questions concerning suspension or termination of collection action shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, or

* * * * *

5. Section 17.65a is revised to read as follows:

§ 17.65a Waivers.

Applications or requests for waiver of debts or claims asserted by the Veterans Administration in connection with the medical program generally will be denied by the station Fiscal activity on the basis there is no legal authority to waive debts, unless the question of waiver should be referred as follows:

(a) *Of charges for medical services.* If the debt represents charges made under § 17.62(a), the application or request for waiver should be referred for disposition under § 1.900 et seq. of this chapter to the field station Committee on Waivers and Compromises which shall take final action, or

(b) *Of claims against third persons and other claims.* If the debt is of a type contemplated in § 17.64(b), the waiver question should be referred in accordance with the same referral procedures for compromise offers in such categories of claims, or

(c) *Other debts.* If the debt represents any claim or charges other than those contemplated in paragraphs (a) and (b) of this section, and is a debt for which waiver has been specifically provided for by law or under the terms of a contract, initial action shall be taken at the station level for referral of the request for waiver through channels for action by the appropriate designated official. If, however, the question of waiver may also involve a concurrent opportunity to negotiate a compromise settlement, the application shall be referred to the Committee on Waivers and Compromises.

§ 17.96a [Revoked]

6. Section 17.96a, Authority to compromise claims and terminate or suspend collection action, is revoked.

§§ 17.300–17.306 [Revoked]

7. Sections 17.300 through 17.306, Board on Collections and Compromises, are revoked.

Approved: May 21, 1974.

By direction of the Administrator:

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-12234 Filed 5-28-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open 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 National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on June 7, 1974 in the Tenth Floor Board Room of the IDA Building, 400 Army Navy Drive, Arlington, Virginia.

The purpose of the meeting is to discuss the activities of the National Committee for Employer Support of the Guard and Reserve.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202 (Phone: 202–697–6902).

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

MAY 23, 1974.

[FR Doc.74–12226 Filed 5–28–74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73–20]

PARMED PHARMACEUTICALS, INC.

Application for Registration

On July 23, 1973, the Acting Administrator of the Drug Enforcement Administration issued an Order to Show Cause to Parmed Pharmaceuticals, Inc., 2511 Pine Avenue, Niagara Falls, New York, as to why its application for registration dated February 10, 1973, and filed pursuant to Section 303 of the Controlled Substances Act (21 USC 823) should not be denied for the reason that such registration would be inconsistent with the public interest. The Respondent subsequently requested a hearing in the matter which was held on November 5, 6, 7, 28 and 29, 1973, before Administrative Law Judge Miles J. Brown. On January 18, 1974, both parties submitted Proposed Findings of Fact and Conclusions of Law and on February 1, 1974, Counsel for the Drug Enforcement Administration submitted a reply brief.

On March 27, 1974, Judge Brown issued the following Recommended Order to the Administrator of the Drug Enforcement Administration:

It is ordered, That Parmed's application for registration to handle controlled substances in Schedules II, III, IV and V be held in abeyance until submission of a plan for and implementation of a system designed to indicate those orders that are "suspicious" within the meaning of the applicable rules and regulations, and that upon approval of such plans by DEA, said registration shall issue; provided, however, that the granting of said registration shall be without prejudice to the Administrator taking into consideration the matters considered in this report in any subsequent proceeding brought pursuant to Section 303 or 304 of the Act, after the completion of any other "accountability investigation," or upon any other changed condition of fact or law.

Section 302(a) of the Controlled Substances Act requires that every person who manufactures, distributes or dispenses any controlled substance or who proposes to do so shall annually obtain registration with the Drug Enforcement Administration. The Respondent obtained such registration which expired on April 1, 1973.

Since that date, the Drug Enforcement Administration has permitted the Respondent to continue doing business on a day-to-day basis as authorized by § 1301.47, Title 21, Code of Federal Regulations. That regulation, however, permits the extension of an existing registration, not one which has expired, and that only until the Administrator issues a final order granting or denying an application for registration.

Since this publication is a final order within the meaning of § 1301.47, that regulation is no longer applicable to the respondent's circumstances and the Drug Enforcement Administration is now without legal authority to permit the Respondent to continue to do business on a day-to-day basis.

The Administrative Law Judge has recommended that the Drug Enforcement Administration hold in abeyance Parmed's application for registration until the submission and approval of a plan for monitoring suspiciously excessive orders for controlled substances. Since it is my opinion that an important control against the diversion of controlled substances into other than legitimate channels is the careful screening by distributors of orders for controlled substances, the Drug Enforcement Administration accepts in principle that recommendation.

The Drug Enforcement Administration will afford prompt consideration to any plan submitted by Parmed pursuant to the Recommended Decision. A description of the plan should be filed in triplicate with the Drug Enforcement Administration, Hearing Clerk, Office of Chief Counsel, 1405 Eye Street, NW., Washington, D.C. 20537.

Accordingly, I hereby adopt the Recommended Decision of the Administrative Law Judge and order that the application for registration be returned to the Respondent and not accepted until the Respondent has complied with the requirements of the recommended decision.

Having reviewed the transcript of testimony in this proceeding, the exhibits introduced, the Recommended Decision of the Administrative Law Judge, the Proposed Findings of Fact and Conclusions of Law, and the Memoranda of Law submitted by Counsel for the Government and Counsel for the Respondent, the Administrator, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act (21 U.S.C. 824) and redelegated to the Administrator of the Drug Enforcement Administration by Section 0.100 as amended, Title 28, Code of Federal Regulations, adopts the Recommended Decision of the Administrative Law Judge; however, since the Respondent is not currently registered under Section 303 of the Controlled Substances Act and since the regulatory authorization under which the Respondent is now doing business (Section 1301.47, Title 21, Code of Federal Regulations) is required to be terminated upon publication of this order in the FEDERAL REGISTER, it is hereby

Ordered, Effective upon publication in the FEDERAL REGISTER, that Parmed Pharmaceuticals, Inc., surrender expired Certificate of Registration PP0035851, any unused official order forms, and all controlled substances in its possession to the Buffalo District Office of the Drug Enforcement Administration; and it is further

Ordered, That Parmed Pharmaceuticals, Inc., may not lawfully distribute, manufacture, purchase, possess or in any other manner handle controlled substances, until an Application for Registration is approved and a Certificate of Registration issued by the Drug Enforcement Administration.

This surrender must be effective on or before June 6, 1974.

Dated: May 21, 1974.

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

[FR Doc.74–12229 Filed 5–28–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

UNGA, ALASKA

Eligibility of Native Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a) (6), (8), (9), and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress; 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him pursuant to the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native Villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on December 6, 1973, his Final Decision determining the eligibility of the Native Village of Unga, said decision appearing in 38 FR 33621 (1973).

On January 3, 1974, Azel L. Crandall filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga. Thereafter, on May 10, 1974, Azel L. Crandall, acting through his attorney of record, Keith A. Christenson, filed a Motion to Dismiss the appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga.

The Ad Hoc Board, finding no reason for justifying the denial of the Motion of Azel L. Crandall to Dismiss his Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga, on May 10, 1974, issued a Final Order Dismissing the Appeal of Azel L. Crandall and Certifying Village.

On January 4, 1974, Joseph C. Manga filed a Notice of Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga. Thereafter, on May 10, 1974, Joseph C. Manga acting through his attorney of record, Keith A. Christenson, filed a Motion to Dismiss the appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga.

The Ad Hoc Board, finding no reason for justifying the denial of the Motion of Joseph C. Manga to Dismiss his Appeal from the Final Decision of the Director on the eligibility of the Native Village of Unga, on May 10, 1974, issued a Final Order Dismissing the Appeal of Joseph C. Manga and Certifying Village.

In accordance with the Ad Hoc Board's Final Order Dismissing the Appeals of Azel L. Crandall and Joseph C. Manga and Certifying Village, which requested the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native Village of Unga as eligible for benefits under the Alaska Native Claims Settlement Act, the Director, Juneau Area Office, Bureau of Indian Affairs, certifies the Native Village of Unga eligible for benefits under the Alaska Native Claims Settlement Act, said decision not being further applicable, and also issues to the Native Village of Unga a Certification of Eligibility.

CLARENCE ANTIOQUIA,
Acting Director.

MAY 17, 1974.

[FR Doc.74–12213 Filed 5–28–74;8:45 am]

Bureau of Land Management

COLORADO

[C–20598–R/W (943)]

Compressor Site Application; Western Slope Gas Co.

MAY 16, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, PO Box 840, Denver, Colorado 80201, has applied for a natural gas compressor station site right of way on the following lands:

T. 2 S., R. 102 W., 6th P.M., Colorado,
Sec. 36: NW¼SE¼ (Rio Blanco County).

The primary purpose of the proposed compressor station is to enable Western Slope Gas Company to withdraw increased volumes of natural gas from the West Douglas Natural Gas Field in order to meet the increasing demands for natural gas in the Grand Junction, Colorado, market area.

The purpose of this notice is to allow any persons asserting a claim to the lands, or having bona fide objections to the proposed compressor station site right of way, to file their objections in this office. Any claim or objection must be filed not later than 30 days from the date of this notice with evidence that a copy thereof has been served on Western Slope Gas Company. Assertion of claim or objection must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within the time specified herein.

RODNEY A. ROBERTS,
Acting Chief, Branch of Land Operations.

[FR Doc.74–12192 Filed 5–28–74;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE EAST TEXAS AND LOUISIANA

Information Notice

The Bureau of Land Management is planning to hold an oil and gas lease sale in the Outer Continental Shelf offshore Louisiana and East Texas during late July 1974. It will be composed of tracts offered but not leased at the recent Louisiana sale #33, held March 28, 1974, and at the upcoming East Texas sales #34 scheduled to be held on May 29, 1974. No other tracts will be included. The Secretary of the Interior will reserve the right to withdraw any tract from the sale at any time prior to the issuance of a written acceptance of a bid for that tract.

A formal notice of sale will be published in the FEDERAL REGISTER in late June 1974 announcing the date and place of the sale, the bid submission procedures, special stipulations, the list of tracts being offered and other pertinent information.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: May 23, 1974.

BRAD E. HANSWORTH,
Acting Assistant Secretary of the Interior.

[FR Doc.74–12298 Filed 5–28–74;8:45 am]

Geological Survey

MONTANA

Coal Land Classification Order No. 257

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

PRINCIPAL MERIDIAN, MONTANA

COAL LANDS

T. 16 N., R. 1 W.,
Sec. 4, S½SE¼;
Sec. 9, N½NE¼.

NONCOAL LANDS

T. 16 N., R. 1 W.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, N½SE¼;
Secs. 5 to 8, inclusive;
Sec. 9, S½NE¼, NW¼, S½;
Secs. 10 to 36, inclusive.
T. 16 N., R. 2 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 44,202 acres, more or less, of which about 160 acres are classified coal and about 44,042 acres are classified noncoal.

MAY 20, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74–12211 Filed 5–28–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–130]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has

filed a petition to modify the application of 30 CFR 75.1405 to the following mines: Providence No. 1, Crescent, No. 9, Hamilton Nos. 1 & 2, Ohio No. 11, all located near Madisonville, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with section 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Petitioner's mines do not employ a track coal haulage system, but, rather, a belt coal haulage system. Track is used for supplies and personnel transport only.

(2) Because of the belt system, Petitioner's mines are characterized by entries having a relatively narrower radius of curve, a less uniformly even bottom, and lighter weight rails than mines using a track haulage system.

(3) The cumulative effect of the foregoing characteristics on automatic couplers is to make them susceptible to accidental uncoupling, to reduce their reliability, and consequently to increase the probability of derailments.

(4) Track haulage cars used for transporting supplies in Petitioner's mines are not regularly coupled and uncoupled as the majority of all supply trips are coupled before entering the mine and not uncoupled prior to returning from said trip. Supplies are uploaded directly from the cars while on the track.

(5) Moreover, virtually all of Petitioner's supply cars in its mines are equipped with retractable rubber wheels which enable them to be used on and off track. Because of the fixed position of the wheels, the supply cars have limited maneuverability off track and, as a consequence, if equipped with automatic couplers would in almost every instance require a miner to get between vehicles in order to effect the proper alignment for coupling. In addition, off track use of rubber/rail vehicles tends to cause excessive wear on automatic couplers further reducing their reliability.

(6) Petitioner's track equipment currently uses link-and-pin couplers which generally enable the miner to insert the pin without physically positioning himself between vehicles. Said system allows closer and more accessible inspection of coupling parts than possible with automatic couplers. This improved inspection would aid in the prevention of coupling failure.

(7) Petitioner states that its training program and safety record while using the present coupling system has been excellent in each of the subject mines.

(8) Because of the foregoing facts, installation of automatic couplers on all equipment used on track in Petitioner's mines would diminish safety and, in fact, create hazards or the risk of hazards not now present.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 20, 1974.

[FR Doc.74–12193 Filed 5–28–74;8:45 am]

[Docket No. M 74–117]

OLGA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Olga Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Olga Mine located in McDowell County, West Virginia.

30 CFR 75.1405 provides as follows:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with section 75.1405 is 30 CFR 75.1405–1 which provides as follows:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

(1) Mine supplies (e.g., roof bolts, timbers, rock dust, cement, ties and spare parts) are delivered to the underground working sections and other areas of the mine by supply cars which are loaded on the surface, lowered underground by a shaft elevator, coupled into trains on the bottom and then hauled by electric locomotive to the places where the supplies are needed. Approximately 146 supply cars are set aside for supply use at this mine—46 for the low coal areas and 100 for the high coal areas.

(2) The supply cars, unlike the modern, heavy, uniform mine cars used for hauling coal, are of four different types and sizes. Most importantly, because they must be used outside the mine as well as underground in carrying on the supply function, they must be of a size which can be accommodated by the shaft elevators. All supply cars are approximately 78 inches wide, the four wheels being positioned to fit a four-foot gauge track.

(3) Each supply car is fitted on each end with a horizontally-slotted bumper. Each bumper is perforated with a two-inch diameter hole. Coupling is performed by 1¾ inch diameter steel pins inserted through these holes and inside the circumference of a steel link positioned in the slots of the bumpers of two adjacent cars. The front bumper of each car contains a fixed pin and link. The rear bumper contains only a vertically moveable pin. This pin is constructed with a head so designed as to permit a convenient hand-hold for lifting or dropping and is fastened to the end of the car by a chain.

(4) With respect to all mine supplies except roof bolts, the supply cars are loaded in the outside supply yard, manually coupled into trains and pushed by battery locomotive upgrade to a position where the end car is near the top of the mine elevator shaft. As each supply car is uncoupled, it is pushed by the battery locomotive and other cars in the train onto the shaft elevator, automatically locked into position and then lowered 589 feet to the shaft bottom. A hoisting employee at the shaft bottom pushes a lever to disengage the car from its locked position in the elevator and start it out the track. The car proceeds by gravity down a side-track where it comes to rest against another car or a locomotive. When the desired number of supply cars have been gathered together, they are manually coupled by positioning the involved pins and links. They are then pulled by electric locomotive in 10 to 12 car trains to the various parts of the underground workings where the supplies are to be delivered. Periodically, after the supply cars have been emptied they are gathered together in trains and hauled to the outside supply yard by means of a reverse procedure to that used when they were loaded.

(5) Even the shortest of the supply cars barely fits inside the elevator. The elevator in turn barely fits inside the elevator shaft. When the 12'4" long car is in the elevator, it projects two inches beyond the ends of the elevator and practically touches the shaft sides.

(6) Petitioner has explored the possibility of adapting the supply cars with automatic couplers, but has not been able to discover how this could be done without appreciably increasing the overall car lengths. Any such increase in car length would make unusable the two mine shaft elevators for bringing supplies into the mine. If the shaft elevators cannot be used this would require that the supplies be loaded from supply car to elevator at the shaft top and from elevator to supply car at the shaft bottom. This manual lifting and handling of heavy mine materials in close quarters would so greatly increase employee exposure to

injury that a clear diminution of safety would result.

(7) Constructing new, larger shafts and elevators is not feasible. This would require several years and apart from the inconvenience to all concerned as well as the economics, would be another occasion for diminution in safety because of the employee exposure that would result from the shaft sinking. The potential for serious injury in sinking enormous shafts some 600 feet would far exceed any potential for hand or finger injury that might result from use of the present link and pin coupling system in coupling and uncoupling stationary supply cars.

(8) Apart from the mine shaft problem, automatic couplers appended to the present supply cars would create additional hazards, namely:

A—Automatic couplers do not possess the flexibility of pin and link coupling. If connection between the varying types of supply cars could be effectuated while the cars are stationary on level track, there is serious question whether this would endure once trains of cars were in transport to or from the underground mining areas. Unlike the stable, heavy, eight-wheeled coal cars, the lighter supply cars require more tolerance in their travel over and relation to the rail system. The danger of derailments causing roof falls in this mine would be greatly increased if the unaccommodating, inflexible automatic couplers were used on supply cars.

B—In situations where the automatic couplers do not "match up" because of differences in types of cars being coupled or because of the shifting of unlike cars during transit, manual over-ride of the automatic feature would be required. This would necessitate employees not only positioning themselves between cars, but engaging in awkward and heavy work while so positioned. The hazard of injury would be much greater than in manual positioning of link or pin.

(9) Petitioner has been advised that perhaps there are other systems in lieu of automatic couplers that have been recently put into effect and which better achieve the safety purpose sought to be achieved by the Interim Mandatory Safety Standard of Section 314(f) of the Act. Until it has had opportunity to learn about and evaluate such systems, however, Petitioner sincerely submits that any requirement that it abandon its present system of coupling and uncoupling supply cars at the Olga mine in favor of installation of automatic couplers would be a serious diminution of safety.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 21, 1974.

[FR Doc.74-12194 Filed 5-28-74;8:45 am]

[Docket No. M 74-86]

SMITH & BAKER CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 USC section 861(c) (1970), Smith & Baker Coal Company, Inc. has filed a petition to modify the application of 30 CFR 77.1605(k) to its Bimbo Mine located at Hall Hollow, Buchanan County, Virginia.

30 CFR 77.1605(k) provides as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

The alternate method which Petitioner proposes to establish in lieu of the mandatory standard is as follows:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system should be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs should also be posted designating passing points.

5. All equipment operators should be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:

(a) Original manufacturers brakes.

(b) Engine or Jacobs brakes.

(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 30 feet shall be provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retaining programs.

Petitioner further states that the alternate method outlined above will, at all times, guarantee no less than the same measure of protection afforded the miners at the petitioner's mine by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

MAY 21, 1974.

[FR Doc.74-12195 Filed 5-28-74;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, June 10, 1974, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

The members of the committee are as follows:

Mr. Ronald H. Walker (Chairman)
Director, National Park Service
Washington, D.C.

Mr. George M. White
Architect of the Capitol
Washington, D.C.

General Mark W. Clark
Chairman, American Battle Monuments Commission
Washington, D.C.

Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.

Mr. William H. Press
Chairman, National Capital Planning Commission
Washington, D.C.

Honorable Walter E. Washington
Mayor-Commissioner of the District of Columbia
Washington, D.C.

Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to prepare criteria and guidelines and policies for memorializing persons and events on Federal lands in the National Capital region. Also, the following memorial proposal will be considered

1. S.J. Res. 45—To provide for the erection of a memorial to those who served in the Armed Forces of the United States in the Vietnam war.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202–426–6715. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: May 22, 1974.

ROBERT M. LANDAU,
Liaison Officer,
Advisory Commissions.

[FR Doc.74–12296 Filed 5–28–74;8:45 am]

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 8 a.m., e.s.t., on June 20 and 21, 1974, at the Sugarland Visitor Center, Park Headquarters, Great Smoky Mountains National Park.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mr. Charles Edward Lee (Chairman)
Columbia, South Carolina

Mrs. Ann Smith Bedsole
Mobile, Alabama

Mr. Tutt S. Bradford
Maryville, Tennessee

Mr. Robert Gable
Frankfort, Kentucky

Mr. Alfredo Heres Gonzalez
Santurce, Puerto Rico

Honorable Donald Kincaid
Lenoir, North Carolina

Dr. John M. King
Jackson, Mississippi

Mrs. Jane Hurt Yarn
Atlanta, Georgia

The Very Reverend Monsignor Michael V. Gannon
Gainesville, Florida

The matters to be discussed at this meeting are: (1) Great Smoky Mountains National Park Master Plan and Wilderness study in the context of regional planning, (2) Park operations of selected parks visited by members, (3) Wilderness studies of Everglades and Mammoth Cave National Parks, and (4) Resources and management of Great Smoky Mountains National Park.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend the afternoon sessions. Morning sessions on both days will consist of tours of park facilities and resources for which members of the public will provide their own transportation. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Regional Office, at 404–526–7560. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Southeast Region, 3401 Whipple Ave., Atlanta, Georgia.

Dated: May 22, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc. 74–12297 Filed 5–28–74;8:45 am]

Bureau of Reclamation

PALMETTO BEND PROJECT, TEXAS

Notice of Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Palmetto Bend Project, Texas. This statement (INT DES 74–50, dated April 30, 1974) was filed with the Council on Environmental Quality on May 1 and was made available to the public at that time.

The draft environmental statement covers the impacts on the environment of the authorized stage 1 of the project, which consists of construction of Palmetto Bend Dam and Reservoir on the Navidad River about 5 miles south of Edna, Jackson County, Texas, as well as associated recreational, fish, and wildlife facilities. The project will provide a dependable source of municipal and industrial water for Jackson and Calhoun Counties and additional recreational, fishing, and hunting opportunities in the general gulf coast area.

A public hearing will be held in Edna, Texas, in the Jackson County district courtroom, Jackson County Courthouse, at 10 a.m., on July 2, 1974, and will continue into the evening if necessary, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order tand his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 4 p.m., June 27, 1974, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director James A. Bradley, Bureau of Reclamation, Room 1418, 317 East Third Street, Amarillo, Texas 79101, telephone (806) 376–2401, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by July 12, 1974, for inclusion in the hearing record.

Dated: May 20, 1974.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.74–12352 Filed 5–28–74;8:45 am]

Office of the Secretary

[INT FES 74–24]

PROPOSED WILDERNESS, MESA VERDE NATIONAL PARK, COLORADO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness designation of 8,100 acres of Mesa Verde National Park.

The environmental statement considers the social, economic, and ecological effects of the proposal to designate 15.5 percent of park as wilderness.

Copies of the final environmental statements are available from or for inspection at the following locations:

Rocky Mountain Regional Office
National Park Service
655 Parfet Street
Lakewood, Colorado 80215

Utah State Office
National Park Service
125 South State Street
Salt Lake City, Utah 84111

Superintendent
Mesa Verde National Park
Mesa Verde National Park, Colorado 81330

Dated: May 21, 1974.

ROYSTON C. HUGHES,
Secretary of the Interior.

[FR Doc.74-12383 Filed 5-28-74;8:45 am]

[INT FES 74-27]

PROPOSED UPPER IOWA RIVER ACQUISITION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Upper Iowa River acquisition. The Notice of Availability inviting comments on the draft statement (INT DES 73-42) was published in the FEDERAL REGISTER on August 2, 1973.

The environmental statement considers the acquisition of a scenic river corridor on approximately 4,993.5 acres of land in Winneshiek County, Iowa. Acquisition will be by the State of Iowa; Federal financial assistance will be provided by the Land and Water Conservation Fund.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Mid-Continent Region, 603 Miller Court, Lakewood, Colorado 80215.

Bureau of Outdoor Recreation, Division of State Programs, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

State Clearinghouse, Office of Planning and Programming, State Capitol, Des Moines, Iowa 50319.

A limited number of single copies are available and may be obtained by writing Regional Director, Bureau of Outdoor Recreation, Mid-Continent Region, 603 Miller Court, Lakewood, Colorado 80215.

Dated: May 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-12384 Filed 5-28-74;8:45 am]

[INT DES 74-59]

WHITE RIVER NATIONAL FISH HATCHERY

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed White River National Fish Hatchery in Windsor County, Vermont, and invites written comments on or before July 12, 1974.

The White River National Fish Hatchery will be constructed and operated for the propagation of Atlantic salmon. The production at this facility will aid in restoring Atlantic salmon to the Connecticut River watershed and will be distributed in accordance with an understanding between the Bureau and the States of Vermont, New Hampshire, Massachusetts, and Connecticut. This statement examines the environmental impacts of the proposed White River project.

Copies of the draft statement are available for inspection at the following locations:

Pittsford National Fish Hatchery
Pittsford, Vermont 05763

Bureau of Sport Fisheries and Wildlife
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and C Streets, N.W.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: May 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary, Program Development and Budget.

[FR Doc.74-12385 Filed 5-28-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGAR QUOTAS FOR CALENDAR 1974

Notice of Marketing Determination

Section 204(a) of the Sugar Act of 1948 (61 Stat. 925, as amended, 7 USC 1114), provides in part that "The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him but in any event not less frequently than each sixty days after the beginning of each calendar year, determine whether, in view of the current inventories of sugar, the estimated production from the acreage of sugarcane or sugar beets planted, the normal marketings within a calendar year of new-crop sugar, and other pertinent factors, any area or country will not market the quota for such area or country."

In accordance with the provisions of section 204(a) of the Sugar Act of 1948 (61 Stat. 925, as amended, 7 USC 1114), and on the basis of information currently ascertainable by the Department of Agriculture, it is hereby determined as of May 14, 1974, that no domestic areas or countries will fail to market their respective 1974 sugar quotas except as heretofore determined and set forth in §§811.31, 811.32 and 811.33 (39 FR 11523), published March 29, 1974.

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

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

[FR Doc.74-12233 Filed 5-28-74;8:45 am]

Forest Service

HUCKLEBERRY PLANNING UNIT, MT. HOOD NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Huckleberry Planning Unit, Mt. Hood National Forest, Oregon. USDA-FS-R6-DES-(Adm)-74-7.

The environmental statement concerns a proposed land use management plan for the Huckleberry Planning Unit, Zigzag Ranger District, Mt. Hood National Forest, in Clackamas County, Oregon. The proposed plan applies to approximately 30,000 acres within the National Forest Boundary.

This draft environmental statement was transmitted to CEQ on May 21, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Mt. Hood National Forest
340 N.E. 122nd Avenue
Portland, Oregon 97216

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor Wright T. Mallery, 340 NE. 122nd Avenue, Portland, Oregon 97216.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to responsible official, Wright T. Mallery, Forest Supervisor, 340 N.E. 122nd Avenue, Portland, Oregon 97216. Comments must be received by August 1, 1974, in order to be considered in the preparation of the final environmental statement.

CARL W. HICKERSON,
Acting Regional Forester,
Region 6.

MAY 21, 1974.

[FR Doc.74-12254 Filed 5-28-74;8:45 am]

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Nebraska National Forest Livestock Advisory Board will meet at 8 p.m., c.d.t., June 11, 1974, at the Forest Service Office, Halsey, Nebraska.

The purpose of this annual meeting is to discuss various grazing resource management practices.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533-2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the Committee, either before or after the meeting.

Dated: May 20, 1974.

J. MERLE PRINCE,
Forest Supervisor.

[FR Doc.74-12259 Filed 5-28-74;8:45 am]

SAWTOOTH NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Sawtooth National Forest Multiple Use Advisory Committee will meet at 1:30 p.m. on June 7, 1974, at the Holiday Inn in Twin Falls, Idaho.

The purpose of this meeting is to obtain the Committee's advice on:

(a) Sawtooth National Forest implementation over the next two years of the Forest Service off-road vehicle regulations (36 CFR 295).

(b) The proposed General Management Plan for the Sawtooth National Recreation Area, made available for public review on April 26, 1974.

(c) Appropriate methods of public involvement in future land use planning efforts on the Sawtooth National Forest.

Current status reports will be presented to the Committee and discussions held on:

(a) Tussock Moth control projects.

(b) Proposals for City of Rocks.

(c) Proposed Forest Service mining regulations.

(d) On-going Sawtooth National Recreation Area management programs.

The meeting will be open to the public. Written statements may be filed with the Committee before or after the meeting.

Dated: May 21, 1974.

E. A. FOURNIER,
Forest Supervisor.

[FR Doc.74-12258 Filed 5-28-74;8:45 am]

Office of the Secretary

ENVIRONMENTAL IMPACT STATEMENTS

Policies and Directives

On August 1, 1973, the Council on Environmental Quality (CEQ), published its revised guidelines for the preparation of environmental impact statements in the FEDERAL REGISTER (38 FR 20549). On November 19, 1973, the Office of the Secretary published proposed revised USDA guidelines based on the CEQ guidelines (38 FR 31935).

The revised USDA guidelines set forth herein are in large part identical to the proposed revised guidelines. The following changes were made in response to comments that were received:

1. .2 *Policy.*

(a) *General.* Second paragraph, first sentence changed to read "* * * to avoid or minimize adverse effects, including secondary effects, whenever * * *"

2. .4 *Preparation and distribution of environmental impact statements.*

(a) *General considerations.* Last paragraph rewritten.

3. .4 * * *

(b) *Content of environmental impact statements.*

* * * * *

(2) *Environmental impacts.* After fourth sentence add new sentence "Assessments of social impacts shall include consideration of civil rights, minority groups and low income persons."

4. .4 * * *

(b) * * *

* * * * *

(4) *Irreversible and irretrievable commitment of natural, cultural and other resources.* The words "* * * natural, cultural and other * * *" were added to the subheading.

.4 * * *

(c) *Distribution of environmental statements.* Second paragraph deleted and a new subsection (d) established dealing with availability of EIS's to the public.

5. .5 * * *

* * * * *

(f) Deals with public information and involvement. A comment was received regarding adequate newspaper public notices. It was concluded that the guidance provided to the several USDA agencies by section .5(f) was adequate to provide for meeting the thrust of the recommendation where appropriate.

These guidelines shall become effective on May 29, 1974.

1. *Purpose and authority.* This directive states policy and provides guidance to agencies of the Department in fulfilling the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C).) This section requires Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal actions (administrative actions) significantly affecting the quality of the human environment a detailed environmental impact statement (EIS). Additional authority, directives and instructions are found in (1) Executive Order 11514, (2) Council on Environmental Quality (CEQ) Guidelines for Preparation of Environmental Impact Statements, as published in the FEDERAL REGISTER, Vol. 38, No. 147, August 1, 1973, Part II, and (3) Section 12(a), Clean Air Act Amendments of 1970, which added a new section 309 to the Clean Air Act.

The objectives of these guidelines are to provide (1) a uniform system for determining whether proposed or pending legislation and other major USDA actions will significantly affect the quality of the human environment, (2) criteria for defining major USDA actions, and (3) guidance for preparing EIS's.

2. *Policy.* (a) *General.* These guidelines are to be followed by all agencies of the Department in fulfilling the requirements of section 102(2)(C) of the National Environmental Policy Act (NEPA).

As early as possible, and in all cases prior to an agency decision concerning a major action that significantly affects the quality of the human environment, USDA agencies will, in consultation with other appropriate Federal, State and local agencies, and the public assess in detail the potential environmental impact in order to avoid or minimize adverse effects, including secondary effects, whenever possible and to restore or enhance environmental quality to the fullest extent practicable. In particular, alternative actions that will avoid or minimize adverse impact should be explored and both the long- and short-range implications of a proposed action to man, his physical and social surroundings and to nature should be evaluated.

Assessments of the environmental impacts of a proposed action should be undertaken concurrently with initial technical and economic studies. Draft EIS's on administrative actions should be prepared in time to accompany the proposal through the existing agency review processes and prior to the first significant point of decision in the agency formal review process for such action. General policy is that, to the fullest extent possible, the NEPA section 102(2)(C) process will be completed before irreversible decision is made on major Federal actions significantly affecting the quality of the human environment.

USDA agencies will consider NEPA to supplement existing authorities, except where prohibited by law.

(b) *Agency procedures.* Each USDA agency head is responsible for preparing more specific procedures, applying these broad directives, together with the provisions of the NEPA and other implementing regulations, to the specific programs administered by that agency.

Such agency procedures should give special attention to identifying those agency actions requiring EIS's, the appropriate time prior to the decision for the consultations required by section 102(2)(C) and the agency review process for which EIS's are to be available. In those instances where EIS's are required, agency procedures are to provide for (1) obtaining information required in their preparation, (2) designating the officials who are to be responsible for EIS's, (3) consulting with and taking account of comments of appropriate Federal, State and local agencies and the public, (4) limiting actions which an applicant is permitted to take prior to completion and review of the final EIS with respect to his application, and (5) timely public information on Federal plans and programs and environmental impact.

Agency procedures should provide for monitoring to assure (1) agency compliance with the procedural requirements of NEPA, and (2) that environmental safeguards are executed according to plan.

Revisions of agency procedures are to be proposed and adopted after consultation, where appropriate, with the USDA Coordinator of Environmental Quality Activities (hereinafter referred to as office of the coordinator), Washington, D.C., and CEQ. All appropriate Federal and State agencies and the public shall be given the opportunity to comment on all major revisions which shall be published in the FEDERAL REGISTER.

(c) *Responsible official.* Delegations of regular program responsibilities to agency heads include responsibility for the EIS process. Agency heads may further delegate responsibility for the process to other officials within their agency. The office of the coordinator will provide needed oversight and will, prior to transmittal to CEQ, review and sign off on EIS's that involve legislation, regulation and Departmental policies. For all other actions, the responsible agency official will send copies of his agency's EIS's directly to CEQ. A copy of the transmittal letter shall be sent to the office of the coordinator.

(d) *Lead agency.* Where USDA and one or more other Departments are involved in an action, the office of the coordinator and CEQ will assist in determining the feasibility of the preparation of a joint EIS by all parties concerned or the designation of a lead agency responsible for the preparation of the statement. In cases involving land management actions, the responsible land management agency is generally the preferred lead agency because of previously accrued responsibilities, large magnitude of involvement, relevant expertise and sequence of actions. USDA agencies, when designated as lead agency for an EIS, will be responsible for consulting with and obtaining information from other involved agencies with respect to their jurisdiction and expertise.

In certain instances, several USDA agencies have program responsibilities relative to a major Federal action having a significant effect on the human environment. In such cases, the lead agency will be determined in consultation with the office of the coordinator. The lead agency will coordinate the input of all concerned USDA agencies in the development of the EIS.

.3 *Types of actions covered.* (a) *General.* The National Environmental Policy Act, Section 102(2)(C), directs all agencies of the Federal Government to "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impact of the proposed action." The Council on Environmental Quality, Guidelines for Preparation of Environmental Impact Statements, interprets the types of actions covered to include: (1) Recommendations or favorable reports relating to legislation for which USDA will be the responsible Department; (2) the making, modification or establishment of regulations, rules, procedures and policy; and (3) administrative actions on new and continuing projects and program activities.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in economic, social and ecological conditions. Each USDA agency must use good judgment in determining when EIS's are required and must issue its own guidelines specifying as closely as possible those actions for which an EIS will be required. Controversy is a factor to be considered in determining whether or not an action is a "major" one. Board public reaction will generally be necessary for deeming that a controversy exists.

(b) *Environmental impact statements for recommendations and favorable reports on proposals for legislation*—(1) *Scope.* This subsection deals with recommendations and favorable reports on proposals for legislation involving (i) substantive bills referred to the Department for comment, and (ii) substantive legislative proposals from this Department.

(2) *Decision, preparation and record.* USDA agncies designated for preparing reports on legislation of the type covered herein will be responsible for determining which legislative proposals or reports require EIS's and for the preparation of EIS's acting on their own or in consonance with others in USDA agencies designated for preparing respond promptly to requests from other USDA agencies for information or other assistance needed for developing statements.

Environmental impact statements, when required, should, to the maximum extent possible, accompany the legislative proposal or report. The proposal or the report should make reference to the EIS.

Copies of all EIS's relative to legislation covered by this subsection will be kept on file by the Records and Directives Branch, Office of Operations, as a part of the usual file on legislative reports. The office of the coordinator, with the assistance of appropriate staff offices, will determine if there are any needs for other records.

(3) *Consultation and review.* When necessary, after consulting with the office of the coordinator, the agency preparing the EIS may consult with appropriate Federal, State, and local agencies and the public during such preparation prior to the submission of legislative proposals or reports to the Office of Management and Budget (OMB). The comments and views of such agencies should be considered in the EIS. When time does not permit such prior consultation, it will be accomplished concurrently with the formal review of the legislative proposals or reports carried out by the OMB.

(4) *Forwarding environmental impact statements.* The Office of Management and Finance (OMF) will be responsible for forwarding copies of EIS's on the subject covered in this subsection to CEQ after review by the office of the coordinator. Where there is an EIS on a legislative proposal or report submitted to OMB for clearance, an information copy of the EIS will accompany each copy of the proposal or report. Preparing agencies will furnish sufficient copies of the EIS's as enclosures to the proposal or report.

Following clearance by OMB of the related legislative proposal or report the EIS will be forwarded to Congress by OMF and will be made available to the public by the responsible agency official.

(c) *Environmental impact statements for establishing or modifying regulations, rules, procedures and policy.* (1) When responsibility for implementing a program or action is delegated to a specific agency and regulations or policy statements are necessary, the need for an EIS will be determined by the assigned agency. Consultation with the office of the coordinator and the appropriate general officer may be desirable. If the decision is made that an EIS is necessary, it will be developed as outlined in subsection .4 (Preparation and distribution of EIS's) and reviewed as outlined in subsection .5 (Consultation, review and public involvement) in time to accompany the proposed regulations or policy statement through the review process.

(d) *Environmental impact statements for USDA administrative actions*—(1) *Scope.* This subsection deals with major USDA administrative actions which may significantly affect the quality of the human environment.

(2) *Major administrative actions.* Major administrative actions may relate to the development of a national program or to the implementation of projects within that program. In some instances, it may be appropriate to aggregate a number of smaller similar actions proposed within a geographical area, and consider them in a single EIS. Major actions may include: (i) projects and continuing activities operated by USDA agencies or supported in whole or in part through USDA assistance, including contracts, grants, cost sharing, subsidies, loans or other forms of funding support, and involving USDA leases, permits, licenses, certificates or other entitlements of use; and (ii) initiation of major research programs or major changes in existing programs and pilot scale projects.

.4 *Preparation and distribution of environmental impact statements*—(a) *General considerations.* An environmental impact statement is prepared in two stages. A draft EIS is the first formal statement for filing with CEQ and for review and comment by other agencies and the public. A final EIS reflects the results of the draft review process and it is also filed with CEQ. The draft EIS must fulfill and satisfy to the fullest extent possible, at the time the draft is prepared, the requirements established for final EIS's by section 102(2)(C). Comments received during preliminary consultations on the draft EIS and the final EIS will be carefully evaluated and considered in the decision making process.

Agencies may request applicants to furnish analyses and information in connection with their application. This material may be used in the preparation of an EIS. This is also the case in Federally supported grant and cooperative programs with states and local governments.

A systematic, interdisciplinary approach integrating the natural, social science and environmental design arts will be used in the preparation of EIS's. Alternative actions that will reduce adverse impacts or enhance positive effects will be thoroughly explored. Long- and short-range implications to man, to his physical and social surroundings and to nature are to be examined.

Environmental impact statements will be documents complete enough to stand on their own. They should be as succinct and understandable as possible. Highly technical and specialized analyses and data should, if needed, be appended to the body of the statement. Particular attention should be given to the substance of the information conveyed rather than to the particular form, length or detail of the EIS.

Agency NEPA procedures should provide for appropriate consultation and coordination in accordance with the requirements of the Fish and Wildlife Coordination Act or the wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act and section 4(f) of the Department of Transportation Act 49 U.S.C. 1653(f). To the extent possible statements or findings required by these statutes concerning environmental impact should be combined with the environmental impact statement requirements of section 102(2)(C) of NEPA to yield a single document which meets all applicable requirements.

(b) *Content of environmental impact statements.* The following points must be addressed in EIS's:

(1) *Description.* The proposed action must be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Where appropriate, describe the present environment, location, size, land

ownership and status, physiography, ecosystems, climate and other special features. Where relevant, maps or other graphic material should be provided. The objectives and purposes of the proposal must be given, along with other relevant background information.

The interrelationships of the proposed action with other projects and possible cumulative effects should be presented. Agencies should also identify growth characteristics of th affected area and any population and growth assumptions used. Where available, OBERS Projections are to be used.

The relationship of the proposal to land use plans, policies and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they cannot be resolved must be thoroughly addressed.

(2) *Environmental impacts.* This requires analyses and descriptions of both the anticipated favorable and adverse impacts of the proposed action as it affects the environment. Where appropriate, the international environmental impacts are to be assessed. The environment in this case includes both the natural environment and the social and economic environment. Air quality, water quality, land use and wildlife are examples of areas of environmental impact. Assessments of social impacts shall include consideration of civil rights, minority groups and low income persons.

Primary, secondary and accumulative effects must be considered in the analyses. Planned measures to minimize the adverse environmental impacts of the proposal should be discussed. Summaries of the probable favorable and adverse effects which cannot be avoided will be included, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion and threats to health. There should be included an indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects.

(3) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This, in essence, requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(4) *Irreversible and irretrievable commitment of natural, cultural and other resources.* This requires the agency to identify the extent to which the action curtails the range of beneficial use of the environment.

(5) *Alternatives to the proposed action.* Alternatives to accomplish an objective should be identified and effects evaluated as part of the planning process. Evaluation must be sufficient to determine benefits, costs and risks. In the agency's view, the "best" alternative is selected as the proposed action or several alternatives are presented pending selection of the best alternative and presented to others for review and criticism. The impacts and consequences of each alternative should be presented so that others may form an independent view of the worth of the proposed action and possible alternative courses of action. In the course of review of the draft statement, additional viable alternatives may be identified. Alternatives may include those not within the existing authority of the agency. A "no action" alternative will generally have to be evaluated, along with other alternatives such as different designs, locations or new approaches to accomplishing the objectives.

Available benefit/cost information for the proposed action and each alternative should be either appended to the EIS or made available to the public.

(6) *Consultation with appropriate Federal agencies and review by state and local agencies and public involvement.* The draft EIS should describe consultation and involvement and a summary of the results of this action, including a list of those consulted.

All substantive comments received on the draft EIS (or summaries thereof where response has been exceptionally voluminous) are to be attached to the final EIS, whether or not each such comment is thought to merit individual discussion by the agency in the text of the EIS.

(7) *Cover sheet and summary sheet for environmental impact statements.* All USDA EIS's will include a cover page and a summary sheet constructed as shown below. The cover page should not include the description title shown on the left margin, but only that information within the box, which is given as an example:

Cover page:	
Report number	[1] USDA–REA–ES, unit or program code if desired, (ADM)–72–11–D.
Title	Beaver Creek to Wray, Colo., Transmission Line.
Subtitle	Draft (or final) environmental statement.
Responsible official	David A. Hamil, Administrator, Rural Electrification Administration.
Performing organization	Tri-State Generation and Transmission Association.
Name and address	P.O. Box 29198, Denver, Colorado 80229.
Date prepared	August 14, 1971.
Sponsoring agency	Prepared by—
Name and address	U.S. Department of Agriculture, Rural Electrification Administration, Washington, D.C. 20250.

[1] USDA, REA, Environmental Statement (Administrative), fiscal year 1972, sequential number 11, within that year, draft or "F" for final. Some USDA agencies may wish to use a unit code in addition to the agency abbreviation. Draft and final statements for the same action should be assigned identical report numbers, even though final statements may be prepared in the subsequent fiscal year.

USDA ENVIRONMENTAL STATEMENT

"Title"

Prepared in Accordance With
Sec. 102(2)(C) of P.L. 91–190

SUMMARY SHEET

(Check one) ( ) Draft ( ) Final Environmental Statement

Name of responsible Federal agency (with name of operating division where appropriate). Name, address and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (Check one) ( ) Administrative Action ( ) Legislative Action.

2. Brief description of action and its purpose. Indicate what states (and counties) are particularly affected and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

4. Summary of major alternatives considered.

5. (For draft statements) List all Federal, state and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, state and local agencies and other parties from which written comments have been received.

6. On final environmental impact statement *summary* sheet *only*, show date the draft environmental statement was transmitted to CEQ.

(8) *The EIS is to summarize and document data sources.*

(c) *Distribution of environmental impact statements to CEQ.* Except as covered in subsection .3(b) (EIS's for recommendations or reports on proposals for legislation), agency officials responsible for preparing EIS's are responsible for furnishing copies of the EIS's to CEQ.

Five (5) copies of draft EIS's prepared by USDA agencies and five (5) copies of the final text of EIS's shall be supplied to CEQ (this will serve as making EIS's available to the President).

(d) *Availability of environmental impact statements to the public.* Copies of draft and final EIS's are to be made available to the public by the responsible Federal official without charge to the extent practicable. Consistent with general guidelines for in-office maintenance of records, each agency will maintain at its headquarters a historical file of EIS's available for public inspection.

.5 *Consultation, review and public involvement.*—(a) *Consultation.* Prior to the development of draft EIS's, USDA agencies shall consult with interested parties, including appropriate Federal, state and local agencies and the public. Comments and views of such interested parties should be considered in developing the draft environmental statement. Inclusion of comments and views of any agency in a draft invironmental statement shall not in any way limit such agency in its subsequent submission of comments on the draft environmental statement. Appendix II, CEQ Guidelines, should be consulted for possible impacts and agencies which should be consulted.

(b) *Office of Management and Budget procedures.* For direct Federal projects and projects assisted under programs listed in Attachment D of the OMB Circular No. A–95, review by state and local governments will be through procedures set forth under Part I, Circular No. A–95.

(c) *Environmental Protection Agency review.* The Environmental Protection Agency (EPA), has special responsibilities under section 309, Clean Air Act. USDA agencies are to comply with the requirements of that Act.

(d) *Circulation for review and comment, Federal, state and local agencies; and time limit.* The draft environmental statement shall be circulated for review and comment by Federal, state and local agencies having jurisdiction by law or special expertise with respect to environmental impacts (see Appendix II, CEQ Guidelines, August 1, 1973); and shall be made available for comment by the public. A time limit of not less than sixty (60) days from the date of transmittal by the responsible official to CEQ will be observed to receive comments by reviewers.

To the maximum extent practicable, no administration action is to be taken for thirty (30) days after the final EIS has been furnished to CEQ and made available to the public.

(e) *Expedited procedures.* Where emergency circumstances make it necessary to take

action with significant environmental impact without observing the provisions of subparagraphs (a), (b), (c) and (d) of this section, the agency proposing to take the action shall work through the office of the coordinator in consulting with the CEQ about alternative arrangements.

(f) *Public information and involvement.* USDA agencies will use appropriate procedures to insure the fullest practicable provision of timely public information, understanding and involvement in Federal (USDA) plans and programs with environmental impact in order to obtain views and information on alternative courses of action (Executive Order No. 11514 of March 5, 1970, and Secretary's Memorandum No. 1695, Supplement 5, of December 1, 1970).

It is an objective of USDA to involve the public early and continue throughout the process in developing its policies and in formulating and implementing its programs. Agencies will discharge their environmental responsibilities in ways that make their management processes visible and their people available. Agencies are to utilize timely and effective procedures such as direct verbal contact, meetings, printed materials, news media, public notices and hearings, as appropriate, to accomplish these objectives.

When hearings are held to review draft EIS's, such draft EIS's must be available at least fifteen (15) days in advance of the hearing.

Agencies are to maintain a list of environmental statements under preparation, make the list available to CEQ on a quarterly basis, and keep it available for public inspection. If an agency decides that an environmental statement is not necessary for a proposed action (i) which the agency has identified as normally requiring preparation of a statement, (ii) which is similar to actions for which the agency has prepared a significant number of statements, (iii) which the agency has previously announced would be the subject of a statement, or (iv) for which the agency has made a negative determination in response to a request from the Council, the agency shall prepare a publicly available record briefly setting forth the agency's decision and the reasons for that determination.

.6 *Review of other agencies' environmental impact statements.* The Department of Agriculture and its agencies will review and comment on proposals for legislation or other major actions by other agencies as requested and/or determined appropriate because of jurisdiction by law or special expertise with respect to the environmental impact. The purposes of NEPA are best and most efficiently served if EIS's are reviewed by those personnel with the expertise and close enough to the proposed action that they have first-hand knowledge.

Other Federal agencies should observe the following procedures in obtaining comments of USDA and its agencies on EIS's:

(The required number of copies is indicated in parentheses.)

Subject area:	Send to:
1. Legislative (12)	Office of the Secretary, Attn: Coordinator of Environmental Quality Activities.
2. Regulations and national policies (12)	(Same as above.)
3. Broad national programs (12)	(Same as above.)
4. Major Federal actions of a national or interregional scope (4).[a]	Washington office of relevant USDA agency, as indicated in Appendix II of CEQ Guidelines (USDA agencies will be responsible for consulting with each other and the office of the coordinator, as appropriate, in developing responses).
5. Major Federal actions of a regional scope (4).[a]	Washington office of relevant USDA agency, as indicated in Appendix II of CEQ Guidelines, with the exception of Forest Service. EIS's to be reviewed by Forest Service should be forwarded to the appropriate regional and area offices. The addresses are attached.
6. Major Federal actions of a State or local scope (4).[a]	Washington office of relevant USDA agency, as indicated in Appendix II of CEQ Guidelines, with the exception of Forest Service and Soil Conservation Service. Statements to be sent to FS and SCS should be forwarded to the appropriate field or state office. The addresses are attached.

[a] Four copies to each agency.

In case of question, other Federal agencies should contact the office of the coordinator. In all cases, lead agencies or field offices are responsible for obtaining and coordinating inputs from other USDA or agency sources as the case may be. USDA has a variety of environmental expertise not all of which is universally located at all field offices. Thus, reviewers must be alert to the need to bring in special expertise for reviews on particularly important actions. To the extent possible, an interdisciplinary approach is to be used to review EIS's of other agencies in the same manner is used to develop EIS's of USDA. Comments should be specific, substantive and factual. It may be appropriate for reviewers to indicate the adequacy of the EIS's, the need for change or more information, and conclusions as to the advisability of the proposed action.

Where a recommendation for an alternative action in contrast to the proposed action is indicated, such recommendation is to be first discussed with the agency proposing the action. In all cases, the review and subsequent action will be performed in a constructive and cooperative manner.

Five copies of all comments made on draft and final EIS's of other agencies shall be forwarded to CEQ at the time comments are forwarded to the responsible agency. A copy of all comments on other agencies' EIS's is to be on file in the Washington office of the reviewing agency.

.7 *CEQ requests and consultation.* In order to assist the CEQ in fulfilling its responsibilities under NEPA and under Executive Order 11514, the Department will give careful consideration to requests from the CEQ for reports, other information, and actions dealing with issues arising in connection with the implementation of NEPA. Conversely, the Department will seek the advice of the CEQ in developing and operating its environmentally-related programs.

Done at Washington, D.C., this 22nd day of May, 1974.

J. PHIL CAMPBELL,
Secretary of Agriculture.

[FR Doc.74-12276 Filed 5-28-74;8:45 am]

Soil Conservation Service

TILLATOBA CREEK WATERSHED PROJECT, MISSISSIPPI

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for Tillatoba Creek Watershed Project, Yalobusha, Tallahatchie, and Grenada Counties, Mississippi (USDA-SCS-ES-FP-(ADM)-74-18 (F)).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 12 floodwater retarding structures, four grade control structures, and 9.87 miles of channel work.

The final environmental statement was transmitted to CEQ on May 10, 1974.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Room 502 Milner Building, Lamar at Pearl Streets, P.O. Box 610, Jackson, Mississippi 39205.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

MAY 21, 1974.

[FR Doc.74-12210 Filed 5-28-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MOTOR-VEHICLE MANUFACTURERS

List of Names and Addresses

MAY 1, 1974.

As required by headnote 2 of Schedule 6, Part 6, Subpart B, of the Tariff Schedules of the United States (19 USC 1202) and Part 315 of Title 15 of the Code of Federal Regulations (39 FR 2080), the following is a list of the names and addresses and dates of determinations of bona fide motor-vehicle manufacturers which shall be effective for a 12-month period beginning with the date shown following the name and address of each manufacturer:

UNITED STATES BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST AS OF MAY 1, 1974, WITH DATE OF CERTIFICATION

Action-Age, Inc.
1060 N. Detroit Avenue
Monroe, Michigan 48161
September 1, 1973

Adams International Truck Co., Inc.
P.O. Box 1556
Thomasville, Georgia 31792
January 18, 1974

Advanced Equipment Corporation
343 South Street
Newark, New Jersey 07105
October 1, 1973

Allentown Brake & Wheel Service, Inc.
R.D. No. 3
Allentown, Pennsylvania 18104
October 19, 1973

Allied Leisure, Inc.
P.O. Box 5411
Lansing, Michigan 48905
January 18, 1974

AM General Corporation
32500 Van Born Street
Wayne, Michigan 48184
April 1, 1974

American La France
Division America La France, Inc.
100 East La France Street
Elmira, New York 14902
July 8, 1973

American Motors Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 18, 1974

American Trailers, Inc.
1500 Exchange Avenue
Oklahoma City, Oklahoma 73126
January 18, 1974

American Trailer Service, Inc.
2814 North Cleveland Avenue
St. Paul, Minnesota 55113
January 18, 1974

AMREC, Inc.
Rt. 1, Box 199A
Farmington, Minnesota 55024
November 1, 1973

Amthor's Welding Service, Inc.
307 State
Route 52 East
Walden, New York 12586
July 9, 1973

Harold G. Anderson Equip. Corp.
One Anderson Drive
Albany, New York 12205
October 5, 1973

Antietam Equipment Corporation
P.O. Box 91
Hagerstown, Maryland 21740
January 1, 1974

ARBE Products
225 South Street
Rochester, Michigan 48063
September 15, 1973

Arctic Enterprises, Inc.
P.O. Box 635
Thief River Falls, Minn. 56701
August 1, 1973

Armco Recreational Products, Inc.
5995 North Washington Street
Denver, Colorado 80216
July 8, 1973

ATV Manufacturing Company
55th St. & A.V.R.R.
Pittsburg, Pennsylvania 15201
October 1, 1973

Automotive Service Company
111–113 North Waterloo
Jackson, Michigan 49204
January 18, 1974

Avanti Motor Corporation
765 South Lafayette Blvd.
P.O. Box 1916
South Bend, Indiana 46624
January 10, 1974

Bethlehem Fabricators, Inc.
1700 Riverside Drive
Bethlehem, Pennsylvania 18016
January 20, 1974

Allan U. Bevier, Inc.
Sexton Street & Georgetown Rd.
Baltimore, Maryland 21230
October 10, 1973

Donald Billings, Inc.
555 Longfellow Avenue
Bronx, New York 10474
May 12, 1973

Adam Black & Sons, Inc.
276–300 Tonnele Avenue
Jersey City, New Jersey 07306
January 18, 1974

Blue Bird Body Company
P.O. Box 937
Fort Valley, Georgia 31030
January 18, 1974

Boyertown Auto Body Works, Inc.
Third and Walnut Streets
Boyertown, Pennsylvania 19512
September 1, 1973

Brake & Equipment Co., Inc.
1801 North Mayfair Road
Milwaukee, Wisconsin 53226
January 1, 1974

Brake Service & Parts, Inc.
170 Washington Street
Bangor, Maine 04401
January 18, 1974

Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp.
50 Roanoke Avenue
Newark, New Jersey 07105
January 1, 1974

Brutanza Engineering, Inc.
Box 158
Brooten, Minnesota 56316
August 8, 1973

Bus Andrews Equipment Sales & Service, Inc.
2828 East Kearney Street
Springfield, Missouri 65803
December 1, 1973

The Carnegie Body Company
9500 Brookpark Road
Cleveland, Ohio 44129
January 1, 1974

Champion Carriers, Inc.
2321 E. Pioneer Drive
Irving, Texas 75061
October 20, 1973

Checker Motors Corporation
2016 N. Pitcher Street
Kalamazoo, Michigan 49007
January 1, 1974

Cherry Valley Tank Div., Inc.
75 Cantiague Road
Westburg, New York 11590
April 9, 1974

Chrysler Corporation
Chrysler Center
12000 Oakland Avenue
Highland Park, Michigan 48231
January 18, 1974

B. M. Clark Company, Inc & Subsidiary
Route 17—Box 185
Union, Maine 04862
January 14, 1974

Fred Clemett & Company, Inc
2020 Lemoyne Street
P.O. Box 26
Syracuse, New York 13211
July 1, 1973

Collins Industries, Inc.
Hutchinson Air Base Industrial Tract
P.O. Box 58
Hutchinson, Kansas 67501
July 1, 1973

Comet Corporation
N. 3808 Sullivan Road
Spokane, Washington 99216
January 18, 1974

Commercial Body Corporation
200—68th Place
P.O. Box 8514
Seat Pleasant, Maryland 20027
November 1, 1973

Commercial Truck & Trailer, Inc.
313 North State Street
Girard, Ohio 44420
January 1, 1974

Cook Body Company
3701 Harlee Avenue
Charlotte, North Carolina 28208
October 22, 1973

Correct Manufacturing Corporation
London Road Extension
P.O. Box 689
Delaware, Ohio 43015
July 1, 1973

Cortez Corporation
777 Stow Street
Kent, Ohio 44240
February 1, 1974

O. R. Cote Company
556 St. James Avenue
P.O. Box 8—Highland Station
Springfield, Massachusetts 01109
June 17, 1973

Cross Truck Equipment Co., Inc.
5130—18th Street, SW.
Canton, Ohio 44706
August 23, 1973

Crown Coach Corporation
2500 East 12th Street
Los Angeles, California 90021
March 20, 1974

Daleiden Auto Body & Mfg. Corp.
425 E. Vine Street
Kalamazoo, Michigan 49001
January 12, 1974

Dealers Truck Equipment Co., Inc.
2460 Midway Street
P.O. Box 1435
Shreveport, Louisiana 71102
January 1, 1974

Dealers Truckstell Sales, Inc.
653 Beale Street
P.O. Box 502
Memphis, Tennessee 38101
January 1, 1974

Chet Decker Auto Sales
300 Lincoln Avenue
Hawthorne, New Jersey 07506
November 3, 1973

John Deere Horicon Works of Deere & Company
Horicon, Wisconsin 53032
June 1, 1974

Diamond Reo Trucks, Inc.
1331 South Washington Avenue
Lansing, Michigan 48920
October 26, 1973

Dufrane Motor Distributors, Inc.
417 E. Main Street
Malone, New York 12953
May 15, 1973

Eastern Tank Corporation
290 Pennsylvania Avenue
Paterson, New Jersey 07503
January 1, 1974

Economy Motors, Inc.
3102 W. 1st Street
Duluth, Minnesota 55806
November 22, 1973

Eight Point Trailer Corporation
6100 E. Washington Blvd.
Los Angeles, California 90040
January 18, 1974

Elder International, Inc.
5875 North Loop
P.O. Box 2061
Houston, Texas 77001
December 1, 1973

Equipment Service, Inc.
40 Airport Road
Hartford, Connecticut 06114
April 1, 1974

E. & R. Trailer Sales, Inc.
R.R. #1
Middle Point, Ohio 45863
December 1, 1973

John Evans Manufacturing Co., Inc.
P.O. Box 669
Sumter, South Carolina 29150
January 1, 1974

Feldmann Engineering & Mfg. Co., Inc.
639 Monroe Street
Sheboygan Falls, Wisconsin 53085
April 28, 1974

Fleet Equipment Company
10605 Harry Hines
P.O. Box 20578
Dallas, Texas 75220
December 1, 1973

The Fixible Company
326-332 N. Water Street
Loundonville, Ohio 44842
January 1, 1974

Ford Motor Company
The American Road
Dearborn, Michigan 48121
January 18, 1974

Fox Corporation
1111 W. Racine Street
Janesville, Wisconsin 53545
January 18, 1974

F & P Export Sales Corporation
F & P Truck & Trailer Equip. Div.
254-266 Central Avenue
Newark, New Jersey 07103
October 12, 1973

Freightliner Corporation
2525 S.W. Third Avenue
Portland, Oregon 97201
December 14, 1973

Fruehauf Corporation
10900 Harper Avenue
Detroit, Michigan 48232
December 1, 1973

FWD Corporation
105 East 12th Street
Clintonville, Wisconsin 54929
January 1, 1974

Gallagher's Tank & Equip., Inc.
317 West Service Road
Hartford, Connecticut 06120
June 1, 1974

Peter Garafano & Son, Inc.
264 Wabash Avenue
Paterson, New Jersey 07503
June 4, 1974

General Motors Corporation
3044 West Grand Blvd.
Detroit, Michigan 48202
January 19, 1974

General Trailer Company, Inc.
546 W. Wilkins Street
Indianapolis, Indiana 46225
January 27, 1974

The Gertsenslager Company
1425 East Bowman Street
Wooster, Ohio 44691
July 1, 1973

Gidley-Eschenheimer Corporation
858 Providence Highway
Dedham, Massachusetts 02026
July 15, 1973

Gillig Brothers
25800 Clawiter Road
P.O. Box 330
Hayward, California 94543
January 1, 1974

Gilson Brothers Company
P.O. Box 152, Highway 57
Plymouth, Wisconsin 53073
September 26, 1973

Gooch Brake and Equipment Company
531 Grand Avenue
Kansas City, Missouri 64106
January 11, 1974

Harley-Davidson Motor Co., Inc.
3700 West Juneau Avenue North
Milwaukee, Wisconsin 53201
April 1, 1974

Heil Equipment Co. of Philadelphia, Inc.
1223 Ridge Pike
Conshocken, Pennsylvania 19428
January 3, 1974

Heilrickson Manufacturing Company
8001 West 47th Street
Lyons, Illinois 60534
January 1, 1974

Herter's, Inc.
Route 1
Waseca, Minnesota 56093
May 15, 1974

The Hess & Eisenhardt Company
8959 Blue Ash Road
Cincinnati, Ohio 45242
January 9, 1974

Hews Body Company
190 Rumery Street
South Portland, Maine 04106
January 18, 1974

H. & H. Truck Tank Company, Inc.
745 Tonnele Avenue
Jersey City, New Jersery 07307
September 30, 1973

Highway Products, Inc.
789 Stow Street
Kent, Ohio 44240
March 27, 1974

Hobbs Equipment Company, Inc.
Keeler Avenue
Norwalk, Connecticut 06856
August 9, 1973

H. M. Howe Co. of New England, Inc.
93 Bucklin Street
Providence, Rhode Island 02907
December 12, 1973

O. G. Hughes & Sons, Inc.
4816 Rutledge Pike
Box 6277
Knoxville, Tennessee 37914
January 1, 1974

Ibex
Div. of Jelco, Inc.
847 West 17th South
Salt Lake City, Utah 84104
April 1, 1974

International Harvester Company
401 North Michigan Avenue
Chicago, Illinois 60611
January 18, 1974

Iroquois Manufacturing Co., Inc.
Richmond Road
Hinesburg, Vermont 05461
July 1, 1973

Jamie E. Jacobs, Owner
New England Oil Burner Company
Vermont Chemicals
Bobcat Mfg. Company, Inc.
Colchester, Vermont 05446
and
Bobcat Mfg. Company, Inc.
P.O. Box 191
Peck Hill Road
Johnston, Rhode Island 02910
January 8, 1974

Jac-Trac, Inc.
Route 2—East 29th Street
Marshfield, Wisconsin 54449
May 26, 1973

Jeep Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 1, 1974

Kar-Go Manufacturing Center of Michigan, Inc.
25701 Seeley Road
P.O. Box 324
Novi, Michigan 48050
November 1, 1973

Kay Wheel Sales Company
Van Kirk Street at State Road
Philadelphia, Pennsylvania 19135
January 1, 1974

L. W. Ledwell & Son, Inc.
P.O. Box 1106
Texarkana, Texas 75501
January 18, 1974

Leisure Design Corporation
Route 3, Box 706
Excelsior, Minnesota 55331
December 18, 1973

Leisure Vehicles, Inc.
1460 Rankin
Troy, Michigan 48084
January 25, 1974

Leland Equipment Company
7777 E. 42nd Place South
Box 45128
Tulsa, Oklahoma 74145
January 18, 1974

Liberty Oil Equipment Company, Inc.
82 Cherry Street
East Hartford, Connecticut 06108
May 1, 1974

Long Trailer Service, Inc.
P.O. Box 5105
Henderson Drive
Greenville, South Carolina 29606
January 1, 1974

Mack Trucks, Inc.
Box M
Allentown, Pennsylvania 18105
January 18, 1974

Madison Truck Equipment, Inc.
2410 S. Stoughton Road
Madison, Wisconsin 53716
October 22, 1973

Manning Equipment, Inc.
12000 Westport Road
P.O. Box 22266
Louisville, Kentucky 40222
April 16, 1974

Massey-Ferguson, Inc.
1901 Bell Avenue
Des Moines, Iowa 50315
and
Badger Northland Inc., a subsidiary of Massey-Ferguson Inc.
215 West Second Street
Kaukauna, Wisconsin 54130
July 1, 1973

Maxon Industries, Inc.
1960 E. Slauson Avenue
Huntington Park, California 90255
August 15, 1973

Mercury Marine, Div. of Brunswick Corp.
1939 Pioneer Road
Fond du Lac, Wisconsin 54935
June 24, 1973

Merit Tank & Body, Inc.
707 Gilman Street
Berkeley, California 94710
January 18, 1974

Mickey Truck Bodies, Inc.
1505 Bethel Drive
P.O. Box 2044
High Point, North Carolina 27261
June 30, 1973

Middlekauff, Inc.
1615 Ketcham Avenue
Toledo, Ohio 43608
January 18, 1974

Mid West Truck Equipment Sales Corp.
640 East Pershing Road
Decatur, Illinois 62526
February 22, 1974

Miller Trailers, Inc.
443 Chestnut Street
Oneonta, New York 13820
May 1, 1974

Moline Body Company
222—52nd Street
Moline, Illinois 61265
January 6, 1974

Monon Trailer, Inc.
(a Div. of Evans Products Co.)
P.O. Box 446
Monon, Indiana 47959
April 8, 1974

Moore and Sons, Inc.
2900 Airways Blvd.
Memphis, Tennessee 38130
January 1, 1974

Motor Coach Industries, Inc.
Pembina, North Dakota 58271
January 18, 1974

MTD Products, Inc.
5389 West 130th Street
P.O. Box 2741
Cleveland, Ohio 44111
September 15, 1973

Murphy Body Distributors, Inc.
310 Harring Avenue
Wilson, North Carolina 27893
November 22, 1973

Mutual Wheel Company
2345 4th Avenue
Moline, Illinois 61265
February 20, 1974

Neil's Automotive Service, Inc.
167 E. Kalamazoo Avenue
Kalamazoo, Michigan 49006
January 1, 1974

Nelson Manufacturing Company
Route 1, Box 90
Ottawa, Ohio 45875
January 18, 1974

New Harris Rim & Wheel, Inc.
1720 Parkway Towers
Nashville, Tennessee 37219
January 1, 1974

Ohio Body Manufacturing Company
New London, Ohio 44851
January 1, 1974

Olson Bodies, Inc.
600 Old Country Road
Garden City, New York 11530
November 1, 1973

Chas. Olson & Sons, Inc.
2945 Pillsbury Avenue
Minneapolis, Minnesota 55408
April 14, 1974

Olson Trailer & Body Builders Co.
2740 South Ashland Avenue
P.O. Box 2445
Green Bay, Wisconsin 54306
January 18, 1974

Oshkosh Truck Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54901
January 18, 1974

Outboard Marine Corporation
100 Pershing Road
Waukegan, Illinois 60085
January 1, 1974

PACCAR, Inc.
d/b/a Kenworth Truck Company
Peterbilt Motors Company
P.O. Box 1518
Bellevue, Washington 98009
January 18, 1974

Palmer Spring Company
355 Forest Avenue
Portland, Maine 04101
January 18, 1974

Palmer Spring Company
399 Willow Street
Manchester, New Hampshire 03103
November 4, 1973

Palmer Trailer Sales Co., Inc.
162 Park Street
Palmer, Massachusetts 01069
January 18, 1974

Peabody Galion Corporation
500 Sherman Street
P.O. Box 607
Galion, Ohio 44833
August 24, 1973

Peerless Division,
Royal Industries, Inc.
18205 S.W. Boones Ferry Road
P.O. Box 447
Tualatin, Oregon 97062
January 8, 1974

Perfection Equipment Company
#7 South Pennsylvania
Oklahoma City, Oklahoma 73107
January 12, 1974

Petroleum Equipment & Supply Co., Inc.
321 Forbes Avenue
New Haven, Connecticut 06512
September 27, 1973

Phoenix Manufacturing, Inc.
374 West Union Street
Nanticoke, Pennsylvania 18634
February 20, 1974

Polaris Div. of Textron, Inc.
1225 N. County Road 18
Minneapolis, Minnesota 55427
August 2, 1973

C. E. Pollard Company
13575 Auburn Avenue
Detroit, Michigan 48223
July 27, 1973

Power Brake Company, Inc.
1506 W. Morehead Street
Charlotte, North Carolina 28201
January 17, 1974

Power Brake Service & Equipment Co., Inc.
1022 Carnegie Avenue
Cleveland, Ohio 44115
October 21, 1973

Providence Body Company
750 Wellington Avenue
Cranston, Rhode Island 02910
June 1, 1974

Quality Truck Equipment Company
Route 66 and Mercer Avenue
P.O. Box 420
Bloomington, Illinois 61701
November 15, 1973

Raleigh Spring & Brake Service, Inc.
1813 S. Saunders Street
P.O. Box 9304
Raleigh, North Carolina 27603
April 9, 1974

Recreatives Limited
30 French Road
Buffalo, New York 14227
July 13, 1973

Rectrans Div. of White Motor Corp.
800 Whitney Avenue
Brighton, Michigan 48116
May 10, 1974

Reliable Spring Company, Inc.
10557 S. Michigan Avenue
Chicago, Illinois 60628
January 20, 1974

Rhode Island Petroleum Equip. Co.
Mill Street
Johnston, Rhode Island 02861
Mailing Address:
John F. Cullinan, President
Rhode Island Petroleum Equip. Co.
88 Manistee Street
Pawtucket, Rhode Island 02861
May 16, 1973

R. J. S.-Simpson International, Inc.
420 Hopkins Street
Buffalo, New York 14220
February 17, 1974

Roanoke Welding Company
P.O. Box 4373
Roanoke, Virginia 24015
January 1, 1974

Rowland Truck Equipment, Inc.
2900 Northwest 73rd Street
P.O. Box 47-398
Miami, Florida 33147
November 19, 1973

Rupp Industries, Inc.
1776 Airport Road
Mansfield, Ohio 44903
October 3, 1973

Schweigers, Inc.
South Highway 81
Watertown, South Dakota 57201
January 18, 1974

Scientific Brake & Equip. Co.
314 W. Genesee Avenue
Saginaw, Michigan 48602
January 19, 1974

Scorpion, Inc.
Box 300
Crosby, Minnesota 56441
April 29, 1974

Sharpsville Steel Equipment Co.
6th & Main Streets
Sharpsville, Pennsylvania 16150
January 2, 1974

SMI (Watertown), Inc.
Purdy Avenue
Watertown, New York 13601
August 1, 1973

Smith-Moore Body Company, Inc.
P.O. Box 27287
Richmond, Virginia 23261
January 18, 1974

Southeastern Equipment, Inc.
1105 Pulaski Street
Columbia, South Carolina 29201
November 22, 1973

South Florida Engineering, Inc.
P.O. Box 11927
Tampa, Florida 33610
July 2, 1973

Southwest Truck Body Company
200 Sidney Street
St. Louis, Missouri 63104
February 11, 1974

Speedway Products, Inc.
(Div. of Taylor Metal Products)
160 E. Longview Avenue
Mansfield, Ohio 44905
August 7, 1973

SS Automobiles, Inc.
1735 South 106th Street
Milwaukee, Wisconsin 53215
May 22, 1974

Steffen, Inc.
623 West 7th Street
Sioux City, Iowa 51103
November 4, 1973

Superior Coach Corporation
Sheller-Globe Corporation
1200 East Kibby Street
Lima, Ohio 45802
March 20, 1974

Syracuse Auto Parts, Inc.
120 N. Geddes Street
Syracuse, New York 13204
January 18, 1974

Thiokol Corporation
Logan Division
2503 North Main Street
Logan, Utah 84321
January 15, 1974

Thomas Built Buses, Inc.
1408 Courtesy Road
P.O. Box 1849
High Point, North Carolina 28261
August 1, 1973

Transport Equipment Company
3400 6th Avenue, South
Seattle, Washington 98134
January 18, 1974

Truck Equipment, Inc.
680 Potts Avenue
P.O. Box 3280
Green Bay, Wisconsin 54304
January 18, 1974

Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67209
November 11, 1973

Truck & Transportation Equipment Co., Inc.
220 Industrial Avenue
P.O. Box 10455
New Orleans, Louisiana 70181
January 1, 1974

Tuff Boy, Inc.
5151 E. Almondwood Drive
Manteca, California 95336
January 1, 1974

Union City Body Company, Inc.
1015 West Pearl Street
Union City, Indiana 47390
August 15, 1973

Unit Rig & Equipment Company
P.O. Box 3107
Tulsa, Oklahoma 74101
January 1, 1974

Viking Snowmobiles, Inc.
P.O. Box 37
Twin Valley, Minnesota 56584
August 1, 1973

Vulcan Trailer Mfg. Company, Inc.
1321 3rd Street & Ensley
Birmingham, Alabama 35214
December 1, 1973

Walter Motor Truck Company
School Road
Voorheesville, New York 12186
April 29, 1974

The Warner & Swasey Company, Duplex Division
830 East Hazel Street
Lansing, Michigan 48909
April 1, 1974

Wayne Corporation, an Indian Head Company
P.O. Box 1447
Industries Road
Richmond, Indiana 47374
October 31, 1973

Westinghouse Air Brake Company, Construction & Mining Equip. Group
2301 N.E. Adams Street
Peoria, Illinois 61601
February 1, 1974

Weston Equipment Company, Inc.
130 Railroad Hill Street
Waterbury, Connecticut 06708
January 3, 1974

White Motor Corporation
100 Erieview Plaza
Cleveland, Ohio 44114
January 18, 1974

White Trucks & Equipment Sales, Inc.
2401 Dinneen Avenue
P.O. Box 7185
Orlando, Florida 32804
December 1, 1973

Winnebago Industries, Inc.
P.O. Box 152
Forest City, Iowa 50436
March 19, 1974

Wollard Aircraft Equipment, Inc.
6950 N.W. 77th Court
Miami, Florida 33166
December 1, 1973

Wyman's Inc.
Northfield Road
Box 541
Montpelier, Vermont 05602
June 1, 1974

Young Daybrook, Inc.
Div. of Gulf & Western Metals Forming Company
1175 North Main Street
Bowling Green, Ohio 43402
January 1, 1974

From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

Dated: May 20, 1974.

PAUL T. O'DAY,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-12212 Filed 5-28-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00297-33-46040. Applicant: U.S. Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268. Article: Electron Microscope, Model JEM 100B/SEG. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended to be used in research investigation in the areas of advanced waste treatment, analytical quality control, environmental toxicology, and water supply. Specifically, the article will be used for (1) high resolution studies of virus infected cells, virions, isolated viral nucleic acids and proteins, and small parasitic bacteria such as those of the Bdellovibrio type; (2) particulate identification in water samples, visualization of the collodial material after treatment of waste waters, and determination of polymer attachment in the process of flocculation and stabilization and (3) the investigation of smoke and dust particulates of importance to inhalation toxicology as well as tissue pathology and morphology after animal exposure to these pollutants.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 22, 1973).

Reasons: The foreign article provides a guaranteed resolving capability of 3.0Å point to point and distortion free micrographs over a magnification range 300 to 500,000x without a pole-piece change. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope currently supplied by the Adam David Company. When the article was ordered the Model EMU-4C had a specified resolving capability of 5.0Å, and, with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggested in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column.

The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 29, 1974 the best resolution available and distortion free micrographs at low magnification (i.e., 300Å) are pertinent to the applicant's purposes. HEW also advised that it knows of no domestic instrument which provides the combination of pertinent capabilities provided by the foreign article.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12248 Filed 5-28-74;8:45 am]

ROSWELL PARK MEMORIAL INSTITUTE

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 (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special

Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00250-33-46040. Applicant: Roswell Park Memorial Institute, Health Research Inc., 666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in a wide range of research projects which include the following:

(1) Examination of human leukemia cells from A.L.L. and lymphosarcoma converted to leukemia to attempt to detect morphological differences in order to prognosticate,

(2) Examination of Ewing's Sarcoma and Reticulum Cell Sarcoma of the bone in an attempt to differentiate these two in order to "tailor-make" treatments,

(3) Examination of human lymphomas to detect morphological differences and correlate with prognosis,

(4) Examination of breast cancer,

(5) Expansion of pathological sources to use electron microscopy diagnosis on difficult diagnostic cases by light microscopy,

(6) Development of a hydration chamber for both transmission and scanning electron microscopy, and

(7) Localization of carcinoembryonic antigen on tumor cells, either from surgical specimens or from tissue culture using immuno electron microscopy techniques.

In addition, the article is to be used in the course Techniques of Electron Microscopy in which students will learn the principals of fixation, dehydration, and embedding of tissues for electron microscopy and practical training in the use of the electron microscope will be given. Application received by Commissioner of Customs: December 18, 1973. Advice submitted by the Department of Health, Education, and Welfare on: April 22, 1974. Article ordered: November 21, 1973.

Docket Number: 74-00294-33-46040. Applicant: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: 1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; 2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); 3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: January 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: April 18, 1973.

Docket Number: 74-00295-33-46040. Applicant: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. Article Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: January 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: April 17, 1973.

Docket Number: 74-00296-33-46040. Applicant: Yale Medical School, 333 Cedar Street, New Haven, Connecticut 06510. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the phenomena under investigation will include: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: January 18, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: April 17, 1973.

Docket Number: 74-00300-35-46040. Applicant: State University of N.Y. at Stony Brook, School of Dental Medicine, Department of Oral Biology, Stony Brook, N.Y. 11790. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used as a high resolution research tool to investigate the ultrastructure of naturally occurring and experimentally induced oral disease; specifically, dental caries research, periodontal disease research, and the general area of biological mineralization. Dental caries research will involve the examination at high magnification of the interface between enamel crystallites and bacteria and/or their extracellular polysaccharide matrices. In the area of periodontal disease research the permeability of epithelial tissues, cell-to-cell contact specializations in gingival epithelia, the nature and breakdown of gingival collagen and ground substance glycoproteins will be investigated. Other research involves studies of pathologic tissue changes, naturally occurring or experimentally induced and the investigation of the production of odontogenic tumors in hamsters infected with MVM viruses. Graduate students will be trained in the use of the microscope. Application received by Commissioner of Customs: January 21, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29, 1974. Article ordered: September 12, 1973.

Docket Number: 74-00305-33-46040. Applicant: Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, New York 10029. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following investigations:

1. A multifaceted approach concerning the differentiation, regulation of cell division and induction of cell proliferation; and an analysis of the interrelationship of these 3 processes.

2. A study of differentiation of epithelial cells in the mouse colon in normal animals and in experimental carcinogenesis and and polypogenesis such as that induced by 1,2-dimethyl-hydrizine.

3. Comparison of the morphological aspects of development, growth, and repair of *striated muscle* of both normal and dystrophic mice, including precise measurements of microfilaments found in all cells of the myoblastic line.

4. The study of the hormonal control of spermatogenesis and particularly the roles of Sertoli cells and the "blood-testis barrier" in this process.

5. The study of a "Stertoli-only" tubule after partial dissociation.

6. The observation and interpretation of subtitle alterations of the fibrillar and filamentous components of the neck midpiece and tail of the spermatozoa during maturation.

7. The determination of the role of (a) the tight junction between endothelial cells and (b) low frequency of pinocytotic vesicles in the "barrier" phenomenon (anatomical barriers to the movement of protein tracers from blood to cerebral parenchyma), and

8. The investigation of the possibility that connective tissue cells and smooth muscle cells are different modalities of the same type.

In addition, the article will be used for formal teaching to graduate students through "Advanced Study in Anatomy" courses and to medical students in "Basics of Electron Microscopy." These courses are intended to provide the student with a working knowledge of the principles and techniques employed in electron microscopy. Application received by Commissioner of Customs: January 24, 1974. Advice submitted by the Department of Health, Education, and Welfare on: April 29. 1974. Article ordered: September 26, 1973.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of

equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability 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 was formerly produced by the Forgflo Corporation and which is currently supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12249 Filed 5-28-74;8:45 am]

UNIVERSITY OF FLORIDA

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 June 18, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00433-63-46040. Applicant: University of Florida, Institute of Food & Agri. Sciences, Agri. Research Center, 3205 S. W. 70th Avenue, Fort Lauderdale, Florida 33314. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of biological materials. Initially ultra thin sections of diseased palm trees as well as potential insect vectors will be studied during research on Lethal Yellowing Disease of coconuts. Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00434-33-46500. Applicant: East Tennessee State University, Johnson City, Tennessee 37601. Article: Ultra-microtome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens including viruses, microorganisms and mammalian tissues from experimental animals exhibiting normal and pathological conditions. The article will also be used in a course entitled Electron Microscopy 5060 to introduce the student to a variety of biological specimen preparation techniques for the electron microscope, to operate the electron microscope and to obtain satisfactory photomicrographs of their speciments. Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00435-33-46040. Applicant: State University of New York at Stony Brook, Department of Cellular and Comparative Biology, Stony Brook, New York 11790. Article: Electron Microscope Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in carrying out the following projects:

(a) The comparative ultrastructure of spider lyriform organs,

(b) The effect of hydrocarbon pollutants on the cellular development of Hydra,

(c) Structural organization of some inverterbrate muscles,

(d) Studies on the structural changes during development of the slime mold, Dictyostelium discoidum.

The article will also be used in a course to train students in the various techniques of electron microscopy applicable to their research interests.

Application received by Commissioner of Customs: April 29, 1974.

Docket Number: 74-00439-35-46500. Applicant: Montefiore Hospital and Medical Center, Department of Ophthalmology, 111 East 210th Street, Bronx, N.Y. 10467. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the investigation of the ultrastructure of a variety of ocular tissues in normal and diseased eyes of humans and animals. These tissues include cornea, retina and choroid. The experiments to be conducted include (a) examination of human eyes surgically removed due to pathology and (b) pathological changes induced in the retina and choroid of a variety of animal models and the ultrastructural changes in the retinal and choroid vessels of these eyes in order to understand human disease pathology. The article will also be used in courses to (1) prepare the ophthalmology residents to become well qualified ophthalmologist with the ability to relate clinical findings to pathologic and research observations; (2) to introduce medical students to ophthalmology both clinical and research; and (3) to broaden the education and research capabilities of special post-doctoral fellows in ophthalmologic research. Application received by Commissioner of Customs: April 30, 1974.

Docket Number: 74-00440-33-46500. Applicant: The Hospital for Special Surgery, 535 E. 70th Street, New York, N.Y. 10021. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of specimens of normal and pathological bone cartilage and other connective tissues obtained from human subjects and experimental animals. The article will be used for sectioning and serial sectioning of tissue in uniform thickness of about 50 Angstroms for examination with the electron microscope. Application received by Commissioner of Customs: April 29, 1974.

Docket number: 74-00441-01-47500. Applicant: Washington University, Biochemistry, 660 South Euclid Avenue, St. Louis, Missouri 53110. Article: Focusing Monochromator. Manufacturer: Compagnie Generale de Radiologie Recherche et Industrie, France. Intended use of article: The article is intended to be used to obtain x-ray diffraction photographs from lipoproteins and membranes as part of a medical science research program on determining the molecular structure of lipid: protein complexes. The long range objective of the study is to determine structural parameters of these complexes which can be used to understand lipid transport and storage and membrane properties. Application received by Commissioner of Customs: May 1, 1974.

Docket number: 74-00442-33-46040. Applicant: State University of New York at Stony Brook, Department of Biochemistry, Stony Brook, New York 11790. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the following research projects:

(1) Structure of Mitochondrial DNA—Examination of the various forms of replicating forks in rat liver mitochondrial DNA using Klineschmidt techniques;

(2) Structure determination of bacterial cell wall—Investigations involving enzymatic and chemical modification of

these proteins which could then be compared structurally with normal proteins using the electron microscope;

(3) Structural organization of vertebrate muscle—Research on the organization of myosin filaments and the polymerization of actin; and

(4) Several projects concerned with macromolecular structures e.g. tRNA and the yeast phenylalanyl tRNA synthetase recognition site and crystallization of immunoglobins, phage lysozymes and ribosomal 5S RNA.

The article will also be used for training graduate students in electron microscopy. In addition the article is to be used in the course Experimental Biochemistry for first year graduate students. Application received by Commissioner of Customs: April 30, 1974.

Docket Number: 74-00443-99-43780. Applicant: Pacific University, College of Optometry, 2043 College Way, Forest Grove, Oregon 97116. Article: Pickford-Nicolson Anomaloscope. Manufacturer: Rayner & Keeler, Ltd., United Kingdom. Intended use of article: The article is to be used to teach methods of detecting and assessing color vision anomalies in clinical patients. Application received by Commissioner of Customs: April 26, 1974.

Docket Number: 74-00444-33-46040. Applicant: West Virginia University, School of Medicine, Morgantown, West Virginia 26506. Article: Electron Microscope, Model Corinth 275. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used for screening studies on human brain tissues in which viral infections can be suspected. The brain tissues to be studied include both biopsy and autopsy materials. Also, brain tissue from experimental animals, inoculated with virus or filtrate from human brains, will be studied in parallel. In this line of investigation, it is hoped to detect viral or other etiologic agents which may cause neurological diseases. The article will also be used for teaching basic theory and concept on the ultrastructural approach to human neurological diseases. Application received by Commissioner of Customs: April 22, 1974.

Docket Number: 74-00445-33-41700. Applicant: Baylor University Medical Center, Oncology Section, 3500 Gaston Avenue, Dallas, Texas 75246. Article: Medilase (Sharplan) 791 Co_2 Surgical Laser. Manufacturer: Laser Industries, Ltd., Israel. Intended use of the article: The article is intended to be used in research experiments, which will be determined to further elucidate the effects of laser beam energy on normal diseased, and wounded tissue. The article will be evaluated as a surgical scalpel for making incision in human and animal soft tissue and bone, for the treatment of tumors, and for making bloodless incisions in any and all forms of surgery where a scalpel is now utilized. Studies will be conducted to evaluate the response of tissues to the effects of the laser beam. In addition, the article will be used in instruction of residents, internes and other physicians. Application received by Commissioner of Customs: May 1, 1974.

Docket Number: 74-00[illegible]-33-46040. Applicant: Temple University, Health Sciences Center, Department of Pathology, 3400 North Broad Street, Philadelphia, Pa. 19140. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for the (a) study of the cross-linkages in the filaments pigment synthesizing organelle of the melanocyte, (b) localization of isoproterenol to specific organelles in the cells of the salivary gland, and (c) identification of elemental copper in the enzyme tryrosinase. Application received by Commissioner of Customs: April 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-12250 Filed 5-28-74;8:45 am]

UNIVERSITY OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00227-33-46040. Applicant: University of South Carolina, Columbia, South Carolina 29208. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies involving high resolution analyses of protein fibers and membrane systems in organisms as well as routine low magnification works. Other studies concern high resolution investigations of DNA fibers, and lattice structures and their deformation of thin metal crystals; and the synthesis of matrix fibers and their assembleage into the matrix. The article will also be used in the graduate course (Biology 760, 760L) entitled "Electron Microscopy" consisting of a lecture and laboratory sessions and designed to give students basic training in biological electron microscopy. Comments: Comments have been received from the Adam David Company (Adam David) which allege inter alia that the Adam David Model EMU-4C is of equivalent scientific value to the foreign article for the purposes for which the instrument is intended to be used as stated in the application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (November 13, 1973). Reasons: The foreign article has a specified resolving capability of 3.0 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope, formerly manufactured by the Forgflo Corporation and currently being supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 15, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that "the Adam David Company * * * has failed to produce any evidence that the resolution of [the] EMU-4C is equal to the resolution of the [foreign] article by any reasonable definition." We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Program Division.

[FR Doc.74-12215 Filed 5-28-74;8:45 am]

WALTER REED ARMY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00309-33-28500. Applicant: Walter Reed Army Medical Center, P and C Branch, Building 33, Georgia Avenue NW., Washington, D.C. 20012. Article: Laurel Rocket Electrophoresis Apparatus with replacement

parts and supplies. Manufacturer: Farbwerke Hoechst AG, West Germany. Intended use of article: The article is to be used to study the argarose electrophoresis properties of serum proteins including antigens such as thermophilic fungi.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for water jacketed, water cooled electrophoresis. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 29, 1974 that the capability described above is pertinent to the applicant's use in electrophoretic analysis of antigens from thermophilic fungi and other antigens. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-12251 Filed 5-28-74;8:45 am]

National Bureau of Standards

NATIONAL INVENTORS COUNCIL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given of a meeting of the National Inventors Council to be held in Room 2062 at the Department of Commerce, Washington, D.C., from 10 a.m. to 5 p.m. on June 18, 1974.

The purpose of the Council is to advise the Secretary of Commerce on policies affecting the processes of technological change.

The Council is composed of approximately 15 members from the industrial, legal and academic communities, and 9 observers from Federal agencies in the Washington, D.C. area.

The agenda for the meeting will include: (1) A brief review of the history of the NIC for the benefit of the new members; (2) A discussion of the role that the NIC can play in improving the present climate for all inventors in the United States; (3) Discussion of the NIC's functions in providing the maximum possible assistance to the Assistant Secretary of Commerce for Science and Technology; and (4) Plans for a major meeting in the future, similar to the 1965 Woods Hole meeting and the 1973 meeting in Monterey.

The meeting will be open to public observation; applications for admission will be accepted and granted on a first-come-first-served basis up to the capacity of the conference room. These applications should be sent by first-class mail to Mrs. Doris Blackmon, Acting Executive Secretary, National Inventors Council, National Bureau of Standards, Washington, D.C. 20234; telephone (301) 921-3611.

RICHARD W. ROBERTS,
Director.

MAY 22, 1974.

[FR Doc.74-12225 Filed 5-28-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent application 392,379: Low Spin-Deceleration Safing and Arming Mechanism; filed 28 August 1973; PC$4.00/MF$1.45.

Patent application 392,381: Non-Abradable Turbine Seal; filed 28 August 1973. PC $4.00/MF$1.45.

Patent application 394,891: Preparation of Yttrium and Lanthanide Hexafluoroisopropoxide Diammoniates; filed 6 September 1973. PC$4.00/MF$1.45.

Patent application 401,000: Thermally Stable Perfluoroalkylene Ether Bibenzoxazole Polymers; filed 26 September 1973; PC $4.00/MF$1.45.

Patent application 401,005: Digital Phase Measuring System; filed 26 September 1973; PC$4.00/MF$1.45.

Patent application 404,061: Electronic Antenna Tuning Technique; filed 5 October 1973; PC$4.00/MF$1.45.

Patent application 404,090: Composite Wall for a Regeneratively Cooled Thrust Chamber of a Liquid Propellant Rocket Engine; filed 5 October 1973; PC$4.25/MF$1.45.

Patent application 405,710: Ultra Low Diffraction Loss Substrate Members for Acoustic Surface Wave Devices; filed 11 October 1973; PC$4.00/MF$1.45.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Management Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 090,792: Esters of 1,4-Benzodioxan-2-Carboxylic Acid as Attractants for the European Chafer; filed 1 August 1973; PC$4.00/MF$1.45.

Patent application 328,204: Process for Curing Tobacco; filed 31 January 1973; PC $4.00/MF$1.45.

Patent application 348,803: N-Substituted Fatty Acid Amide Lubricants; filed 6 April 1973; PC$4.25/MF$1.45.

Patent application 456,911: Highly Absorbent Starch-Containing Polymeric Compositions; filed 3 March 1974; PC$6.00/MF$1.45.

Patent 3,692,532: Milk-Fruit Juice Beverage and Process for Preparing Same; filed 27 October 1970; patented 19 September 1972; not available NTIS.

Patent 3,701,609: Apparatus for Automatically Adding Preselected Patterns of Eluent Solutions to a Chromatographic Column and Monitoring and Collecting Eluted Fractions; filed 13 May 1971, patented 31 October 1972; not available NTIS.

Patent 3,701,802: Cyanoethylation of Hydroxy Compounds; filed 22 August 1969, patented 31 October 1972; not available NTIS.

Patent 3,702,358: Cis-1-Hexadecen-1-ol Acetate as an Attractant for Adult Male Pink Bollworm Moths; filed 2 December 1970, patented 7 November 1972; not available NTIS.

Patent 3,719,449: Crosslinked Heterocyclic Cellulosic Products; filed 27 April 1972, patented 6 March 1973; not available NTIS.

Patent 3,723,058: Removal of Free Formaldehyde from Solutions of Methylolated Carbamate Finishing Agents and Textiles Treated Therewith; filed 27 April 1972, patented 27 March 1973; not available NTIS.

Patent 3,725,551: Insect Control Process with Synthetic Hormones; filed 10 November 1970, patented 3 April 1973; not available NTIS.

Patent 3,743,719: Mixtures of Cyclohexanealkanoic Acids, Their Esters and Eugenol as Attractants for the Japanese Beetle; filed 18 November 1970, patented 3 July 1973; not available NTIS.

Patent 3,745,181: Process for the Preparation of Surfactants; filed 28 June 1971, patented 10 July 1973; not available NTIS.

Patent 3,746,767: Mothproofing Wool; filed 7 June 1971, patented 17 July 1973; not available NTIS.

Patent 3,748,149: Continuous Production of Cheese Curd; filed 14 February 1972, patented 24 July 1973; not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 300 Seventh Street SW., Washington, D.C. 20590.

Patent application 462,618: Radioisotope Gauge for Determining Cement Content of Concrete; filed 22 April 1974; PC$4.00/MF$1.45.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP—2, Washington, D.C. 20546.

Patent application 436,315: Duplex Aluminized Coatings; filed 24 January 1974; PC$4.00/MF$1.45.

Patent application 440,917: Axially and Radially Controllable Magnetic Bearing; filed 8 February 1974; PC$4.25/MF$1.45.

Patent application 445,178: Journal Bearings; filed 25 February 1973; PC$4.00/MF$1.45.

Patent application 445,398: Testing Device Using X-Ray Lasers; filed 25 February 1974; PC$4.00/MF$1.45.

Patent application 446,568: Method of Making an Apertured Casting; filed 27 February 1974; PC$4.00/MF$1.45.

Patent application 448,325: Apparatus for Calibrating an Image Dissector Tube; filed 5 March 1974; PC$4.00/MF$1.45.
Patent application 449,153: An Improved Heat Sterilizable Patient Ventilator; filed 7 March 1974; PC$4.25/MF$1.45.
Patent application 450,505: Drilled Ball Bearing with a One Piece Anti-Tipping Cage Assembly; filed 12 March 1974; PC$4.00/MF$1.45.
Patent application 450,536: Electrostatic Entrained Material Measurement System; filed 12 March 1974; PC$4.00/MF$1.45.
Patent 3,763,708: Cryogenic Gyroscope Housing; patented 9 October 1973; not available NTIS.
Patent 3,787,959: Diffusion Welding in Air; patented 29 January 1974; not available NTIS.
Patent 3,788,163: Manual Actuator; patented 29 January 1974; not available NTIS.
Patent 3,789,654: Method for Determining Thermo-Physical Properties of Specimens; patented 5 February 1974; not available NTIS.
Patent 3,790,037: Metering Gun for Dispensing Precisely Measured Charges of Fluid; patented 5 February 1974; not available NTIS.
Patent 3,790,347: Apparatus for Remote Handling of Materials; patented 5 February 1974; not available NTIS.
Patent 3,790,650: Method for Compression Molding of Thermosetting Plastics Utilizing a Temperature Gradient Across the Plastic to Cure the Article; patented 5 February 1974; not available NTIS.
Patent 3,791,207: Wind Tunnel Model and Method; patented 12 February 1974; not available NTIS.

[FR Doc.74-12351 Filed 5-28-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Community Planning and Development

[Docket No. D-74-265]

RELOCATION POLICIES AND REQUIREMENTS

Redelegation of Authority

The subject redelegation of authority published in the FEDERAL REGISTER on February 12, 1974, requires the following corrections to be made:

1. Section A, subparagraph 1.c., reference is made to the "Local Public Administrator." The correction should read, "local public agency" (without initial capital letters).

2. Section A, subparagraph 2, the word "to" should be inserted following the comma and after "1966,".

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.74-12252 Filed 5-28-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MICHIGAN

Proposed Action Plan

The Michigan Department of State Highways and Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Michigan Department of State Highways and Transportation
Bureau of Transportation Planning
State Highways Building
Lansing, Michigan 48904
2. Michigan Department of State Highways and Transportation
District One
336 Superior Avenue
Crystal Falls, Michigan 49920
3. Michigan Department of State Highways and Transportation
Escanaba Office
1601 Ludington Street
Escanaba, Michigan 49829
4. Michigan Department of State Highways and Transportation
District Two
405 Newberry Avenue
Newberry, Michigan 49868
5. Michigan Department of State Highways and Transportation
District Three
100 East Chapin Street
Cadillac, Michigan 49601
6. Michigan Department of State Highways and Transportation
District Four
3022 U.S. 23 South
Alpena, Michigan 49707
7. Michigan Department of State Highways and Transportation
District Five
1420 Front Avenue, N.W.
Grand Rapids, Michigan 49504
8. Michigan Department of State Highways and Transportation
District Six
P.O. Box 1211
55 Morley Drive
Saginaw, Michigan 48606
9. Michigan Department of State Highways and Transportation
District Seven
7545 South Westnedge
P.O. Box 6
Portage, Michigan 49081
10. Michigan Department of State Highways and Transportation
District Eight
2 North Plaza
Jackson, Michigan 49202
11. Michigan Department of State Highways and Transportation
Metro District
13101 West Nine Mile Road
P.O. Box 1226
Southfield, Michigan 48075
12. U.S. Department of Transportation
Federal Highway Administration
Environmental Developmnet Division
Nassif Building—Room 3246
400 7th Street, S.W.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before June 18, 1974.

Issued on May 21, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-12291 Filed 5-28-74;8:45 am]

MINNESOTA

Proposed Action Plan

The Minnesota Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Minnesota Department of Highways
Highway Information Office
Room 609
State Highway Building
St. Paul, Minnesota 55155
2. Minnesota Department of Highways
Highway Information Officer
1123 Mesaba Avenue
P.O. Box 39
Duluth, Minnesota 55811
3. Minnesota Department of Highways
Area Maintenance Office
Hoover Road
P.O. Box 959
Virginia, Minnesota 55792
4. Minnesota Department of Highways
Highway Information Officer
Washington & 4th Street South
Box 727
Bemidji, Minnesota 56601
5. Minnesota Department of Highways
Area Maintenance Office
1301 S. Main Street
Box 617
Crookston, Minnesota 56716
6. Minnesota Department of Highways
Highway Information Officer
301 Laurel Street
Box H
Brainerd, Minnesota 56401
7. Minnesota Department of Highways
Area Maintenance Office
3725-12th Street North
Box 370
St. Cloud, Minnesota 56301
8. Minnesota Department of Highways
Highway Information Officer
1000 West T.H. 10
Box 666
Detroit Lakes, Minnesota 56501
9. Minnesota Department of Highways
Area Maintenance Office
2 South Street
Box 410
Morris, Minnesota 56267

10. Minnesota Department of Highways
Highway Information Officer
2055 N. Lilac Drive
Golden Valley, Minnesota 55422
11. Minnesota Department of Highways
Highway Information Officer
North Highway 52
Box 6177
Rochester, Minnesota 55901
12. Minnesota Department of Highways
Area Maintenance Office
West Highway 14
Box 307
Owatonna, Minnesota 55060
13. Minnesota Department of Highways
Highway Information Officer
501 S. Victory Drive
Mankato, Minnesota 56001
14. Minnesota Department of Highways
Area Maintenance Office
Box 272
Windom, Minnesota 56101
15. Minnesota Department of Highways
Highway Information Officer
Tenth and Pacific
Box 758
Willmar, Minnesota 56201
16. Minnesota Department of Highways
Area Maintenance Office
220 S. Sixth Street
Box 29
Marshall, Minnesota 56258
17. Minnesota Department of Highways
Highway Information Officer
3845 Hadley Avenue North
Box 2050
North St. Paul, Minnesota 55109
18. J. J. Hill Reference Library
Fourth and Market Streets
St. Paul, Minnesota 55102
19. Minnesota Historical Society Library
690 Cedar Street
St. Paul, Minnesota 55101
20. Minnesota Legislative Reference Library
110 Capitol
St. Paul, Minnesota 55155
21. Minnesota State Law Library
117 University Avenue
St. Paul, Minnesota 55155
22. Office of Public Libraries and Interlibrary Coop.
805 Capitol Square Bldg.
550 Cedar Street
St. Paul, Minnesota 55101
23. State Archives
117 University Avenue
St. Paul, Minnesota 55155
24. University of Minnesota Law Library
202 Fraser Hall
Minneapolis, Minnesota 55455
25. University of Minnesota Library
Duluth, Minnesota 55812
26. University of Minnesota Library
14th & University Ave. SE
Minneapolis, Minnesota 55455
27. University of Minnesota Library
Morris, Minnesota 56267
28. University of Minnesota
St. Paul Campus Library
St. Paul, Minnesota 55108
29. University of Minnesota
Technical College
Kiehle Library
Crookston, Minnesota 56716
30. Bemidji State College
14th & Birchmont
Library
Bemidji, Minnesota 56601
31. Carleton College Library
Northfield, Minnesota 55057
32. Gustavus Adolphus College Library
St. Peter, Minnesota 56082
33. Mankato State College Library
Mankato, Minnesota 56001
34. Moorhead State College Library
Moorhead, Minnesota 56560
35. St. Cloud State College
Kiehle Library
S. 1st Avenue
St. Cloud, Minnesota 56301
36. St. John's University
Alcuin Library
Collegeville, Minnesota 56321
37. St. Olaf College
Rolvaag Memorial Library
Northfield, Minnesota 55057
38. Southwest Minnesota State College—Library
N. Highway 23
Marshall, Minnesota 56258
39. Winona State College
Johnson & Sanborn Library
Winona, Minnesota 55987
40. Anoka-Ramsey Community College Library
11200 Mississippi Blvd.
Coon Rapids, Minnesota 55433
41. Austin Community College Library
1600 S.W. Eighth Street
Austin, Minnesota 55912
42. Brainerd Community College Library
College Drive at S.W. 4th St.
Brainerd, Minnesota 56401
43. Fergus Falls Community College Library
Fergus Falls, Minnesota 56537
44. Hibbing Community College Library
Hibbing, Minnesota 55746
45. Inver Hills Community College Library
8445 College Trail
Inver Grove Heights, Minn. 55075
46. Itasca Community College Library
Grand Rapids, Minnesota 55744
47. Lakewood Community College
3401 Century Avenue
Library
White Bear Lake, Minn. 55110
48. Mesabi Community College Library
Virginia, Minnesota 55792
49. Metropolitan Community College Library
50 Willow Street
Minneapolis, Minnesota 55403
50. Normandale Community College Library
9700 France Ave. South
Bloomington, Minnesota 55431
51. North Hennepin Community College Library
7411-85th Avenue North
Brooklyn Park, Minnesota 55428
52. Northland Community College Library
Thief River Falls, Minn. 56701
53. Rainy River Community College Library
International Falls, Minn. 56649
54. Rochester Community College Library
Rochester, Minnesota 55901
55. Vermillion Community College Library
Ely, Minnesota 55731
56. Willmar Community College Library
Willmar, Minnesota 56201
57. Worthington Community College Library
Worthington, Minnesota 56187
58. Environmental Conservation Library
300 Nicollet Mall
Minneapolis, Minnesota 55401
59. Environmental Library of Minnesota
1222 Fourth Street, S.E.
Minneapolis, Minnesota 55414
60. Crow River Regional Library
410 West Fifth
Willmar, Minnesota 56201
61. East Central Regional Library
240 Third Avenue, S.W.
Cambridge, Minnesota 55008
62. Great River Regional Library
124 South Fifth Avenue
St. Cloud, Minnesota 56301
63. Kitchigami Regional Library
Pine River, Minnesota 56474
64. Lake Agassiz Regional Library
115 South Sixth Street
Moorhead, Minnesota 56561
65. LeSueur-Waseca Regional Library
408 North State Street
Waseca, Minnesota 56093
66. Minnesota Valley Regional Library
120 South Broad Street
Mankato, Minnesota 56001
67. Northwest Regional Library
101 East First Street
Thief River Falls, Minn. 56701
68. Arrowhead Library System
701 Eleventh Street North
Virginia, Minnesota 55792
69. Metropolitan Library Service Agency
Griggs-Midway Building
1821 University Avenue
St. Paul, Minnesota 55104
70. Southeastern Libraries Coop.
Kahler East Bldg., Suite A
First Avenue, S.W.
Rochester, Minnesota 55901
71. Minneapolis Public Library
300 Nicollet Mall
Minneapolis, Minnesota 55401
72. St. Paul Public Library
90 West Fourth Street
St. Paul, Minnesota 55102
73. Duluth Public Library
101 West Second Street
Duluth, Minnesota 55802
74. Rochester Public Library
Broadway at First St. S.E.
Rochester, Minnesota 55901
75. South St. Paul Public Library
103 Third Avenue North
South St. Paul, Minnesota 55075
76. Winona Public Library
Box 589
Winona, Minnesota 55987
77. Anoka County Library
707 Highway 10
Minneapolis, Minnesota 55434
78. Chippewa County Library
224 South First Street
Montevideo, Minnesota 56265
79. Dakota County Library System
1101 W. Co. Rd. 42
Burnsville, Minnesota 55337
80. Hennepin County Library
7001 York Avenue South
Edina, Minnesota 55435
81. Marshall-Lyon County Library
301 West Lyon Street
Marshall, Minnesota 56258
82. Martin Count, Library
110 North Park
Fairmont, Minnesota 56031
83. Austin-Mower County Library
201 Second Avenue N.W.
Austin, Minnesota 55912
84. Nobles County Library
Worthington, Minnesota 56187
85. Polk County Library
120 North Ash Street
Crookston, Minnesota 56716
86. Ramsey County Library
2180 North Hamline Avenue
St. Paul, Minnesota 55113
87. Scott County Library System
Shakopee, Minnesota 55379
88. Washington County Library
Lake Elmo, Minnesota 55042
89. Watonwan County Library
St. James, Minnesota 56081
90. Minnesota Division Office—FHWA
Metro Square Bldg., Suite 490
7th & Robert Streets
St. Paul, Minnesota 55101
91. FHWA Regional Office—Reg. 5
18209 Dixie Highway
Homewood, Illinois 60430
92. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building—Room 3246
400-7th Street, SW.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before June 18, 1974.

Issued on May 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-12292 Filed 5-28-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Ophthalmic Drugs.	June 4 and 5, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 4, 9 a.m. to 10 a.m., closed June 4 after 10 a.m., closed June 5, John T. McElroy, (HFD-103), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4690.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for ophthalmic application.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of safety and efficacy of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Contraceptives and Other Vaginal Drug Products.	June 6 and 7, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 6, 9 a.m. to 10 a.m., closed June 6 after 10 a.m., closed June 7, Armond Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Diagnostic Products Advisory Committee.	June 10, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 12 noon, closed after 12 noon, Eloise Eavenson, Ph.D., Room 16B-33, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-1590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Open session: Formation of Bureau of Medical Devices and Diagnostic Products; classification scheme for medical devices; new glucose products class standard proposal; subcommittee reports; and other committee business. Closed session: Regulatory actions anticipated by the Agency involving in vitro diagnostic products.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Topical Analgesics.	June 10 and 11, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 10, 9 a.m. to 10 a.m., closed June 10 after 10 a.m., closed June 11, Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Obstetrical and Gynecology Devices.	June 10 and 11, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open June 10, 9:30 a.m. to 10:30 a.m., closed June 10 after 10:30 a.m., closed June 11, Lillian Yin, Ph. D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use.

Agenda. Open session: Comments and presentations by interested persons and report on current status of medical device legislation. Closed session: Review and classification of the following functional categories of obstetrical-gynecological devices: Surgical devices, diagnostic devices, therapeutic devices and prostheses.

Committee name	Date, time, place	Type of meeting and contact person
6. Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	June 11, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Eloise Eavenson, Ph. D., Room 16B-33, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Open session: Comments and presentations by interested persons and reference methodologies recommended by the College of American Pathology and the American Association of Clinical Chemists. Closed session: Calibrator product class standard and proposed glucose product class standard.

Committee name	Date, time, place	Type of meeting and contact person
7. Dental Drug Products Advisory Committee.	June 12, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Clarence C. Gilkes, D.D.S., Room 18B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs and related products employed in the practice of dentistry and the current advances, changing concepts, and trends in the field.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussions concerning L. D. Caulk Co.'s professionally applied prophy-paste, fluoride dietary supplements (tablets), and fluoride home treatment kits (confidential material submitted by sponsors as a result of a call for data which appeared in the FEDERAL REGISTER of April 5, 1973 (38 FR 8684) on these preparations).

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	June 12 and 13, 9 a.m., Room 3065, Mary E. Switzer Bldg., 330 C St. NW., Washington, D.C.	Open June 12, 9 a.m. to 10 a.m., closed June 12 after 10 a.m., closed June 13, Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20854, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Open session: Comments and presentations by interested persons (requests for presentations may be submitted until noon, June 11, 1974). Closed session: Continued review of individual ingredients, proposed combination policy, and initial approach to draft of final report.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Oral Cavity Drug Products.	June 13 and 14, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 13, 9 a.m. to 10 a.m., closed June 13 after 10 10 a.m., closed June 14. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing oral hygiene drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of the oral cavity drug products.

Committee name	Date, time, place	Type of meeting and contact person
10. Obstetrics and Gynecology Advisory Committee.	June 13 and 14, 9 a.m., Conference Room A Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 13, 9 a.m. to 12 noon, closed June 13 after 12 noon. Open June 14, 9 a.m. to 12 noon, closed June 14 after 12 noon. A. T. Gregoire, Ph.D., Room 14B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in obstetrics and gynecology.

Agenda. Open session June 13: Intrauterine administration of Atabrine for tubal occlusion; the occurrence of ectopic pregnancy with low dose progestogen administration; the use of diuretics during pregnancy. Closed session June 13: Discussion of NDA 17-553 (Alza Corp.) and NDA 17-557 (Sterling Inc.). Open session June 14: Metroidazole for trichomonas vaginalis; septic abortion and intrauterine devices. Closed session June 14: Discussion of IND 7253.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Bacterial Vaccines, and Toxoids.	June 13 and 14, 1 p.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open June 13, 1 p.m. to 2 p.m., closed June 13 after 2 p.m., closed June 14. Jack Gertzog, (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

Agenda. Open session: Previous minutes; communications received; and comments and presentations by interested persons. Closed session: Continuing review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
12. Anti-Infective Agents Advisory Committee.	June 13 and 14, 9 a.m. Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 13, 9 a.m. to 10 a.m., closed June 13 after 10 a.m., closed June 14. Mary K. Bruch, (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of infectious diseases.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review of NDA 16-893 (Warner-Lambert) and review of proposed clinical studies for trimethoprim-sulfa combination.

Committee name	Date, time, place	Type of meeting and contact person
13. National Advisory Food Committee.	June 13 and 14, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Robert A. Littleford, Ph. D., Room 7-67, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4463.

Purpose. Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods, reviews and makes recommendations on application for grants-in-aid, and serves as a forum for the exchange of views and recommendations.

Agenda. Status reports on Red No. 2, vinyl chloride, and asbestos; safety assessment regarding carcinogens; consideration of risk-benefit decision-making; and review of research grant applications.

Committee name	Date, time, place	Type of meeting and contact person
14. Surgical Drugs Advisory Committee.	June 14, 9 a.m., Conference Room K, Parklawn Bldg., Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Margaret Clark, M.D., Room 12B-25, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in surgery.

Agenda. Open session: Class labeling for large volume parenterals. Closed session: Discussions regarding IND 9333 (Abbott), IND 2702 (Dow Corning Corp.) and NDA 17-002 (Travenol); and a report on compliance procedures in Deseret Pharmaceutical catheter recall.

Committee name	Date, time, place	Type of meeting and contact person
15. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	June 16 and 17, 9 a.m., for meeting location, contact Mr. DeCillis, 301-443-4960.	Closed June 16, open June 17, 9 a.m. to 10 a.m., closed after 10 a.m., Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription vitamin, mineral, and hematinic drug products, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Gastroenterological Urological Devices.	June 17, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m., Thomas L. Anderson, M.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of gastroenterology and urological devices currently in use.

Agenda. Open session: Comments and presentations by interested persons and general discussion of adverse reactions and gastroenterological-urological medical devices. Closed session: Review and classification of various classes of gastroenterological-urological devices.

Committee name	Date, time place	Type of meeting and contact person
17. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	June 17 and 18, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open June 17, 9 a.m. to 10 a.m., closed June 17 after 10 a.m., closed June 18. Jack Gertzog, (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1672.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms, used either singly or in combination, to prevent a variety of specific infectious diseases in man caused by viral or rickettsial microorganisms.

Agenda. Open session: Previous minutes; communications received; and comments and presentations by interested persons. Closed session: Continued review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
18. Neuropharmacology Advisory Committee.	June 17 and 18, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 17, 9:30 a.m. to 12 noon, closed June 17, after 12 noon, closed June 18, Thomas A. Hayes, M.D., (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Open session: Review of Cylert, Desoxyn, and Mellaril and discussion of guidelines for antidepressants and anxiolytics. Closed session: Review of IND's and NDA's in psychopharmacology unit.

Committee name	Date, time, place	Type of meeting and contact person
19. Cardiovascular and Renal Advisory Committee	June 20, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731

Purpose. Advises the Commissioner of Food and Drugs regarding the safety and efficacy of drugs employed in cardiovascular and renal disorders.

Agenda. Open session: Finalization of prescription labeling for Digoxin and discussion of patient package insert for digitalis. Closed session: Safety and effectiveness of diphenyl hydantoin in treatment of cardiac arrhythmias.

Committee name	Date, time, place	Type of meeting and contact person
20. Geriatric Advisory Subgroup of the Neuropharmacology Advisory Committee.	June 21, 11 a.m., Hospitality House, 2000 Jefferson Davis Highway, Arlington, Va.	Open—Thomas A. Hayes, M.D., (HFD-120), 5600 Fishers Lane, Rockville, Md 20852, 301-443-4020.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in neuropharmacology.

Agenda. Report of committee members on previous assigned tasks relevant to geriatric guidelines in clinic drug trials.

Committee name	Date, time, place	Type of meeting and contact person
21. Endocrinology and Metabolism Advisory Committee.	June 21, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. A. T. Gregoire, Ph.D., Room 14B-04, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in treatment of endocrine and metabolic disorders.

Agenda. Open session: The 100-unit insulin proposal; the concept of Phase IV protocols on lipid lowering drugs; and comments and presentations by interested persons. Closed session: Discussion of NDA 17-563 (Upjohn Co.) and NDA 17-535 (Dow Chemical Co.).

Committee name	Date, time, place	Type of meeting and contact person
22. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	June 21 and 22, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 9000 Rockville Pike, Bethesda, Md.	Open June 21, 9 a.m. to 10 a.m., closed June 21 after 10 a.m., closed June 22. Jack Geitzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens with standards of potency.

Agenda. Open session: Previous minutes; communications received, and comments and presentations by interested persons. Closed session: Continued review and discussion of committee position papers.

Committee name	Date, time, place	Type of meeting and contact person
23. Ophthalmic Drugs Advisory Committee.	June 24, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Edward Solook, Room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-6716.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of diseases and disorders of the eye.

Agenda. Open session: Report of the Industry Coordinating Committee for the elucidation and compilation of data to demonstrate efficacy of steroid antiineffective drug combinations; and comments and presentations by interested persons. Closed session: Discussion of NDA 16-881 (Davis & Geck); discussion of IND 5121; and discussion of IND 10-227.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant in-

formation or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: May 21, 1974.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.74-12115 Filed 5-28-74;8:45 am]

[FAP 4B2997]

DIAMOND SHAMROCK CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2997) has been filed by Nopco Chemical Division, Diamond Shamrock Chemical Co., Diamond Shamrock Corp., P.O. Box 2386R, Morristown, NJ 07960, proposing that § 121.2519 *Defoaming agents used in the manufacture of paper and paperboard* (21 CFR 121.2519) be amended to provide for safe use of α, α'-[methylenebis[4-(1,1,3,3 - tetramethylbutyl)-o-phenylene]]bis[*omega* - hydroxypoly(oxyethylene)] having 6–7.5 moles of ethylene oxide per hydroxyl group, as a component of defoaming agents used in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: May 21, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-12235 Filed 5-28-74;8:45 am]

INSPECTION AND GRADING OF GRAIN, RICE, AND PULSES

Agreement With the Agricultural Marketing Service

The Agricultural Marketing Service and the Food and Drug Administration have drawn up an agreement concerning certain related objectives in carrying out their responsibilities under the Agricultural Marketing Act of 1946 and the Federal, Food, Drug, and Cosmetic Act respectively. The agreement sets forth the working arrangements being followed or adopted in the interest of the public so that each agency will discharge as effectively as possible its inspection and standardization activities for grain, rice, and pulses. It reads as follows:

MEMORANDUM OF AGREEMENT BETWEEN THE AGRICULTURAL MARKETING SERVICE AND THE FOOD AND DRUG ADMINISTRATION CONCERNING THE INSPECTION AND GRADING OF GRAIN, RICE, AND PULSES

The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare is charged with the enforcement of the Federal Food, Drug, and Cosmetic Act. In fulfilling its responsibilities under the Act, FDA's activities are directed toward the protection of the public health of the nation by insuring that foods and feeds are safe and wholesome. This is accomplished in part by inspecting the processing and distribution of grain, rice, and pulses (beans, peas, and lentils) and examining samples thereof to assure compliance with the Act.

The Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture, under the authority of (1) the Agricultural Marketing Act of 1946 and regulations thereunder (7 CFR Part 68) and (2) the U.S. Grain Standards Act, and regulations thereunder (7 CFR Part 26) carries out, in cooperation with official inspection agencies, certain inspection and grading functions designed to aid in the efficient marketing of grain, rice, and pulses. These include the development of commercial grade standards and furnishing inspection and grading services, including the issuance of certificates of quality and/or condition, to producers, shippers, merchandisers, processors, or other interested parties. The major purpose is to provide objective information concerning the grade, quality, or condition of grain, rice, and pulses which will be of maximum assistance to all interested parties engaged in marketing functions.

The two agencies have certain related objectives in carrying out their respective regulatory and service activities. Therefore, it is believed desirable from the standpoint of public interest to set forth in this Memorandum of Agreement the working arrangements which are being following or adopted in the interest of each agency discharging as effectively as possible its responsibilities related to regulatory and service activities for grain, rice, and pulses.

A. The Agricultural Marketing Service will:

(1) Immediately inform the appropriate FDA field office of the identity of plants where withdrawal or suspension of inspection and grading services by AMS has occurred or is in process because of sanitation or other deficiencies in food handling practices.

(2) Investigate any report from FDA to the effect that a processor, packer, or shipper obtaining inspections from AMS has not corrected objectionable conditions found to exist by FDA, and take such corrective action as is in accordance with AMS authority. Where AMS authority is inadequate to effect needed corrective action, AMS will so inform FDA.

(3) In developing standards for all grades of grain, rice, and pulses, take into account criteria such as tolerances and action levels and not set standards inconsistent with such criteria. During the inspection and grading of these comodities, make such examinations to determine compliance with these criteria as are feasible considering the circumstances under which such services are performed.

(4) Report to the appropriate FDA field office information intended to permit location and identification of any lot of grain, rice, or pulses which, upon inspection and grading by AMS graders or licensed inspectors, is found to meet the FDA criteria for classifying grain, rice, or pulses as actionable under the Federal Food, Drug, and Cosmetic Act.

(5) Furnish FDA headquarters, on request, any pertinent information in AMS possession concerning inspections and gradings of specific lots of grain, rice, and pulses by AMS graders or licensed inspectors that have been proceeded against or are being considered for action by FDA.

(6) Require that inspection certificates issued by official inspection personnel include codemarkings or other identifications to identify the inspected and graded grain, rice, or pulses.

(7) Inform FDA headquarters whenever AMS has information that an AMS grader or licensed inspector is to be or has been subpoenaed as a witness at judicial proceedings involving FDA action on grain, rice, or pulses and inform FDA of the nature of the proposed testimony.

B. The Food and Drug Administration will:

(1) Invite the AMS grader or licensed inspector stationed at a plant which is obtaining inspection by AMS to accompany the FDA inspector during his inspection of such plant. The FDA inspector will point out or discuss with the AMS grader, or licensed inspector, any conditions noted which may result in violations of the Federal Food, Drug, and Cosmetic Act.

(2) Request from AMS headquarters any needed information concerning the inspection and grading of specific lots of grain, rice, or pulses that have been proceeded against, or are being considered for action by FDA,

and are known or believed to have been inspected and graded by an AMS grader or licensed inspector.

(3) Immediately notify the appropriate AMS field office concerning the details of serious, objectionable sanitation conditions or handling practices or the presence of contaminated, adulterated, or otherwise unsafe or unwholesome food or feed products whenever they are found by FDA in processing, packing or shipping plants where AMS graders or licensed inspectors are currently conducting inspections and gradings of grain, rice, or pulses when FDA believes such information would be of value to AMS or the official inspection agencies in their inspection and grading activities. On receipt of the information, AMS will initiate such corrective action as is feasible including withdrawal or suspension of inspection and grading services.

(4) Provide timely notification and sufficient detail to the appropriate AMS field office concerning FDA initiated seizure actions against any lots of grain, rice, or pulses to facilitate the identity of such lots by AMS graders or licensed inspectors.

(5) Inform AMS headquarters of the criteria which are used by FDA in determining whether grain, rice, or pulses would be considered actionable under the Federal Food, Drug, and Cosmetic Act, so that AMS may use the criteria in AMS standards and in performing inspection and grading activities.

(6) On request of AMS, review labels, legends, stamps, and other official marks for grain, rice, and pulses from the standpoint of possible conflict with the misbranding provisions of the Federal Food, Drug, and Cosmetic Act.

C. It is mutually agreed that:

(1) Both agencies will maintain close working relations with each other, both in headquarters as well as in the field.

(2) Regulations proposed by either agency affecting AMS grain, rice, or pulse standards will be referred to the other agency for review and comments prior to issuance.

(3) Both agencies will cooperate jointly and with the grain, rice, and pulse industries in the improvement of sanitation and food handling practices in grain, rice, and pulse handling and processing plants. Both agencies will mutually exchange data and cooperate in the development of sampling plans, methodology, and guidelines for determining natural and unavoidable defects common to grain, rice, and pulses.

(4) Both agencies will work with the grain, rice, and pulse industries toward greater efficiency in coding methods.

(5) Each agency will designate to the other a central contact point to which communications dealing with this agreement or matters affected thereby may be first referred for attention.

(6) This agreement supersedes the Memorandum of Agreement dated February 19, 1942, and the Memorandum of Understanding dated September 1, 1949, between the Food and Drug Administration and the Consumer and Marketing Service, or their predecessor organizations, with respect to grain. Otherwise, nothing in this Agreement modifies other agreements, nor precludes separate agreements for special programs which can be handled more efficiently and expeditiously by separate agreements.

(7) The provisions of this memorandum may be modified at any time by mutual agreement.

For the Agricultural Marketing Service.

Dated: April 2, 1974.

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

For the Food and Drug Administration.

Dated: April 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

Effective date. This agreement became effective on May 29, 1974.

Dated: April 8, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-12236 Filed 5-28-74;8:45 am]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended to reflect standard organizational nomenclature requested by the Department and to reflect minor changes in functional statements for the Office of Administration and for the Executive Director of Regional Operations and for the field.

Section 6-B is amended as follows:

Section 6-B Organization. The Food and Drug Administration is administered by a Commissioner of Food and Drugs under the direction of the Assistant Secretary for Health. The Food and Drug Administration consists of the following major components with the functions as indicated.

(aa) *Delete.*

(a) *Office of the Commissioner* (6A01). The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of FDA's mission.

(a-1) *Office of Legislative Services* (6A01012). Advises the Commissioner concerning legislative needs and in the analysis of pending congressional legislation which may affect FDA.

Prepares and clears FDA position papers and Departmental reports on proposed legislation for approval of the Commissioner.

Coordinates and assists in the development and preparation of FDA legislative proposals for the Commissioner's review.

Assists in the preparation of testimony for presentation to congressional committees; monitors hearings and congressional activities affecting FDA; and distributes legislative materials.

Directs or coordinates the preparation of data requested by congressional investigative committees; provides technical and other assistance to members of Congress, congressional committees, and their staffs.

Provides a central FDA control for correspondence referred by the White House and the Department; controls and processes congressional, international, State, and local correspondence.

(b) *Office of Compliance* (6A0105). Functions as principal advisor to the Commissioner on regulations and compliance oriented matters which impact on policy development and execution, and long-range program goals.

Evaluates and coordinates the Agency's overall compliance efforts to assure optimum use of FDA and other Federal, State, and local government resources, an effective balance between voluntary and regulatory compliance, and FDA responsiveness to consumer needs.

Stimulates an awareness within FDA of the need for prompt and positive action to secure compliance by regulated industries.

Directs and coordinates the regulation making activities of the Food and Drug Administration, including preparation of Federal Register material and processing of public response to proposed rulemaking.

Receives and processes requests for information under the Freedom of Information Act.

Operates FDA emergency preparedness and civil defense programs.

Coordinates international aspects of FDA's compliance programs and acts as liaison with foreign firms, international groups, and other nations.

Coordinates the preparation of international travel plans, including the Annual International Travel Plan, for the Commissioner's approval.

Directs the activities of the Office of the Administrative Law Judge; schedules and conducts prehearing conferences and administrative hearings of an adjudicative and rulemaking nature pursuant to the Federal Food, Drug, and Cosmetic Act, as amended, as well as other related laws and the Administrative Procedure Act (5 U.S.C. 551 et seq.).

Evaluates evidence of record after hearings and prepares all necessary reports, tentative findings of fact, conclusions of law, and tentative orders used by the Commissioner in making a final Agency decision.

(c) *Office of Science* (6A0106). Functions as the principal advisor to the Commissioner on scientific matters which impact on FDA policy and direction and long-range program goals.

Provides leadership and direction on scientific and environmental matters and stimulates scientific and technological achievement in FDA. Participates with the Division of Contracts and Grants Management in the development of FDA

policy concerning the use of grants and contracts; develops scientific policy for the acquisition of scientific data and/or innovative scientific equipment and instrumentation under the grants and contracts mechanism.

Serves as the focal point for preaward coordination and scientific review of FDA's extramural research, training, and fellowship activities; for the development of Agency scientific research and environmental impact policies and procedural guidelines; and for technical liaison activities concerning scientific matters, environmental impact, research grants, and science oriented contracts.

Provides leadership to an internal science advisory council, composed of scientists representing the bureaus, which advises the Agency on scientific policy and environmental impact of Agency actions.

Appraises the technical aspects and relative contributions of FDA's intramural and extramural science programs. Evaluates the adequacy of scientific resources available to the Agency. Initiates action as appropriate to enhance the FDA scientific posture by promoting optimum utilization of the grants and contracts mechanism, interagency agreements, and international scientific collaboration under Pub. L. 480 and related statutes. Provides a focal point for committee management activities within FDA.

(d) *Office of Medical Affairs* (6A0104). Functions as principal advisor to the Commissioner on medical matters which impact on policy and direction, and long-range program goals.

Provides leadership on medical matters and stimulates medical effort and achievement in the Agency.

Provides for the continuing appraisal of FDA medical research programs and projects.

Serves as a member or chairman of FDA's medical advisory and planning committees such as the FDA National Advisory Drug Committee.

Provides medical opinions on special and overall program problems which cross bureau lines and also where medical aspects are controversial or critical.

Serves as an adviser on medical research contracts, medical committees, and special medical projects of agency-wide scope.

Evaluates medical research results originating from other Government agencies and private institutions for potential utilization in FDA.

(e) *Delete and Reserve.*

(f) *Office of Administration* (6A0107). Serves as principal advisor to the Commissioner on all phases of management inherent in the operations of FDA.

Directs the effective utilization of all management resources and the implementation of operating programs by coordinating the funding, manpower, facilities, and equipment resources of the Agency.

Provides leadership and direction to administrative management including budget, finance, personnel, organization, methods, grants and contracts, procurement and property, records, and similar supporting activities. Assures that conduct of these efforts effectively supports program operations.

Develops and coordinates the Agency's Operational Planning System. Develops policy and procedures necessary to maintain the integrity of trade secrets and other privileged information submitted by industry to FDA; formulates agency-wide security policy and investigates and recommends action concerning security problems.

Develops data systems policy and procedures necessary to coordinate all FDA information and data retrieval systems and ADP equipment; operates FDA's central computer facility; and provides systems analysis and programming services.

(f-1) *Division of Financial Management* (6A01072). Plans, directs, and coordinates a comprehensive financial management program for FDA encompassing the areas of budget analysis, formulation and execution, fiscal accounting, voucher audit, and financial reporting. Provides staff assistance in justifying budgets through executive and congressional echelons. After appropriation, develops an orderly expenditure plan.

Develops apportionment plans and issues allotments for expenditures.

Makes periodic reports regarding the status of FDA's financial management.

Develops financial inputs for the Agency's 5-year program and financial plans.

(f-2) *Division of Management Services* (6A01073). Provides leadership and guidance to headquarters staff offices, headquarters operating activities, and field activities for all management services programs, including: procurement, personal property management and accountability, real property management, space management and utilization, construction and engineering services, communications, graphic arts, printing and reproduction, microform management, and mail and files.

Develops and conducts management programs in directives management, reports and forms management, records and correspondence management, and other management areas as assigned.

Responsible for maintaining effective liaison with the Government Printing Office, and for the centralized clearance and coordination of all printing and publication services.

Coordinates the development of agency-wide policies and procedures for such services; and plans, executes, evaluates, and adjusts efforts in these activities.

(f-3) *Division of Management Systems and Policy* (6A01074). Provides leadership and direction in the effective and efficient use of Agency resources; provides agencywide consulting services in organization and operations analysis and in the analysis, design, implementation, and maintenance of operating systems and procedures.

Provides central FDA control for delegations of authority and maintains control files of delegations to and within the Agency.

Conducts agencywide organization, management, and manpower studies; designs and recommends systems, procedures, and policy to implement study conclusions.

Provides computer systems analysis and application programming services for the staff offices of the Commissioner, and data base management services for the Agency.

(f-4) *Division of Personnel Management* (6A01075). Plans and develops a comprehensive personnel management program for FDA, including programs in manpower planning, skills utilization, position analysis, career development and training, upward mobility, occupational health and safety, employee services, and employee-management relations.

Provides staff assistance to servicing personnel offices performing recruitment, position classification, employee service, and personnel action processing functions.

Implements and administers centralized FDA staff development and occupational health and safety programs; performs employee-management relations activities and other services not provided by servicing personnel offices.

Assists executive and operating management in expeditiously and effectively achieving program objectives while assuring application of the Federal Merit System.

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(f-6) *Division of Contracts and Grants Management* (6A01077). Provides leadership, direction, and staff advisory services for the FDA negotiated contracts and grants management programs. Coordinates activities of FDA Bureaus and Offices to insure proper development of grants and contracts program requirements.

Plans, develops, and coordinates the issuance of FDA-wide negotiated contracting policies and procedures.

Participates with the Office of Science in the development of FDA policy concerning the use of research grants and grants funds. Serves as the Agency focal point for developing, coordinating, and implementing FDA policies and procedures pertaining to grants management; serves as the primary point of liaison with the management staff of grantee institutions for the general interpretation of grants management policies.

Directs and coordinates all administrative functions associated with grants management after technical review and approval are complete. Directs and conducts negotiations with grantee institutions.

Executes all negotiated contracts and grants awards.

Analyzes, evalutes, and reports selected statistical and financial data pertaining to the grants and contracts program.

Maintains liaison with the Office of the Assistant Secretary for Administration and Management on contracts and grants management policy, procedural, and operating matters. Serves as FDA focal point for the processing of audit

reports and for liaison with DHEW Audit Agency.

Provides price/cost analysis and related services for contracts and grants.

(g) *Office of Planning and Evaluation* (6A0108). Advises and assists the Commissioner and other key officials concerning the performance of FDA long-range planning, development, and evaluation activities.

Develops program and planning strategy through analysis and evaluation of issues affecting policies and program performance.

Develops, installs, and monitors the agencywide planning system, including the Five-Year Plan and the Strategic Plan.

Conducts operations research and economic and special studies as a basis for forecasting trends, needs, and major problems requiring solution; and provides assistance and consultation in these areas to operating units.

Evaluates impact of external factors on FDA programs, including industry economics, consumer expectations, and protective legislation. As necessary, recommends new programs or changes in existing programs, and program priorities.

Develops FDA evaluation programs and systems to evaluate overall FDA program accomplishments against objectives and priorities, recommending changes as necessary.

Evaluates impact of FDA programs on consumer protection.

Develops and coordinates an agencywide system for the collection of medical data from hospitals, clinics, and other reporting units.

(h) *Delete and Reserve.*

(j) *Office of Professional and Consumer Programs* (6A0111). Serves as principal advisor to the Commissioner on development and implementation of effective policies and programs to convey health protection concepts and practices to general consumers and medical professionals.

Advises the Commissioner on Agency public affairs policy and assists the Commissioner in the conduct of FDA's public affairs programs. Represents the Commissioner at appropriate professional and consumer group conferences.

(j-1) *Office of Program Coordination* (6A01112). Coordinates the development of specific programs to increase consumer and professional awareness of FDA activities affecting the use of products regulated by the Agency. Implements approved programs nationwide through a network of consumer affairs officers and other broad educational efforts which provide information directly to consumer, professional, and scientific individuals or groups.

(k) *Bureau of Foods* (6A10). Develops FDA policy with respect to the safety, composition, quality (including nutrition), and labeling of foods, food additives, colors, and cosmetics.

Conducts research and develops standards on the composition, quality, and safety of foods, food additives, colors, and cosmetics.

Conducts research designed to improve the detection, prevention, and control of contamination that may be responsible for illness or injury conveyed by foods, food additives, colors, and cosmetics.

Develops and promulgates current good manufacturing practices for the food processing industry and model ordinances and codes and model regulations for State and local government use in assuring food safety and quality.

Plans FDA surveillance and compliance programs and evaluates progress toward objectives of planned program and regulatory activities relating to foods, food additives, colors, and cosmetics.

Reviews industry petitions and recommends promulgation of regulations for food standards and for the safe use of color and food additives. Collects and interprets data on nutrition, food additives, and environmental factors affecting the total chemical insult posed by direct and indirect food additives.

Analyzes regulatory samples as necessary to support Bureau compliance programs.

Participates in training of FDA field personnel and provides guidance to the regulated industries in the application of the most effective procedures to assure food safety and quality.

Studies consumer experience with, expectation of, and exposure to Bureau-regulated products and maintains a nutritional data bank. Recommends to the Office of the Commissioner new or revised legislation pertinent to the Bureau's responsibilities.

(k-1) *Office of the Director* (6A1001). Develops FDA food, food additive, color, and cosmetic policy for approval of the Commissioner.

Provides overall executive direction to the Bureau programs and activities and coordinates programs with other FDA organizational components, DHEW, and other Government agencies.

Directs the development of Bureau regulatory policy.

Recommends to the Office of the Commissioner new and revised legislation pertinent to Bureau responsibilities and participates in the preparation of legislative proposals and testimony for presentation at congressional hearings.

Directs and coordinates the overall application of Bureau scientific and technical capabilities, coordinating Bureau scientific research within FDA and with other governmental and private agencies, both nationally and internationally, to facilitate collaboration in attacking common problems. Recommends, initiates, and terminates all Bureau extramural research contracts.

Directs the Bureau's administrative and management programs.

Develops and interprets compliance and surveillance programs, current good manufacturing practices, model ordinances and codes, and model regulations.

Reviews and approves food standard proposals and evaluates food and color additive petitions.

Establishes, promotes, and maintains a climate of mutual cooperation with scientists and scientific bodies nationally and internationally in order to maintain contact with scientific events which may impact on Bureau activities.

(k-2) *Delete and Reserve.*

(k-3-i) *Division of Regulatory Guidance* (6A10042). Develops or coordinates the development of exempting, interpreting, and implementing regulations (except current good manufacturing practices) necessary to achieve compliance with laws pertinent to Bureau responsibilities.

Develops and maintains a codified system for compiling and issuing compliance policy on foods, cosmetics, pesticides, and food chemicals for the guidance of FDA headquarters and field personnel.

Recommends legislation when necessary to solve compliance problems and reviews proposed legislation when requested.

Manages the development of controversial or precedent-setting cases.

Develops and maintains legal guidelines for field use in specific areas and recommends delegations of authority to the field offices for direct handling of regulatory actions as necessary.

Reviews and approves proposed regulatory actions in areas where authority for direct case handling has not been delegated to the field offices.

Provides guidance to the field offices in these areas and provides technical support for case development and contested court cases.

Manages and coordinates headquarters activities associated with injunctions seizures, and prosecutions. Provides Bureau position on recalls with technical assistance to the field, as requested, and correlates recall actions with other regulatory activities.

Issues advisory opinions in response to specific requests from industry, trade associations, Government agencies, and Congress.

Identifies, researches, analyzes, and recommends solutions to present and prospective compliance problems involving foods, cosmetics, pesticides, and food chemicals.

(k-3-ii) *Division of Compliance Program (Foods)* (6A10045). Identifies compliance program needs and develops and issues responsive surveillance and compliance programs relating to the food and cosmetic industries and other industries which may contribute to food contamination; coordinates the establishment of priorities for compliance activities pertinent to these programs.

Plans and helps develop information retrieval and appraisal systems for each compliance program and evaluates effectiveness of overall compliance programs. Revises existing programs as necessary to maintain their efficiency and effectiveness.

Serves as the Bureau focal point for information concerning the compliance status of the food and cosmetic industries.

Identifies and recommends research projects to develop better monitoring and compliance techniques.

Plans and develops FDA programs to carry out responsibilities in interstate travel sanitation under the Public Health Service Act and enforces applicable provisions of the Interstate Quarantine Regulations.

Develops and issues sanitation handbooks and standards relating to the sanitary design, construction, and operation of aircraft, buses, trains, and vessels.

Reviews and approves plans for design and construction details for food service, water, and waste disposal facilities and equipment aboard conveyances.

(k–3–iii) *Division of Industry Programs* (6A10046). Promotes a better understanding in the food and cosmetic industries of the requirements and objectives of the laws and regulations enforced by FDA. Encourages compliance by the regulated industries.

Plans and conducts national seminars, symposia, and conferences on specific industry compliance problems and on consumer educational activities in conjunction with the Office of Professional and Consumer Programs (OPCP).

Assists field offices, upon request, in planning and conducting workshops and seminars for the food industry on current good manufacturing practices and on various problem areas.

Prepares and distributes, with the prior clearance of OPCP, informational, instructional, and motivational materials designed to promote industry compliance and to educate the consumer.

Monitors the implementation of industry quality assurance programs designed to prevent compliance failures and develops plans and programs to help industry improve quality control capabilities.

Coordinates the recruitment of food processing companies for participation in cooperative quality control programs.

Plans and monitors the implementation of programs designed to achieve greater involvement by State regulatory agencies in maintaining surveillance over the food industry; promotes, in coordination with the Executive Director of Regional Operations, State adoption of model regulations and model ordinances and codes regulating the food industry.

(k–3–iv) *Division of Food and Color Additives* (6A10043). Develops policy statements and regulations concerning the review of food and color additives, GRAS (generally recognized as safe) substances, and prior sanctioned substances.

Operates a control system for all food additive and color additive petitions submitted to FDA for review and evaluation.

Develops proposed regulations and supporting documents for food and color additive petitions.

Analyzes and evaluates industry and consumer comments on food and color additive proposals and develops final regulations.

Interprets new legislation, drafts implementing regulations, and develops guidelines setting forth legal-administrative procedures for applying new or revised authority in the petition processing area.

(k–4–i) *Division of Chemistry and Physics* (6A10022). Devises new methods of analysis for foods, additives, pesticides, alteration products, and inadvertent natural and industrial contaminants in foods; conducts validation studies, recommends analytical procedures, and provides technical support when requested by the field laboratories. Conducts research to elucidate the chemical structure and properties of food components and potentially hazardous substances in foods.

Provides scientific evaluation of the chemical and tissue residue data in food additive petitions and of chemical methodology and chemical validation tests in drug applications for food producing animals.

Provides expertise in specialized fields of advanced instrumentation and evaluates, designs, and adapts instrumentation to meet analytical needs in foods research.

Provides other analytical services, as requested, in support of Bureau and field programs.

(k–4–ii) *Division of Toxicology* (6A 10025). Originates, plans, and conducts research on the toxic effects of substances occurring in foods, cosmetics, colorants, and related commodities through adulteration, direct addition, or environmental contamination.

Investigates mechanisms of the underlying toxicological reactions which may directly or indirectly lead to diseases in man or laboratory animals. Determines quantitative aspects of the dose response relationship in a variety of animal species for various toxicological manifestations relevant to man.

Investigates, develops, and improves bases for establishing and evaluating toxicological injury to man or laboratory animals from chemicals permitted in foods anl cosmetics or from metabolites of these chemicals.

Conducts toxicological studies on various classes of food additives, environmental contaminants, colorants, and cosmetics to provide data for evaluation of new petitions and proposals and for the review of current tolerances and applications.

Provides toxicological evaluation of food and color additive petitions and for drug applications for food producing animals.

Plans and conducts research pertinent to basic toxicity mechanisms affecting cell growth, reproduction, and function.

Performs toxicological analyses of regulatory samples, as requested, to support FDA compliance programs.

(k–4–iii) *Division of Pathology* (6A 10026). Investigates the nature and significance of the gross and microscopic changes which occur in animal tissues and organs resulting from short- and long-term exposure to food additives and toxic contaminants of chemical, microbiological, or natural origin.

Evaluates pathological data submitted in food and color additive petitions.

Provides pathological support for the complete evaluation of toxicological experiments and, upon request, provides pathology services to other bureaus.

Maintains a complete registry of pathological data on the effects of toxic stress on animals.

Develops new methods of anatomical and histochemical examination of organs and tissues from animals subjected to treatment with food additives, adulterants, and contaminants.

Performs pathological analyses of regulatory samples, as requested, to support FDA compliance programs.

(k–4–iv) *Division of Microbiology* (6A10027). Originates, plans, and conducts research on the nature, extent, and significance of microbial and physical contaminants of foods and cosmetics.

Develops and evaluates microbiological methods for detecting harmful microorganisms, toxins, decomposition, extraneous matter, and other naturally occurring and biological hazards in processed and restaurant prepared foods and in cosmetics.

Develops the technical and microbiological basis for recommended limits, guidelines, and practices applied to food in current good manufacturing practices and used by Federal, State, and municipal health control agencies. Evaluates, through laboratory investigations, the microbiological and other biological hazards associated with food processing and food service practices.

Performs microbiological analyses of regulatory samples, as requested, to support FDA compliance programs.

Develops standard analytical methodology and furnishes, in coordination with the Executive Director of Regional Operations, consultative and training services required for the microbiological control of the food industry by Federal, State, and municipal health control agencies; approves State central milk testing laboratories and certifies State milk laboratory survey officers.

(k–4–v) *Division of Mathematics* (6A10028). Develops mathematical methods and models and provides statistical analysis of Bureau and field research, extramural, and regulatory programs.

Originates, plans, and conducts research with regard to the mathematical design, analysis, and interpretation of health, sanitation, and economic studies.

Reviews and evaluates experimental design and statistical data submitted in petitions for food additive, food standard, and color additive regulations.

Provides statistical support to all components of the Bureau. Investigates mathematical and statistical techniques for data analysis systems and for translation and interpretation of technical information for Bureau use.

(k–5–i) *Division of Food Technology* (6A10052). Develops, collects, coordinates, and interprets technical information regarding the composition, quality, manufacture, packaging, and marketing of foods.

Develops, evaluates, and drafts the substantive content, including technological and engineering specifications, of current good manufacturing practices, model ordinances and codes, model regulations, and amendments thereto.

Develops, evaluates, and drafts the substantive content of food standard proposals establishing standards of identity, quality, and fill of container.

Revises the "Model Milk Ordinances and Codes" and the "National Shellfish Sanitation Program Manual of Operations."

Investigates the currently developing food preservation processes, particularly their impact on established indices of decomposition, and develops new chemical indices.

Makes exploratory investigations into the technology of agricultural and industrial practices that may result in contamination of food with biotoxins. Determines the minimum amount of food additive necessary to achieve the intended technical effect.

Administers cooperative Federal-State shellfish and milk certification programs; reviews field reports and recommendations on State programs to assure their compliance with minimum requirements of Federal programs such as the "Cooperative Program for Interstate Milk Shippers" and the "National Shellfish Sanitation Program."

(k–5–ii) *Division of Chemical Technology* (6A10053). Originates, plans, and conducts research into the industrial practices of chemical processing and chemical uses in regard to the disposition, behavior, and fate of industrial chemicals, byproducts, and process wastes and pollutants in the environment.

Assesses and investigates the nature and magnitude of chemicals and chemical wastes in the environment and the factors which influence the uptake and persistence of these contaminants in foods and in other parts of the ecosystem which contribute to the human organism.

Maintains a complete registry of chemical manufacturing and processing information.

Recommends and assists in the development of regulatory and research programs associated with indirect chemical contaminants which may concentrate in foods.

Prepares environmental impact statements on Bureau actions and regulations which may have a significant effect on the environment, in conjunction with the Office of Science. Reviews, in conjunction with the Office of Science, environmental impact statements prepared by other FDA components and other Government agencies which may impact on the Bureau's areas of responsibility.

(k–5–iii) *Division of Color Technology* (6A10055). Provides expert technical advice on problems relating to the chemistry and technology of colors within FDA and to other Government agencies.

Evaluates color additive petitions for the adequacy and reliability of chemical data (identity, composition, purity, stability), manufacturing controls, and methodology in proposals for listing color additives and color additive diluents.

Maintains liaison with technical personnel of manufacturers of certifiable color additives to maintain early awareness of new techniques, process changes, and other technical innovations.

Examines all batches of colors submitted for certification and examines or administers examination of permitted colors exempt from certification to assure conformance to the Code of Federal Regulations for identity, composition, and purity.

Examines or administers examination of foods, drugs, and cosmetics for nonpermitted color additives and for permitted color additives used in an unsafe manner; develops examination methods for field use in determining if nonpermitted colors are used in foods, drugs, or cosmetics.

Performs inspections of color manufacturers in conjunction with the Executive Director of Regional Operations.

(k–5–iv) *Division of Cosmetics Technology* (6A10056). Provides expert technical advice on problems relating to the chemistry and technology of cosmetics within FDA and to other Government agencies.

Develops and maintains internationally recognized competence in the composition, function, and analysis of cosmetics. Maintains liaison with technical personnel of manufacturers to keep informed of new developments in cosmetic technology and products in order to prevent the use of potentially harmful ingredients such as primary irritants, sensitizers, and carcinogens.

Maintains and evaluates all cosmetic injury complaints received by the Agency, including all pertinent correspondence, reports, replies, analyses of samples, and recommendations for regulatory action.

Processes and evaluates all data received under cosmetic registration programs (location of cosmetic product establishments, ingredients in cosmetic product formulations, and cosmetic experience reports submitted by the cosmetic industry).

Performs chemical analysis of cosmetics for potential poisonous or deleterious substances and nonpermitted ingredients and develops analytical methods for field use.

Initiates requests for field inspection of cosmetic manufacturers and, in coordination with the Executive Director of Regional Operations, occasionally assists in inspections.

(k–6) *Delete and Reserve.*

(k–6–i) *Division of Consumer Studies* (6A10072). Participates in the establishment of policies and development of new regulations by providing data on consumer exposure to, experience with, and expectation of, Bureau-regulated products.

Develops base line data on consumer food requirements, demands, and factors that motivate consumer food preferences; studies and provides information on health effects of changing food intake patterns.

Evaluates data and maintains a food composition data bank on nutritional, chemical, and metabolic studies performed by the Bureau, other Government agencies, academic institutions, and industry.

Develops regulations for nutritional-related labeling and keeps Bureau management familiar with food analogs and novel foods and their properties, nutrient contents, and marketing methods; studies organoleptic properties of foods to determine if correlations can be established among these properties and the stability, nutrient retention, and quality of various foods.

Maintains liaison with consumer organizations and groups interested in food and nutrition education, in conjunction with the Office of Professional and Consumer Programs.

(k–6–ii) *Division of Food Service* (6A10073). Plans, develops, and directs FDA activities to reduce consumer hazards associated with retail food marketing and with commercial and institutional food preparation and service including commissaries, delicatessens, restaurants, and vending machines.

Develops, revises, and interprets model ordinances and codes pertinent to food service sanitation and retail food marketing. Promotes the adoption and uniform application of model ordinances and codes by States and municipalities, in conjunction with the Executive Director of Regional Operations (EDRO).

Provides technical advice, as requested, regarding food sanitation problems and development of sanitation standards for food service and vending equipment to other Government agencies, educational institutions, health-related organizations, and the food service and vending machine industries.

Assists in developing and conducting food sanitation training programs for FDA and industry. Provides technical and instructional support to EDRO (Cincinnati Training Facility) in the development and coordination of food training courses for State and local governments.

Provides technical support in the development, revision, and field application of FDA food and watering point sanitation requirements for interstate conveyance and support facilities including revision of the Interstate Quarantine Regulations.

Promotes and coordinates, in cooperation with EDRO, filed activities relating to the inspection of food service establishments in Federal buildings under reimbursable agreements with the General Services Administration.

Develops programs for laboratory and field investigations to solve current and emerging problems of food safety in food service operations and evaluates potential hazards of industry innovations.

(k–6–iii) *Division of Nutrition* (6A10074). Develops and recommends plans, policies, and regulatory approaches to maintain and improve the nutritional quality of the national food supply.

Serves as the Agency focal point for nutritional expertise and provides advice and support in nutritional matters, upon request, to other organizations or individuals, public or private.

Maintains FDA's nutrient research and nutrient analysis laboratory capabilities.

Originates, plans, and conducts research to elucidate identity, properties, and amount of nutritionally significant substances in foods, and of factors affecting the action of these substances; determines the effect of these substances on reproduction, growth, and development in biological and microbiological systems and studies the metabolic fate of these substances and their interaction with other food components such as food additives.

Devises new methods for the analysis of nutrients in different types of foods and investigates the mechanisms of the chemical reactions involved in such methods.

Maintains liaison with the national and international nutrition scientific community, both public and private.

(k-7 through k-9) *Delete and Reserve.*

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(m) *Bureau of Veterinary Medicine* (6A12). Develops and recommends the veterinary medical policy of the Food and Drug Administration with respect to the safety and efficacy of veterinary preparations and devices. Evaluates proposed use of veterinary preparations for animal safety and efficacy.

Coordinates the veterinary medical aspects of the FDA inspection and investigational programs and provides veterinary medical opinion in drug hearings and court cases.

Plans, directs, and evaluates FDA's surveillance and compliance programs relating to veterinary drugs and other veterinary medical matters.

(m-1) *Office of the Director* (6A1201). Directs overall Bureau activities and coordinates policy establishment in the areas of research, management, compliance, and surveillance.

Directs systems for planning, programming, budgeting, and administrative support for the Bureau.

Provides leadership and executive direction for all Bureau activities.

(m-2) *Delete and Reserve.*

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(n) *Delete and Reserve.*

(o) *Delete and Reserve.*

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(q) *National Center for Toxicological Research* (6A17). Conducts research programs to study the biological effects of potentially toxic chemical substances found in man's environment, emphasizing the determination of the adverse health effects resulting from long-term, low-level exposure to chemical toxicants; the determination of the basic biological processes for chemical toxicants in animal organisms; the development of improved methodologies and test protocols for evaluating the safety of chemical toxicants; and the development of data that will facilitate the extrapolation of toxicological data from laboratory animals to man.

Conducts such additional research programs as may make appropriate use of facilities and expertise of the Center and contribute to its overall scientific capability.

Develops, as a national resource, Center programs in close cooperation with other agencies such as the National Institutes of Health and the Department of Agriculture.

Operates with the advice of a Policy Board, consisting of members appointed by the Secretary of Health, Education, and Welfare and by the Administrator, Environmental Protection Agency. The Policy Board recommends program priorities, reviews program and research results, reviews budget requirements and allotments, recommends management policies, reviews qualifications of applicants for key positions, and advises agency heads on matters concerning the Center.

(q-1) *Office of the Director* (6A1701). Plans, evaluates, and provides executive direction to Center activities and related operating and information systems.

Directs the Center's financial, budgetary, fiscal and personnel management systems and other administrative services.

Coordinates Center programs with similar in-house, grant, and contract programs of FDA, EPA, the National Institutes of Health, and other governmental toxicological research laboratories.

Provides for scientific liaison between the Center and all related interests in toxicological research, including the National Academy of Sciences, the National Science Foundation, and the academic community. Assures that the policies of the signatory agencies respecting the performance and quality of research efforts are implemented.

Maintains veterinary and animal care services necessary to breed, hold, and quarantine animal colonies for purposes of toxicological research.

Directs and evaluates pathology services and research.

(q-2) *Office of Plans, Programs, and Systems* (6A17012). Assists the Policy Board, Director, and other key Center officials by providing strategic and operational planning; analysis and recommendations on policy developments; advice on resource management; solutions to operational problems; and identification and evaluation of program priorities.

Acts as the Center's focal point for the design of management and scientific information systems and serves as the Center's liaison with other systems elements within FDA.

Insures the overall integrity of ADP systems and procedures; administers the development and operation of ADP systems, including hardware employed therein.

Assists the Office of the Director in the evaluation of proposals for large scale projects at the Center in terms of funds, space, equipment, and manpower.

Coordinates the development of Center-wide operational plans for the conduct of research activities.

Identifies and evaluates significant problems impeding effective operation of the Center.

Reviews and coordinates for review by the Policy Board, Director, and other officials, major program issues and studies impacting on the policy, organization, direction, and functions of the Center.

(q-7-i) *Division Of Animal Husbandry* (6A17022). Provides and maintains an animal breeding capability for selected species and strains.

Maintains and cares for animal colonies used for breeding or research projects.

Establishes standards and administers procedures for barrier entry, animal handling, and observation; and for quarantine of animals purchased from suppliers.

Provides and operates support services necessary to maintain the infection-free quality of the barrier operations.

Prepares and administers diets of animals used for breeding and experimentation.

Collects pertinent information concerning the production and care of animals.

Maintains adequate inventories of supplies and materials necessary to support and care for the animals held.

(q-7-ii) *Division of Diagnostics* (6A17023). Establishes and maintains a bacteriological laboratory capable of culturing and identifying airborne, enteric, and pathogenic bacteria, and pathogenic fungi and molds to determine the efficiency of the filtration system; the adequacy of feed, bedding, and other material sterilization; and the efficiency of the barrier system itself as well as the bacteriological, mycotic, and parasitic status of the animals behind the barrier.

Performs tests required to maintain the contamination-free quality of the barrier.

Establishes and maintains a hematological and serological viral isolation laboratory with the capability of determining profiles of the animals behind the barrier as an indicator for presence of subtle pathogenic and viral organisms.

Provides findings and recommendations to the Office of the Director and the Division of Animal Husbandry regarding improvements in practices or materials employed in the maintenance of animal pathogen-free colonies.

Maintains records on the environmental condition of the barrier and the operations therein.

(q-7-iii) *Division of Diet Preparation* (6A17024). Operates a diet preparation facility capable of mixing chemical compounds into animal feed in varying levels; provides diets in large quantities for use or storage; and maintains the sterility of diets prepared until used.

Establishes requirements for analysis of diets prepared to test the percentage of chemical compounds added; the vitamin content of prepared diets; and the presence of mycotoxins, pesticides, chlorinated biphenyls, or PCB's in the feed.

Establishes a system of diet inventory control and utilization to monitor the

demands for feed and chemicals at the Center.

(q-7-iv) *Division of Facilities Engineering and Maintenance* (6A17025). Operates and maintains all environmental support systems, plants, buildings, and equipment required to support Center programs.

Prepares, in coordination with the Office of Administration, long- and short-range program plans for facilities requirements.

Develops renovation and improvement projects for the annual Agency work plan.

Develops and implements a preventative maintenance program for the Center with technical assistance and guidance from the Office of Administration.

(q-7-v) *Division of Chemistry* (6A17026). Establishes and maintains a chemical laboratory capable of providing routine analytical services for assurance of quality control and specialized instrumentation for isotopic and chemical residue studies.

Provides capabilities to develop new analytical methodologies in response to requirements formulated by other research divisions.

Operates an instrument laboratory equipped and staffed to provide highly specialized techniques.

Develops and maintains a clinical biochemistry laboratory equipped to determine routine blood hematological and biochemical parameters in support of in vivo acute, subacute, or chronic bioassays.

(q-8-i) *Division of Histopathology* (6A17032). Provides pathological services necessary to perform blood and urine analysis, necropsy, gross and microscopic pathology, including the preparation, screening, analysis, inventory, and storage of tissue slides.

Establishes procedures for and maintains a production-oriented histopathology processing capability.

Develops procedures for the collection and storage of information resulting from histopathology processing.

(q-8-ii) *Division of Clinical Pathology* (6A17033). Provides laboratory services in support of histopathology operations capable of servicing the needs for the analysis and chemical composition of urine, whole blood, sera, and tissues of animals.

Assists in designing experiments in order to schedule the pathology workload more effectively over the course of the year; maintains a monthly schedule of workload requirements; and establishes and implements a weekly work production and backlog procedure for management control.

Establishes procedures for identifying work units and records results for the work units as an integral part of the toxicological information system at the Center.

Provides findings of quality control sampling and recommends elimination or prevention of identified or potential problem areas. Establishes procedures and conducts electron microscopy investigation of ultarstructural or histochemical changes caused by chemicals administered to laboratory animals during experimentation.

(q-8-iii) *Division of Pathology Research* (6A17034). Investigates, evaluates, and recommends new techniques, instruments, or equipment employed in an automated pathology process.

Researches new or improved methodologies of clinical pathology which should be considered for use at the Center.

Identifies areas in pathology which require a research effort to provide the Center with the expertise responsive to an inquiring core program.

(q-9-i) *Division of Acute/Subacute Studies* (6A17042). Conducts short duration tests in respect to dose levels, verification of published data, etc. aimed at developing indicators and background data in support of chronic lifetime studies. Provides the multispecies animal support needed by the various divisions of the Center.

(q-9-ii) *Division of Chronic Studies* (6A17043). Conducts lifetime studies on mice and rats to determine the carcinogenic and other adverse and life-shortening effects of chemical toxicants.

Determines and describes long-term dose response relationships.

(q-9-iii) *Division of Teratogenic Research* (6A17044). Conducts or sponsors studies to determine the effect of certain toxic chemicals on the progeny of exposed animals.

Expands positive findings into species reflecting human morphology.

Conducts studies on the placental differences of various species and the morphological similarities of the malformations produced as well as neurological effects.

(q-9-iv) *Division of Mutagenic Research* (6A17045). Performs research aimed at developing testing procedures for evaluating mutagenic effects of chemical toxicants and, in particular, in developing improved methods for detecting genetic alteration.

Conducts research on improved methodology for screening chemical toxicants. Conducts research on developing techniques for mutagenic screening in mammals.

Provides project leadership for Center contracts on mutagenic research.

(q-9-v) *Division of Comparative Pharmacology* (6A17046). Conducts studies on the Kinetics and metabolism of chemicals which are prerequisite to the implementation of acute/subacute, chronic, teratogenic, and mutagenic experimentation.

Conducts studies comparing the pharmacodynamics of the mouse with that of other common laboratory animals, including rats, rabbits, and hamsters.

Conducts studies which will increase the ability to predict the metabolism and kinetics of distribution and elimination during all stages of life including that from conception to senility.

Develops animal methods which can be used to accurately extrapolate from animal to man.

Develops *in vitro* models which will serve as links in the assessment of toxic manifestations expected in mammals in general, and in particular in man.

Expands comparative physiology and biochemistry to nonhuman primates and any other potentially applicable experimental species.

Develops protocols for safety evaluation of toxic chemicals.

(r) *Bureau of Biologics* (6A16). Administers regulation of biological products under the biological product control provisions of the Public Health Service Act and applicable provisions of the Food, Drug, and Cosmetic Act.

Inspect manufacturers' facilities for compliance with standards, tests products submitted for release, establishes written and physical standards, and approves licensing of manufacturers to produce biological products. Plans and conducts research related to the development, manufacture, testing, and use of both new and old biological products to develop a scientific base for establishing standards designed to insure the continued safety, purity, potency, and efficacy of biological products.

Administers applicable provisions of the Federal Food, Drug, and Cosmetic Act as they pertain to human drugs that are biological products. In carrying out these functions, cooperates with other bureaus of FDA, other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, nongovernmental laboratories, and manufacturers of biological products.

(r-1) *Office of the Director* (6A1601). Promulgates, plans, administers, coordinates, and evaluates overall Bureau scientific, control, management, and regulatory programs, plans, and policies. Provides leadership and direction for all Bureau activities.

Coordinates and directs the Bureau's management, planning, and evaluation systems to assure optimum utilization of Bureau manpower, money, and facilities.

(r-2) *Division of Compliance (Biologics)* (6A1608). Plans, develops, and directs the Bureau's regulatory compliance programs to assure the safety, purity, potency, and efficacy of biological products.

Reviews data for licensing biological products (including human blood and blood products) and their manufacturers and shipping following a determination that prescribed standards have been met.

Prepares standards for the manufacture and testing of biological products for publication in the FEDERAL REGISTER. Prepares procedural and interpretive regulations under the applicable sections of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act, as amended.

Develops compliance and surveillance programs for investigation of biological product manufacturers, for the inspection of licensed establishments and registered blood banks, and for investigations of violations of laws and regulations; conducts investigations and inspections and recommends regulatory action as necessary.

Performs statistical evaluations for the Bureau.

Reviews applications and data prior to approving the use of a biological product that has not been licensed; maintains surveillance of clinical use and develops information for use in licensing procedures.

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(s) *Bureau of Radiological Health* (6A14). Develops and carries out a national program designed to control unnecessary exposures of man to and assure the safe and efficacious use of potentially hazardous ionizing and nonionizing radiation.

Conducts an electronic product radiation control program, including the development and administration of performance standards.

Plans, coordinates, and evaluates surveillance and compliance programs relating to radiation exposure.

Plans, conducts, and supports research on the health effects of radiation exposure through contracts and grants; and provides institutional support through training grants.

Develops criteria, recommendations, and standards relative to radiation use and exposure. Develops and promotes improved procedures, techniques, and users' qualifications for reducing unnecessary radiation exposure. Provides technical and scientific support, including training, to other bureaus within FDA and to other agencies having radiological health responsibilities.

Participates in development of model codes and recommendations for guidance of industry and of national, State, and local radiation-control and standard-setting agencies in order to optimize radiation control practices.

Maintains appropriate liaison with other Federal, State, and international agencies, with industry, and with consumer and professional organizations.

(s-1) *Office of the Director* (6A1401). Provides leadership, direction, evaluation, and coordination of the total activities of the Bureau. Provides advice and consultation to the Commissioner and other FDA officials on policy matters concerning radiological health activities.

Recommends to the Office of the Commissioner changed or additional legislative authority.

Maintains liaison with other FDA components; other Federal, State, and international agencies; industry and consumer and professional organizations.

Directs the Bureau's administrative management, program planning, and policy formulation services.

(s-2) *Delete and Reserve.*

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(x) *Executive Director of Regional Operations* (6A15). Executes direct line authority over all FDA field operations; develops, issues, approves, or clears proposals and instructions affecting field activities; serves as the central point within FDA through which Headquarters offices obtain field support services.

Provides direction and counsel to Regional Food and Drug Directors in the implementation of policies and operational guidelines which form the framework for management of FDA field activities.

Establishes FDA's field compliance and enforcement posture, based on Agency policy.

Develops and/or recommends to the Commissioner policy, programs, and plans for activities between FDA and State and local agencies; administers the Agency's overall Federal-State program and policy; coordinates the program aspects of FDA contracts with State and local counterpart agencies.

Evaluates the overall management and capabilities of FDA's field organization; initiates action to improve the management of field activities and coordinates the formulation and management of career development plans.

Implements nationwide information storage and retrieval systems for data originating in field offices.

Develops and/or recommends to the Commissioner policy, programs, and plans for applied research which relates to FDA enforcement problems and which will be conducted by field installations; coordinates such research efforts with concerned bureaus and the Office of Science.

Provides other FDA components with laboratory support in various highly specialized areas.

Recommends priorities for all field construction, repair, improvement, and renovation and recommends short- and long-range field facility utilization plans.

(x-1) *Division of Field Operations* (6A1502). Provides for day-to-day coordinative management of the national field investigative, consumer affairs, consultant, inspectional, scientific, research, and compliance efforts; directs FDA foreign inspection programs.

Serves as the focal point of Headquarters-field operational relations, and provides for coordination between field and Headquarters units; represents the Executive Director of Regional Operations in top level operational policy and program matters.

Assists the Division of Planning and Analysis in identifying field goals and objectives; directs and coordinates the development and issuance of field technical and program operational policies and procedures.

Coordinates the field management review program and quality control procedures as they relate to operational practices; evaluates the adequacy and effectiveness of field investigative, consumer affairs, consultant, inspectional, scientific, and compliance activities, including recalls.

Manages the field laboratory research programs; identifies the need for, and tests, evaluates, and arranges for the adoption of new field equipment, techniques, and methodology.

Participates in the development of long- and short-range field facility needs statements.

Participates in the formulation and evaluation of training and career development plans for field program staffs.

Operates the field emergency preparedness and civil defense programs, and coordinates FDA's total field effort during periods of natural disaster or national emergency.

Coordinates a national consumer complaint program; receives and responds to telephone consumer complaints received at FDA Headquarters.

(x-2) *Division of Planning and Analysis* (6A1503). Assists the Executive Director of Regional Operations (EDRO) regarding planning, analysis, and recommendations on program policy development, solutions to operational problems and related systems demands, and identification and evaluation of program priorities.

Develops and applies effectiveness measures to field programs both with regard to internal effectiveness as well as with regard to impact upon the regulated industries and the various other professional and consumer clientele.

Identifies operational goals and designs program management and control systems relevant to both short- and long-range objectives.

Advises and assists EDRO and key field officials by providing overall planning and analytical support to mobilize resources to accomplish primary and secondary management objectives.

Represents EDRO in matters related to planning and management support with the offices in the Office of the Commissioner, the bureaus, the Department, other Federal agencies, and regulated industries.

Directs the development of scientific and management information systems for the field, and provides guidance and direction to the field's utilization of electronic and other data processing systems and facilities.

Provides technological forecasting services to EDRO so that adequate lead-time is provided to develop and train necessary future capabilities.

Provides systems analysis and design services to EDRO and field components, especially in the areas of laboratory automation and operations research.

(x-3) *Division of Federal-State Relations* (6A1504). Provides an Agency focal point for all FDA programmatic and operational relationships with counterpart State and local officials to assure a cohesive and uniform Agency policy.

Provides leadership and guidance in the development, coordination, and evaluation of the FDA Federal-State program.

Makes recommendations to the Executive Director of Regional Operations on matters regarding FDA Federal-State program policy.

Serves as the day-to-day FDA liaison with organizations of Federal, State, and local officials whose interests correspond to those of FDA.

Directs a program of State Management Conferences with key State officials and FDA field components.

Develops and implements a wide range of training and educational activities and information systems for personnel in State and local counterpart agencies.

Serves as the Agency focal point for coordination of the programmatic as-

pects of all FDA contracts with State and local counterpart agencies.

(y) *Office of the Regional Food and Drug Director.* The Regional Food and Drug Director is the primary executive of the Agency within the HEW Region and is directly accountable to the Executive Director of Regional Operations. He is responsible for the effective implementation of those activities required to assure that industries within the Region comply with laws and regulations enforced by the Food and Drug Administration. The overall functions of the Regional Food and Drug Director are:

Provides managerial direction to the total Agency field program and resources within the Region in order to enforce the laws and regulations for which FDA is responsible.

Coordinates FDA activities with related operations of the PHS Regional Health Administrator and the DHEW Regional Director.

Develops and maintains cooperative relationships with State, local, and other Federal agencies; and encourages improved State and local consumer protection programs pertinent to FDA enforced laws and regulations; directs and coordinates program management of Federal-State contracts.

Represents FDA, or provides policy and direction for FDA representation, in dealing with public and private organizations, such as governmental agencies, volunteer agencies, educational institutions, and industry associations within the Region.

Promotes voluntary compliance with FDA enforced laws and regulations by industries and industry associations.

Manages and evaluates program activities; continuously measures accomplishments against annual field workplan objectives; and advises the Executive Director of Regional Operations regarding strategy changes needed to reach objectives or the need to adjust objectives.

Advises the Executive Director of Regional Operations and appropriate Headquarters components on emerging problems and trends, future program needs and priorities, and manpower and financial needs; and directs FDA's long-range planning for the Region.

Coordinates the provision of FDA assistance to States and localities in the event of a national disaster or other emergency.

(z) *Field Organization.* The Food and Drug Administration's field operations are divided into ten Regions. An FDA Regional Field Office, under the direction of a Regional Food and Drug Director, is the primary organizational component of each Region.

When warranted by workload, population, or geographic size, a Regional Field Office may be further subdivided and organized into district offices, laboratories, branches, sections, and resident posts. A field office, depending on whether it is an FDA Regional Field Office, district office, laboratory, branch, section, or resident post, performs some or all of the following functions as assigned by the Regional Food and Drug Director:

(z-1) *Regulatory Functions.* Reviews and evaluates evidence and findings indicating a possible lack of compliance with FDA enforced laws and regulations; determines the most suitable course of action and, if necessary, recommends legal action to FDA Headquarters, to the Office of General Counsel—DHEW, or to the responsible U.S. Attorney; and maintains working liaison with the U.S. Attorneys and U.S. Marshals in implementing approved action.

Assures that Court ordered actions are completed on time and in total fulfillment of the Court's order.

Conducts administrative hearings on alleged violations and initiates enforcement action.

Issues warning letters to regulated industry; and issues notices of detention and refusals on violative import products.

Answers inquiries from other Federal agencies, foreign missions, industry, and importers regarding interpretations of FDA enforced laws and regulations, case status, and enforcement policies.

Maintains liaison with U.S. Customs officials to facilitate import inspections and regulations.

(z-2) *Voluntary Compliance Functions.* Plans, organizes, and implements a comprehensive industry education, training, and technical advice program designed to promote voluntary compliance and self-regulation.

(z-3) *Consumer Affairs Functions.* Prepares and arranges local media presentations to advise consumers about hazards from FDA regulated products and to educate consumers about FDA responsibilities and activities; and maintains liaison with consumer organizations.

Receives and responds to consumer inquiries and complaints.

Plans, schedules, and controls consumer affairs operations; and formulates, coordinates, and implements consumer affairs workplans to carry out both local and national programs.

(z-4) *State Relationship Functions.* Assists States in the development of uniform legislation, codes, and regulations.

Maintains cooperative relationships with State counterpart agencies and develops work and information sharing agreements.

Manages and evaluates the program aspects of Federal-State contracts.

Advises and certifies State personnel; and monitors and evaluates State programs in milk, food service, shellfish sanitation, and radiation safety.

(z-5) *Investigative Functions.* Inspects establishments subject to laws and regulations enforced by FDA; collects samples for laboratory analysis; performs field analyses; and prepares reports on findings of each inspection.

Performs special investigations, including follow-up of consumer complaints, reports of adverse experience with any FDA regulated products, epidemiological investigations of food poisonings, and pre-marketing clearance investigations of drugs.

Monitors recalls and performs follow-up activities to assess recall effectiveness and prevent recurrences.

Provides inspectional and investigational support to the Bureaus as needed.

Plans, schedules, and controls inspectional operations; and formulates, implements, and coordinates domestic and import investigational workplans.

Provides expert advice and training regarding inspectional techniques and technological developments to other Federal agencies; to State, local, and foreign counterpart agencies; and to industry.

Provides court testimony of inspectional findings as requested.

(z-6) *Laboratory Functions.* Performs laboratory analyses of samples to assess their compliance with laws and regulations enforced by FDA.

Conducts research to develop and refine methodology used in the analysis of samples and to explore new systems of analysis.

Provides analytical support to the Bureaus as needed.

Provides expert advice and training regarding laboratory techniques and technological developments to other Federal agencies; to State, local, and foreign counterpart agencies; and to industry.

Provides court testimony regarding analytical findings as requested.

Plans, schedules, and controls laboratory operations; and formulates, implements, and coordinates domestic and import laboratory workplans.

Maintains liaison with scientists and scientific bodies with interests pertinent to laboratory activities.

(z-7) *Specialized Laboratory Functions.* Serves as a national resource in scientific knowledge, laboratory methodology, and techniques applicable to solving field problems pertinent to its particular scientific specialty.

Conducts analyses of national survey samples pertinent to its particular scientific specialty.

Analyzes and conducts check analyses of regulatory samples.

Conducts research to develop and refine methodology used in the analysis of samples in its area of scientific specialty and to explore new systems of analysis.

Maintains liaison with scientists and scientific bodies with interests pertinent to its particular scientific specialty.

(z-8) *Administrative Management Functions.* Provides administrative management support for program and operational activities, including fiscal and personnel management and management of facilities, services and supplies.

Maintains working liaison with other Federal regional offices providing support services to FDA.

Manages a Regional/District management information system.

Coordinates the Equal Employment Opportunity, internal security, safety, and emergency preparedness programs.

Dated: May 21, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-12355 Filed 5-28-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10 a.m., May 30, 1974 in the offices of Shea and Gardner, 734 15th Street, NW., Washington, D.C.

The Committee will meet to consider possible future studies of prosecutorial discretion and the program for studies of informal action during the Summer of 1974.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Robert W. Hamilton of the Judicial Review Committee, 202–254–7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MAY 24, 1974.

[FR Doc.74–12389 Filed 5–28–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–313]

ARKANSAS POWER AND LIGHT CO.

Notice of Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR–51 to Arkansas Power and Light Company authorizing operation of Arkansas Nuclear One, Unit 1 at steady state reactor core power levels not in excess of 2568 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. Arkansas Nuclear One, Unit 1 is a pressurized water nuclear reactor located in Pope County, Arkansas.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on December 6, 2008.

A copy of (1) Facility Operating License No. DPR–51, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated August 14, 1973; (3) the Directorate of Licensing's Safety Evaluation dated June 6, 1973; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated April 23, 1971 and supplements thereto; (6) the Draft Environmental Statement dated October 27, 1972; and (7) the Final Environmental Statement dated February 9, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 21 day of May 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2–3, Directorate of Licensing.

[FR Doc.74–12189 Filed 5–28–74;8:45 am]

[Docket Nos. 50–3 and 50–247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Issuance of Facility License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR–5 for Indian Point, Unit No. 1, and Amendment No. 7 to Facility Operating License No. DPR–26 for Indian Point, Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

The amendments permit flexibility in plant operation in terms of the timing for the adjustable gates of the discharge structure during changes in the flow rate of the circulating condenser cooling water with minimal effect on the environment.

The application for amendments 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 1, which are set forth in the license amendments.

For further details with respect to these actions, see: (1) the application for the amendments dated September 14, 1973; (2) Amendment No. 5 to License No. DPR–5 with its attachment, Change No. 61; (3) Amendment No. 7 to License No. DPR–26 with its attachment, Change No. 4; and (4) the Commission's related Environmental Evaluation.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of item (4) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 22d day of May 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1 Directorate of Licensing.

[FR Doc.74–12381 Filed 5–28–74;8:45 am]

[Dockets Nos. 50–463, 50–464]

PHILADELPHIA ELECTRIC CO.

Notice and Order for Prehearing Conference

MAY 24, 1974.

In the matter of Fulton Generating Station, units 1 and 2.

Take notice, that a prehearing conference in the subject proceeding will be held on June 26, 1974, at 1 p.m., local time, at the Holiday Inn—East, Ball Room, Hempstead Road and Route 30 By-pass, Lancaster, Pennsylvania 17604. The topics that will be considered are as follows:

1. Oral argument respecting the exclusion area for Units 1 and 2 of the Fulton Generating Station. In this regard, the parties who have filed briefs shall be prepared to discuss:

(a) The appropriateness of an order staying this proceeding pending approval by Pennsylvania's Public Utility Commission of Applicant's condemnation undertaking concerning property owned and occupied by the Fulton Township;

(b) The appropriateness of a separate evidentiary hearing relating to the exclusion area:

(c) Prior efforts on the part of the Applicant to obtain the necessary property from the Fulton Township (including efforts to obtain the appropriate certificate of necessity and convenience);

(d) The average time required by the Pennsylvania Public Utility Commission to rule upon a condemnation application;

(e) The surface features of the proposed exclusion area, including matters such as existing public use areas, and the amount of wooded area on Applicant's property that would be removed as a consequence of construction under a limited work authorization;

(f) The method or manner by which the environmental impact of work performed under a limited work authorization will be redressed if a construction permit should be denied; and

(g) Availability of alternative siting. Each party who has filed a brief on the question of exclusion area will be alloted a total of fifteen (15) minutes for argument.

2. The extent of discovery required by the parties and the time-frames with respect thereto.

3. The Board's observations regarding the Draft Environmental Statement prepared by the Regulatory Staff.

4. If the Board deems appropriate, oral argument may be held with regard to certain contentions anticipated to be filed by the Solanco, et al. group, represented by Lawrence Sager, in accordance with the Board's earlier ruling made during the April 1, 1974 Special Prehearing Conference.

It is so ordered.

Issued at Bethesda, Maryland, this 24th day of May, 1974.

ATOMIC SAFETY AND LICENSING BOARD.
JEROME GARFINKEL,
Chairman.

[FR Doc.74-12382 Filed 5-28-74;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company, which revised Technical Specications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment permits changes of an editorial nature to Table TS 4.10-1 of the Technical Specifications pertaining to the environmental radiological monitoring program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations, and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the request for change to the Technical Specifications dated April 9, 1974, (2) Amendment No. 1 to License No. DPR-43, with attachments, and (3) the Commission's related Safety Evaluation dated May 15, 1974. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kewaunee County Library, Kewaunee, Wisconsin.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 21st day of May, 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2 Directorate of Licensing.

[FR Doc.74-12190 Filed 5-28-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26485, 22274, 26499; Order 74-5-111]

ALLEGHENY AIRLINES, INC., ET AL.

Order of Temporary Suspension and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1974.

Application of Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 97 so as to delete Olean, New York. Application of Allegheny Airlines, Inc. for renewal of temporary suspension of service at Olean, New York.

On March 7, 1974, Allegheny Airlines, Inc., filed an application requesting amendment of its certificate of public convenience and necessity for route 97 so as to delete Olean, New York. Subsequently, on March 11, 1974, Allegheny filed an application requesting continuation of its authorization to suspend service at Olean until 60 days after a final Board decision on its application for deletion.[1]

In support of its application, Allegheny alleges, inter alia, that the conditions which led the Board to approve the temporary suspension of service still exist;[2] that Olean's history of traffic generation has been characterized by low and declining local patronage due to convenient access to the far superior services at the Buffalo and Bradford airports; and that there is adequate ground transportation available at Olean both to Buffalo and Bradford.[3]

No answers to Allegheny's application have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to extend Allegheny's suspension authority at Olean for two years or until 60 days after final decision on Allegheny's deletion request (Docket 26485). It is clear that the continued suspension of Allegheny's Olean service will not unduly inconvenience Olean Air travelers due to the proximity and availability of nearby airport facilities and to the availability of convenient ground transportation, and is otherwise in the public interest. We note, in this connection, that no person has objected to the continuation of suspension and that such suspension will have a favorable impact on the carrier's subsidy need.

We have also decided to issue an order to show cause proposing to grant the requested deletion. We tentatively find and conclude that the public convenience and necessity require the amendment of Allegheny's certificate for route 97 so as to delete Olean, New York.[4] The facts and circumstances which support our tentative conclusion as as follows:

Olean has never been a strong traffic-generating point; since 1960, originations have been less than 3 passengers per day. This low level of traffic indicates a depressed public demand for certificated air service and has resulted in uneconomic operations for Allegheny. There is no reason to believe that the traffic experience and the financial results of Allegheny's Olean service have any reasonable chance of meaningful improvement in the foreseeable future in light of the convenient alternative transportation available to Olean travelers at Buffalo and Bradford. The Buffalo airport, a medium air traffic hub, is approximately 80 miles from Olean, and surface travel time is approximately two hours. The Bradford airport, currently served by Allegheny, is 30 miles from Olean and the surface travel time is approximately one hour. Furthermore, there is frequent bus service available between Olean and Buffalo and Bradford. Finally, the absence of civic opposition to Allegheny's application lends support to our decision that the show cause procedure is appropriate.

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[1] Allegheny was authorized to suspend service at Olean for a period of two years by Order 72-5-52, May 12, 1972. Mohawk Airlines' original application for suspension authority was filed in Docket 22274 in 1970.

[2] Grant of its initial suspension application was based upon the fact that: (a) suspension of service at Olean would reduce the carrier's operating loss by $25,000 and the subsidy need by $31,000; (b) during the period June, 1960, through May, 1972, when service was provided at Olean, only once, in calendar year 1961, did enplanements average more than 3 per day; and (c) during the entire period Olean received scheduled air service, the point never generated as many as 3 passenger enplanements per departure. See Order 72-5-52.

[3] Blue Bird Coach Lines offers the following service: from Olean to Buffalo, one daily trip, three daily (except Sunday) trips, and one Sunday only trip; from Buffalo to Olean, two daily (except Sunday) and two Sunday only trips; from Olean to Bradford, one daily and one daily (except Sunday) trip; from Bradford to Olean, two daily (except Sunday) and one Sunday only trip. (Official Motor Coach Guide, March 1, 1974.)

[4] We also tentatively find that Allegheny is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

Additionally, we tentatively find and conclude that the deletion of Allegheny's Olean authority would not constitute a major Federal action significantly affecting the quality of the human environment within the terms of the National Environmental Policy Act of 1969. Rather, this action would merely serve to preserve the status quo by permanently deleting authority that has been suspended for the past two years and finally eliminating the possibility of a reintroduction of service at some future date. Thus our action herein will have the beneficial effect of permanently eliminating air carrier service with its attendant salutary impact on noise and air pollution without causing any diversion of additional passengers to surface modes.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Allegheny Airlines, Inc., be and it hereby is authorized to suspend service temporarily at Olean, New York for a period of two years or until 10 days after final decision on the carrier's deletion application in Docket 26485, whichever event shall occur first;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Allegheny Airlines for route 97 so as to delete Olean, New York, therefrom;

3. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 21 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [5]

4. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

6. A copy of this order shall be served upon the Mayor, city of Olean; Chairman, Olean County Commission; Chairman, Olean Airport Commission; Commissioner, New York State Department of Transportation; Federal Coordinator, New York State Department of Transportation; and the U.S. Postal Service; and

7. The authority granted in paragraph 1 above, shall be effective immediately and may be amended or revoked at any time in the discretion of the Board without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12263 Filed 5-28-74;8:45 am]

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket 25533; Order 74-5-99; agreements CAB 21950, 22008, 22094, 22320, 22901, 23419, 23681, 24223, as amended [1]]

CONTINENTAL AIR LINES, INC., ET AL.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1974.

Application of Continental Air Lines, Inc., and Mutual Computer Services, Inc. pursuant to section 408 of the Federal Aviation Act of 1958, as amended. Agreements between Mutual Computer Services, Inc. and various air carriers, foreign air carriers and other carriers filed pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended.

Continental Air Lines, Inc. (CAL) and Mutual Computer Services, Inc. (MCS) request approval, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) of the control relationships resulting from the acquisition by CAL of all of the outstanding stock of MCS in return for 38,095 shares of CAL stock and the assumption by CAL of certain obligations and liabilities of MCS.

According to the application MCS possesses software and hardware capabilities in excess of CAL's requirements which have enabled it to offer a reservation storage and retrieval system to smaller carriers at considerable savings and with complete confidentiality. The system is called SHARES (Shared Airline Reservations System) which is a modification of the PARS (Programed Airline Reservations System) used by many other airlines. While the services offered by MCS at present are reservations oriented, applicants state that other services such as aircraft condition reporting, engine monitoring, personnel sales productivity and hotel space availability are planned. Applicants submit that the acquisition does not affect the control of CAL nor does it create a monopoly or tend to restrain competition and is clearly in the public interest.

The eight agreements should be approved under section 412, according to the applicants, since the same public interest factors favoring approval of the CAL–MCS relationship are applicable to the agreements themselves. The applicants have also submitted a motion for confidential treatment of specific portions of the agreements which, they assert, should be granted on the grounds that the computer industry is highly competitive and largely unregulated and that the disclosure of this specified information could have a serious adverse effect on the operations of MCS.

No comments opposing approval of the application or the agreements have been received.

Upon consideration of the application, it is tentatively concluded that CAL is an air carrier and that MCS, by reason of, among other things, the nature of its services, is a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act. Accordingly, the control of MCS by CAL is subject to the provisions of section 408(a)(6) thereof. The Board further tentatively concludes that the control of MCS by CAL does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby restrain competition nor does it jeopardize another air carrier not a party to this proceeding. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved relationships whereby other air carriers have provided computerized reservations services in their own name to various other airlines [2] and there is no evidence that the establishment of a subsidiary by CAL to perform this same function would raise any serious regulatory problem. Under all of these circumstances, it does not appear that the acquisition would be inconsistent with the public interest or that the requirements of section 408 would be otherwise unfulfilled. Therefore, subject to the conditions set forth below, the Board tentatively concludes that the transaction should be approved pursuant to the third proviso of section 408(b) of the Act.

As noted, we have tentatively concluded that approval of the control re-

[1] The agreements are between MCS and, in sequence, the following airlines: Ozark Air Lines, Inc.; Piedmont Aviation, Inc.; Hughes Airwest; British Caledonian Airways; Air California; Alaska Airlines, Inc.; Aloha Airlines, Inc.; and Wien Air Alaska, Inc.

[2] See, Braniff—Midstate Air Commuter, Order 73-4-85, April 20, 1973.

lationship will require imposition of certain conditions. Under the terms of the acquisition agreement, CAL will acquire all of the outstanding stock of MCS as well as assuming certain of MCS's obligations and liabilities. In light of CAL's total control of and financial commitment to MCS, the Board further tentatively concludes that approval of the acquisition should be subject to a condition that would require CAL to file with the Board, thirty days prior to the effectiveness of any anticipated new contract between MCS and any other air carrier, foreign air carrier or any other carrier, a report with respect to such contract that sets forth the nature of the contract and the parties involved. Moreover, the Board, in its final order, will retain jurisdiction over the control relationship approved herein for the purpose of reexamining such control relationship and for the purpose of imposing, with or without hearing, such further conditions, including disapproval, if future circumstances should warrant.

In view of our tentative findings herein, the Board further concludes that, under the circumstances present here, it should not assert jurisdiction under section 412 of the Act over the agreements heretofore entered into between MCS and the various other air carriers.[3] At the time that MCS entered into these agreements, it did so in its own behalf and, not being an air carrier within the meaning of section 101(3) of the Act, the Board's jurisdiction would not extend to such agreements. Accordingly, the application for approval of these agreements will be dismissed.

Based on our foregoing tentative decision not to assert jurisdiction under section 412 of the Act over the eight agreements now before us, the copies of the eight agreements on file with the Board will be returned to MCS.[4]

In accordance with the provisions of section 408(b) of the Act, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. Interested persons are hereby afforded a period of twenty-one days from the date of service of this order to file comments with respect to the Board's tentative findings; [5] and

2. The Attorney General of the United States will be furnished a copy of this order within one day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12266 Filed 5-28-74;8:45 am]

[3] See, footnote 1, supra.

[4] Accordingly, the applicant's motion for confidential treatment will be dismissed as moot.

[5] Such comments shall comply with the requirements of the Board's Procedural Regulations (14 CFR 302).

[Dockets 25513, 25661; Order 74-5-105; Agreement C.A.B. 24394]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fare Matters

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to passenger fare matters.

Issued under delegated authority May 22, 1974.

An agreement has 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 carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above designated C.A.B. agreement number.

The agreement proposes to increase all basic fares to/from Algeria points by 75 U.K. pence ($2) for one way fares and 1.50 U.K. pounds ($4) for round trip fares. This is occasioned by advisement of Algerian authorities that airport passenger service charges shall cease to be collected separately from passengers effective June 1, 1974 and shall instead be charged directly to the carriers.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions which are incorporated in Agreement C.A.B. 24394, are adverse to the public interest or in violation of the Act:

200(Mail 208)005x	JT23(Mail 338)005x
JT12(Mail 844)005x	JT123(Mail 730)005x

Accordingly, it is ordered, That:

Agreement C.A.B. 24394 be and hereby is approved.

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 ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12267 Filed 5-28-74;8:45 am]

[Docket 23333; Order 74-5-106; Agreement C.A.B. 24363]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Reduced Fares for U.S.-Based Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of May, 1974.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to reduced fares for U.S.-based cargo sales agents.

An agreement has 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 carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, relating to allocation of reduced-fare tickets for U.S.-based cargo agents and adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

At present there is no resolution governing the allocation of reduced-fare tickets to U.S.-based cargo agents since the most recent extension of the old resolution expired March 1, 1974. The instant agreement, intended for expedited May 7, 1974 effectiveness, would readopt and amend a proposal for allocating reduced-fare tickets originally adopted by IATA at the 4th Cargo Agency Committee (CAC) Meeting held November 1972 at Montreal. This 4th CAC proposal was approved with conditions by the Board in July 1973. However, the resolution was never declared effective by IATA.[1]

The agreement before us would incorporate the Board's July 1973 finding that the number of tickets awarded under the productivity feature should be based upon total commissionable agency international sales and not total international sales, and the Board's condition that tickets so awarded be at a 75 percent discount from the applicable fare. In addition, the readopted portions would allocate to each agency registered in a particular country two 75 percent discount tickets regardless of the number of locations it operates and would distribute under the productivity feature two additional tickets for each 100 percent (or fraction thereof) by which an agent's total commissionable international sales exceed the annual average for the country of registration. The maximum annual allowance of these tickets would be set at 40.

Thus, the agreement now before us is identical to a previously Board-approved and conditioned proposal. The productivity feature and the proposed mechanism for its operation, as well as the proposed initial ticket allocation, have been found by the Board in its earlier action to be consistent with its long held policy that any system of reduced-fare concessions be closely related to the actual and legitimate business requirements of each agent in the promotion of air cargo transportation. In view of the above and the fact that there is presently no provision in effect for reduced-fare travel by U.S.-based agents, the agreement will be approved.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find that the following resolution, incorporated in Agreement C.A.B. 24363, is adverse to the public interest or in violation of the Act, provided that

[1] See Order 73-7-28, July 10, 1973 and Order 73-9-45, September 11, 1973.

approval is subject to the conditions stated herein:

100 (Mail 951) 203a	JT23 (Mail 334) 203a
200 (Mail 205) 203a	JT31 (Mail 264) 203a
300 (Mail 423) 203a	JT123 (Mail 727) 203a
JT12 (Mail 841) 203a	

Provided that with respect to Resolution 203a:

(1) Free or reduced-rate transportation for United States-based agents shall be limited to the extent permitted by the provisions of Resolution 203a and shall not be provided under entertainment or instruction provisions of other cargo agency resolutions, e.g., Resolution 810b—Section J, and Resolution 811b—Paragraph (1)(e); and

(2) Notwithstanding any provision or interpretation of said resolution, IATA-approved agents shall not be precluded or limited in obtaining reduced-fare transportation on IATA carriers because such agents act pursuant to appointments received from non-IATA carriers.

Accordingly, it is ordered, That:

Agreement C.A.B. 24363, be and hereby is approved subject to the conditions stated herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12264 Filed 5-28-74;8:45 am]

[Docket No. 26516; Order 74-5-120]

PAN AMERICAN WORLD AIRWAYS ET AL.

Order To Show Cause

Authorization of emergency discussions concerning transatlantic operations of Pan American World Airways, Trans World Airlines, and Seaboard World Airlines.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of May, 1974.

By Order 74-4-104, April 19, 1974, the Board, at the request of Pan American World Airways, Inc., authorized Pan American and Trans World Airlines, Inc. (TWA) to conduct discussions concerning their transatlantic passenger services. Pursuant to section 414 of the Federal Aviation Act of 1958, as amended, the inter-carrier discussions would not subject the carriers to the anti-trust laws so long as such discussions were kept within the scope of the Board's authorization. The Board's authorization was conditioned upon several matters among which were the requirement that "* * * representatives of the Board, other government agencies, and all other interested persons shall be permitted to attend the discussions as observers only * * *" and, "* * * The participants in each portion of the discussions shall maintain a transcript of the discussions, which shall be filed with the Board's Docket Section, and sent to all other persons who so request * * * within five business days * * *."

By Order 74-5-76, May 15, 1974, the Board denied a motion of TWA to modify the above two conditions by permitting the carriers to close their meetings to all except representatives of governmental agencies and by allowing the carriers to delay publication of the transcripts until five days after the end of all of the discussion meetings.

It has now been stated to the Board[1] that on Tuesday, May 21, 1974, Pan American and TWA held a meeting in conjunction with the ongoing discussions from which were excluded members of the general public. Furthermore it has been brought to the attention of the Board that no transcript was maintained of this nonpublic meeting.

Should the Board find these allegations to be true, Order 74-4-104 would not relieve the carriers from the operation of the antitrust laws for that meeting.

Accordingly, it is ordered, That:

1. The above-named carrier participants are directed to submit to the Board on or before May 29, 1974, a detailed statement under oath of all matters discussed or exchanged during the course of any such nonpublic meeting and all documents heretofore exchanged between the carriers throughout the discussions which commenced on May 16, 1974;

2. The carrier participants are directed to show cause on or before May 29, 1974, why the Board should not condition the continued effectiveness of Order 74-4-104 in such manner as to preclude any discussions between carriers or exchanges of information other than in public meetings at which transcripts are maintained and to which all documents exchanged between the carriers are appended as exhibits;

3. This order shall be served on the above-named carriers and on those persons who have filed pleadings in this docket, and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-12390 Filed 5-28-74;8:45 am]

[Docket No. 22859; Order 74-5-88]

UNITED AIR LINES, INC.

Domestic Air Freight Rate Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1974.

Increased air freight rates proposed by United Air Lines, Inc., domestic air freight rate investigation.

[1] By telegram dated May 21, 1974, the Air Line Pilots Association requested the Board to issue an order canceling the authority granted to Pan American and TWA to discuss their transatlantic operations. The Board will reserve action on this motion pending the conclusion of this show cause order.

On page four (39 FR 18134, May 23, 1974) footnote two the referenced order should read "Order 74-3-82, instead of Order 74-5-82."

[SEAL] EDWIN Z. HOLLAND,
Secretary.

MAY 23, 1974.

[FR Doc.74-12265 Filed 5-28-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of Defense (International Security Affairs), Office of the Assistant Secretary of Defense (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-12274 Filed 5-28-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 701]

DOMESTIC PUBLIC RADIO SERVICES

Applications Accepted for Filing

MAY 20, 1974.

In the matter of common carrier services information.[1]

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21372–C2–ML–74, The Chesapeake and Potomac Telephone Company of Virginia (KIB529). Mod. License to interchange frequency 152.51 MHz from Loc. #1: 703 East Grace Street, Richmond, Virginia to Loc. #2: 1619 Logan Street, Richmond, Virginia; and change frequency 152.60 MHz from Loc. #2 to Loc. #1.

21378–C2–TC–74, Savannah Radio Mobile-Telephone, Inc. Consent to Transfer of Control from Beasley and Carlson, Inc., Transferors to Radio Telephone Service, Inc., Transferees. Station: KIY588, Savannah, Georgia.

21379–C2–P–74, United Telephone Association, Inc. (KDT217). C.P. to reinstate facilities operating on 152.600 MHz located 1 mile West of Ashland on U.S. 160, Ashland, Kansas.

21380–C2–P–74, General Communications Service, Inc. (KSV965). C.P. to add a new location to be described as Loc. #4 operating on 35.22 MHz located 2.5 miles NNW of Hampton, Georgia.

21381–C2–P–(2)–74, Henry M. Zachs d/b as Massachusetts-Connecticut Mobile Telephone Company (KCI1300). C.P. to add repeater facilities to operate on 75.94 MHz at Loc. #1: Off West Street, Provin Mountain, Agawan, Massachusetts; and add control facilities to operate on 72.28 MHz at Loc. #2: 14 Haynes Street, Hartford, Connecticut.

21382–C2–P–74, Airsignal of California, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at Upper Heavenly Valley Lodge, 2 miles SE of South Lake Tahoe, California.

21383–C2–P–74, Airsignal of California, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at Del Webb Town House, 2200 Tulare, Fresno California.

21384–C2–P–74, Ace Commercial Services, Inc. (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located East of Ridge Road North, Columbus, Mississippi.

21385–C2–P–74, Brooklyn Mutual Telephone Company (New). C.P. for a new 2-way station to operate on 152.63 MHz to be located at 612 W. Des Moines Street, Brooklyn, Iowa.

21386–C2–P–74, Two-Way Radio of Carolina, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 638 S. Meeting Street, Statesville, North Carolina.

21387–C2–P–74, Tel-Car of Hollywood, Inc. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 300 Bay View Drive, North Miami, Florida.

21388–C2–P–(2)–74, Tel-Car of Hollywood, Inc. (New). C.P. for a new 2-way station to operate on 152.06 MHz at Loc. #1: Hollywood Federal Building, Hollywood, Florida; and to operate on 454.025 MHz at Loc. #2: 300 Bay View Drive, Miami Beach, Florida.

21389–C2–P–74, Tel-Car Corporation (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located at Congress Building, 111 N.E. 2nd Avenue, Miami, Florida.

21390–C2–P–(24)–74, Mobilfone, Inc. (KMA 253). C.P. for additional facilities to operate on 454.150, 454.175, 454.200, and 454.300 MHz at Loc. #5: San Pedro Hill, Los Angeles, California; and for frequencies 454.150, 454.175, 454.200, and 454.300 MHz to operate at new sites described as Loc. #6: Union Bank Building, 610 Newport Center Drive East, Newport Beach, California; Loc. #7: Box Springs Mountain, Riverside Area, California; Loc. #8: Union Bank Square, Fifth Avenue and Figueroa Streets, Los Angeles, California; Loc. #9: Oat Mountain, Los Angeles Area, California; and Loc. #10: 1518 Skyline Road, La Habra, California.

21391–C2–P–(2)–74, David R. Williams d/b as Industrial Communications (KOP321). C.P. for additional facilities to operate on 152.09 and 152.12 MHz located at Loc. #3: Marsh Peak, 23 miles NW of Vernal, Utah.

21392–C2–P–74, Air Beep of Florida, Inc. (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located 100 North Biscayne Blvd., Miami, Florida.

21393–C2–AL–74, Jessie R. Barrett d/b as Hereford Communications. Consent to Assignment of License from Hereford Communications, Assignor to Carlton L. Holland d/b as Mobaphone Dispatch Service Company, Assignee. Station: KOP327, Hereford, Texas.

21394–C2–MP(2)–74, Duane L. and Velma E. Williams d/b as Custom Radio (KUO604). Mod. Permit to change antenna system and change frequency from 75.82 MHz to 72.40 MHz at repeater facilities located at Loc. #1: South Middle Butte Pumpkin Butte Group, Wyoming; and change antenna system, antenna location, and change frequency from 72.40 MHz to 75.82 MHz at control station located at Loc. #2: 212 North Nichols Street, Casper, Wyoming.

21395–C2–P–74, Feek's Telephone Answering Service, Inc., d/b as Mobile Dispatch Service (KQZ705). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. #2: Cougar Mountain, 6 miles E. of Issaquah, Washington.

21396–C2–P–74, Continental Telephone Company of California (KFL896). C.P. for additional facilities to operate on 152.78 MHz located at Intersection of County Road and Church Street, Gardnerville, Nevada.

21337–C2–P–(2)–74, Pacific Northwest Bell Telephone Company (KOF330). C.P. to change antenna system, and replace transmitter operating on 152.51 and 152.63 MHz located at Mt. Baldy, 6.7 miles ESE of Medford, Oregon.

21338–C2–P–74, Asta, Inc. (New). C.P. for a new 1-way signaling station to operate on 35.58 MHz to be located at 402 North Main Street, Anderson, South Carolina.

21399–C2–P–74, Asta, Inc. (New). C.P. for a new 2-way station to operate on 454.050 MHz to be located at 402 North Main Street, Anderson, South Carolina.

Renewal of developmental license expiring June 1, 1974, term: June 1, 1974, to June 1, 1975.

The Mountain States Telephone and Telegraph Company (KAR68) (Temp-Fixed), 21400–C2–R–74.

Major Amendments

Capitol Radiotelephone Co., Inc. (New), 8960–C2–P–73. Amend to change the base frequency to 158.70MHz. All other particulars are to remain as reported on PN #652 dated June 11, 1973.

20540–C2–MP–74, Mobilfone Service, Inc. (KKJ459). Amend control frequency 454.025 MHz to read 454.250 MHz. All other particulars are to remain the same as reported on PN #675, dated November 19, 1973.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

E. H. Cannon, Texas (New), 8168–C2–P–(2)–73.

David M. Crouch dba Cactus Communications, Texas (New), 20037–C2–P–(2)X

Mahaffey Message Relay, Inc., Memphis, Tennessee (KDT223), 8331–C2–P–(4)–74.

Airsignal International, Inc., West Memphis, Arkansas (New), 20076–C2–P–(4)–74.

Radio Telephone Service, Inc., Atlantic City, New Jersey (New), 20073–C2–P–74.

Radiofone Corporation of New Jersey, Cape May, New Jersey (KEC746), 20327–C2–P–74.

RURAL RADIO SERVICE

60298–C6–P–74, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 27.1 miles SSE of Worland, Wyoming.

60299–C6–AL–74, Howell Pomeroy Skoglund (WOG55). Consent to Assignment of License from Howell Pomeroy Skoglund, Assignor to North American Life and Casualty Company, Assignee: Station: WOG55, Greenwood Lake, Minnesota.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4113–C1–P/L–74, Southwestern Bell Telephone Company (New). In any temporary fixed location within the territory of the grantee. C.P. and License for a new station on freqs. 2110–2130, 2160–2180, 3700–4200, 5925–6425, and 10,700–11,700 MHz.

4114–C1–P–74, The Mountain States Telephone and Telegraph Company (KAN79), 1035 Second Avenue, Durango, Colorado. Lat. 37°16'29" N., Long. 107°52'43" W. C.P. to change power, alarm center location, replace transmitter and change freqs. to 6095H, 6335H MHz to 11,155V, 10,915V MHz toward Perins Peak, Colo.

4115–C1–P–74, Same (KAN78), Madden Peak, 10 miles East of Mancos, Colorado. Lat. 37°-21'46" N., Long. 108°09'06" W. C.P. to change power, alarm center location and change freqs. 6115H, 6355H, MHz to 11,365V, 11,605V MHz toward Cortez, Colo., on azimuth 267°34'; change freqs. 6155H, 6395H, to 11,365V, 11,605V MHz toward a new point of communication at Perins Peak, Colo., via Passive Reflector.

4116–C1–P–74, Same (KBD28), 21 West First Street, Cortez, Colorado. Lat. 37°20'50" N., Long. 108°35'07" W. C.P. to change alarm center location, power, change freqs. 6035H, 6275H MHz to 10,915V, 11,155V MHz toward Madden Peak, Colo., on azimuth 87°18'; add freqs. 3710V, 2168.4V MHz toward a new point of communication at Pleasant View, Colo., on azimuth 350°45'.

[1] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

4117–C1–P–74, Same (New). 7 Miles East of Pleasant View, Colorado. Lat. 37°36'33" N. Long. 108°38'20" W. C.P. for a new station on freqs. 2118.4V, 3750V MHz toward Cortez, Colo., on azimuth 170°43'; freqs. 3750V, 4198V MHz toward Egnar, Colo., on azimuth 331°04'.

4118–C1–P–74, Same (New), 6.1 Miles ESE of Egnar, Colorado. Lat. 37°53'22" N., Long. 108°50'04" W. C.P. for a new station on freqs. 3710V, 4190V MHz toward Raspberry, Colo., on azimuth 49°32'; freqs. 3710V, 4190V MHz toward Pleasant View, Colo., on azimuth 150°57'.

4119–C1–P–74, Same (WHT49), Raspberry, 14.5 Miles NNE of Norwood, Colorado. Lat. 38°18'54" N., Long. 108°11'50" W. C.P. to correct coordinates and add freq. 3750V MHz toward Montrose, Colo., on azimuth 56°46'; freqs. 3750V, 4198V MHz toward a new point of communication at Egnar, Colo,. on azimuth 229°55'.

4120–C1–P–74, Same (KAN32), 602 North First Stret, Montrose, Colorado. Lat. 38°-28'54" N., Long 107°52'28" W. C.P. to add freq. 3710V MHz toward Raspberry, Colo., on azimuth 236°58'.

4121–C1–P–74, Data Transmission Company (New), 106 W. 14th, Kansas City #1, Missouri. Lat. 39°05'51" N., Long. 94°35'05" W. C.P. for a new station on freq. bands 38,700 MHz to 38,750 MHz on azimuth 177°3' toward Kansas City #2, Mo.

4122–C1–P–74, Same (New), 114 E. Armour Street, Kansas City #2, Missouri. Lat. 39°03'50" N., Long. 94°34'57" W. C.P. for a new station on freq. bands 38,700 MHz to 38,750 MHz toward Kansas City #1, Mo., on azimuth 357°3'.

4123–C1–P–74, Same (New), 875 North Michigan Blvd., Chicago #1, Illinois. Lat. 41°53'56" N., Long. 87°37'22" W. C.P. for a new station on freq. bands 38,700 MHz to 38,750 MHz toward Chicago #2, Ill., on azimuth 177°20'.

4124–C1–P–74, Same (New), 200 East Randolph Drive, Chicago #2, Illinois. Lat. 41°53'08" N., Long. 87°37'19" W. C.P. for a new station on freq. bands, 38,700 MHz to 38,750 MHz toward Chicago #1, Ill., on azimuth 357°20'.

4127–C1–AL–(2)–74, Suburban Telephone Company. Consent to Assignment of License from Suburban Telephone Company, Assignor to Universal Telephone Company of Southwest, Assignee for Stations: KOC31—Blackrock, New Mexico, and KOC32—Zuni, New Mexico.

4128–C1–MP–74, Puerto Rico Telephone Company (KFB60), San Juan, Puerto Rico. Mod. of C.P. to change antenna structure and location to Lat. 18°27'59" N., Long. 66°06'51" W. (Refer To Public Notice #687–A, dated 2–11–74.)

4126–C1–P/L–74, Southern Bell Telephone and Telegraph Company (New). In any temporary fixed locations within the territory of the grantee. C.P. and License for a new station on freqs. 3700–4200 MHz.

4129–C1–P–74, Southern Pacific Communications Company (New), Sears Tower, Chicago, Illinois. Lat. 41°52'44" N., Long. 87°38'10" W. C.P. for a new station on freq. 6375.2V MHz towards Lowell, Ind., on azimuth 158°3'.

4130–C1–P–74, Same (New), 6.2 Miles East of Lowell, Indiana. Lat. 41°17'49" N., Long. 87°19'27" W. C.P. for a new station on freq. 5945.2H MHz toward Morocco, Ind., on azimuth 190°3' and 5945.2H MHz towards Chicago, Ill., on azimuth 338°15'.

4131–C1–P–74, Same (New), 1.5 Miles NE of Morocco, Indiana. Lat. 40°58'08" N., Long. 87°24'04" W. C.P. for a new station on freq. 6256.5V MHz towards Earl Park, Ind., on azimuth 182°10' and 6256.5H MHz towards Lowell, Ind., on azimuth 10°0'.

4132–C1–P–74, Southern Pacific Communications Company (New), 3.5 Miles South of Earl Park, Indiana. Lat. 40°38'43" N., Long. 87°25'02" W. C.P. for a new station on freq. 6093.5H MHz towards Independence, Ind., on azimuth 146°36' and 6093.5V MHz toward Morocco, Ind., on azimuth 2°9'.

4133–C1–P–74, Same (New), 3.0 Miles NNE of Independence, Indiana. Lat. 40°22'48" N., Long. 87°11'16" W. C.P. for a new station on freq. 6226.9V MHz toward Crawfordsville, Ind., on azimuth 151°11' and 6226.9H MHz toward Earl Park, Ind., on azimuth 326°45'.

4134–C1–P–74, Same (New), 5.4 Miles NW of Crawfordsville, Indiana. Lat. 40°05'20" N., Long. 86°58'43" W. C.P. for a new station on freq. 5945.2H MHz toward Max, Ind., on azimuth 104°43' and 5945.2V MHz toward Independence, Ind., on azimuth 331°19'.

4135–C1–P–74, Same (New), 0.75 Mile West of Max, Indiana. Lat. 40°00'40" N., Long. 86°35'43" W. C.P. for a new station on freq. 6197.2H MHz toward Sheridan, Ind., on azimuth 64°12' and 6404.8H MHz toward Crawfordsville, Ind., on azimuth 284°58'.

4136–C1–P–74, Same (New), 0.8 Mile NW of Sheridan, Indiana. Lat. 40°08'29" N., Long. 86°14'29" W. C.P. for a new station on freq. 5945.2V MHz toward Elwood, Ind., on azimuth 59°34' and 5945.2H MHz toward Max, Ind., on azimuth 244°25'.

4137–C1–P–74, Same (New), 1.8 Miles NW of Elwood, Indiana. Lat. 40°18'23" N., Long. 85°52'18" W. C.P. for a new station on freq. 6256.5V MHz toward Matthews, Ind., on azimuth 73°13' and 6256.5V MHz toward Sheridan, Ind., on azimuth 239°49'.

4138–C1–P–74, Same (New), 1.75 Miles NE of Matthews, Indiana. Lat. 40°24'02" N., Long. 85°27'30" W. C.P. for a new station on freq. 6004.5V MHz toward Blaine, Ind., on azimuth 88°40' and 6004.5V MHz toward Elwood, Ind., on azimuth 253°29'.

4139–C1–P–74, Same (New), 1.0 Miles ENE of Blaine, Indiana. Lat. 40°24'26" N., Long. 85°02'15" W. C.P. for a new station on freq. 6226.9H MHz toward Salem, Ohio, on azimuth 31°50' and 6226.9V MHz toward Matthews, Ind., on azimuth 268°57'.

4140–C1–P–74, Same (New), Salem, 2.8 Miles South of Willshire, Ohio. Lat. 40°42'10" N., Long. 84°47'43" W. C.P. for a new station on freq. 5945.2V MHz toward Van Wert, Ohio, on azimuth 40°36' and 5945.2V MHz toward Blaine, Ind., on azimuth 211°59'.

4141–C1–P–74, Southern Pacific Communications Company (New). 5.6 Miles NE of Van Wert, Ohio, Lat. 40°56'57" N., Long. 84°30'-55" W. C.P. for a new station on freq. 6197.-2H MHz toward Miller City, Ohio, azimuth 68°5' and 6404.8V MHz toward Salem, Ohio, on azimuth 220°47'.

4142–C1–P–74, Same (New), 2.3 Miles South of Miller City, Ohio. Lat. 41°03'53" N., Long. 84°07'56" W. C.P. for a new station on freq. 6197.2H MHz toward Miller City, Ohio, on azimuth 68°5'; and 6404.8V MHz toward Salem, Ohio, on azimuth 220°47'.

4142–C1–P–74, Same (New), 2.3 Miles South of Miller City, Ohio. Lat. 41°03'53" N., Long. 84°07'56" W. C.P. for a new station on freq. 5945.2H MHz toward Custar, Ohio, on azimuth 42°26' and 5945.2H MHz towards Van Wert, Ohio, on azimuth 248°-20'.

4143–C1–P–74, Same (New), 0.4 Mile NW of Custar, Ohio. Lat. 41°17'33" N., Long. 83°-51'17" W. C.P. for a new station on freq. 6004.8H MHz toward Pemberville, Ohio, on azimuth 66°6' and 6404.8H MHz toward Miller City, Ohio, on azimuth 222°37'.

4144–C1–P–74, Same (New), 1.25 Miles West of Pemberville, Ohio. Lat. 41°24'50" N., Long. 83°29'16" W. C.P. for a new station on freq. 6152.8H MHz toward Maple Grove, Ohio, on azimuth 136°52' and 6123.1H MHz toward Custar, Ohio, on azimuth 246°20'.

4145–C1–P–74, Same (New), Maple Grove, 2.35 Miles South of Bettsville, Ohio. Lat. 41°12'35" N., Long. 83°14'02" W. C.P. for a new station on freq. 6404.8V MHz toward Caroline, Ohio, on azimuth 121°50' and 6375.2V MHz toward Pemberville, Ind., on azimuth 317°2'.

4146–C1–P–74, Same (New), 0.2 Mile South at Caroline, Ohio. Lat. 41°03'04" N., Long. 82°28'25" W. C.P. for a new station on freq. 6123.1V MHz toward Greenwich, Ohio, on azimuth 94°9'; freq. 6123.1V MHz toward Maple Grove, Ohio, on azimuth 302°3'.

4147–C1–P–74, Same (New), 2.25 Miles East of Greenwich, Ohio. Lat. 41°01'38" N., Long. 82°28'25" W. C.P. for a new station on freq. 6404.8V MHz toward Oberlin, Ohio, on azimuth 37°39' and 6404.8V MHz toward Caroline, Ohio on azimuth 274°26'.

4148–C1–P–74, Same (New), 2.3 Miles SW of Oberlin, Ohio. Lat. 41°15'40" N., Long. 82°14'00" W. C.P. for a new station on freq. 6093.5H MHz toward Avon, Ohio, on azimuth 41°32' and 6123.1V MHz toward Greenwich, Ohio, on azimuth 217°48'.

4149–C1–P–74, Southern Pacific Communications Company (New), 0.9 Mile North of Avon, Ohio. Lat. 41°27'56" N., Long 81°-59'29" W. C.P. for a new station on freq. 6404.8H MHz toward Warrenville, Ohio, on azimuth 92°50' and 6404.8H MHz toward Oberlin, Ohio, on azimuth 221°41'.

4150–C1–P–74, Same (New), Warrensville, Ohio. Lat. 41°26'47" N., Long. 81°30'11" W. C.P. for a new station on freq. 10815H MHz toward Cleveland, Ohio, on azimuth 292°19' and 6152.8H MHz toward Avon, Ohio, on azimuth 273°10'.

4151–C1–P–74, Same (New), Euclid Avenue and East 17th Street, Cleveland, Ohio. Lat. 41°30'03" N., Long. 81°40'50" W. C.P. for a new station on freq. 11305H MHz toward Warrensville, Ohio, on azimuth 112°12'.

4153–C1–P–74, Southern Bell Telephone and Telegraph Company (KJM34), 124 South Eugene Street, Greensboro, North Carolina. Lat. 36°04'19" N., Long. 79°47'42" W. C.P. to add freqs. 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz toward a new point of communication at Liberty, N.C., on azimuth 134°10'.

4154–C1–P–74, Same (New), 3.3 Miles North of Liberty, North Carolina. Lat. 35°54'02" N., Long. 79°34'42" W. C.P. for a new station on freqs. 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Siler City, N.C., on azimuth 158°37'; freqs. 6226.9H 6286.2H, 6345.5H, and 6404.8H MHz toward Greensboro, N.C., on azimuth 314°17'.

4155–C1–P–74, Same (New), 0.6 Mile SW of Siler City, North Carolina. Lat. 35°42'01" N., Long. 79°28'56" W. C.P. for a new station on freqs. 5974.8V, 6034.2V., 6093.5V, and 6152.8V MHz toward West End, N.C., on azimuth 192°33'; freqs. 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz toward Liberty, N.C., on azimuth 338°40'.

4156–C1–P–74, Same (New), 3 Miles NW of West End, North Carolina. Lat. 35°16'06" N., Long. 79°35'58" W. C.P. for a new station on freqs. 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Hamlet, N.C., on azimuth 187°02'; freqs. 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Siler City, N.C., on azimuth 12°29'.

4157–C1–P–74, Same (WAN52), 2 Miles East of Hamlet, North Carolina. Lat. 34°52'45" N., Long 79°39'28" W. C.P. to add freqs. 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz toward a new point of communication at West End, N.C., on azimuth 7°0'.

4162–C1–MP–74, Data Transmission Company (WPE69), 0.2 Mile NE of Posed, Illinois. Lat. 41°38'05" N., Long. 87°39'49" W. Mod. of C.P. to change freq. toward Chicago to 11,325V MHz on azimuth 6°35'.

4163–C1–MP–74, Data Transmission Company (KFI57), 875 N. Michigan Blvd., Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'22" W. Mod. of C.P. to change freq. toward Pcsen to 10,875V MHz on azimuth 186°37'.

4174–C1–P–74, United Video, Inc. (New), Moline, Illinois. Lat. 41°29'08" N., Long. 90°28'52" W. C.P. for a new station on freqs. 11,405V, 11,605V, and 11,685V MHz toward Clinton, Iowa, on azimuth 27°24'.

4175–C1–P–74, Same (New), 4.8 Miles East of Lawton, Oklahoma. Lat. 34°35'35" N., Long. 98°19'06" W. C.P. for a new station on freqs. 10,775V and 11,015V MHz toward Cache, Okla., on azimuth 273°19'.

4176–C1–P–74, Teleprompter Transmission of Kansas, Inc. (KPB51), Mt. Royal, 28.0 Miles NNW of Chester, Montana. Lat. 48°41'16" N., Long. 111°08'37" W. C.P. to (a) to change from V to H the polarity of freq. 6049.0 MHz toward Cutbank, Mont.; and (b) to replace two existing transmitters with two new transmitters.

4177–C1–P–74, American Television Relay, Inc. (KOU61), Hutch Mountain, 4.0 Miles NNE of Happy Jack, Arizona. Lat. 34°48'20" N., Long. 112°01'30" W. C.P. to (a) to relocate Cottonwood, Ariz., receive site to Lat. 34°44'00" N., Long. 112°01'30" W.; and (b) to add freq. 6375H MHz toward Cottonwood on new azimuth 261°49'.

4178–C1–P–74, Eastern Microwave, Inc. (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'08" W. C.P. to change point of communication from Spafford (WOG74), New York to Scipio (WQP74), New York on existing freq. 5989.7H MHz and azimuth 247°17'.

4179–C1–P–74, Same (WQP84), Scipio, New York. Lat. 42°48'28" N., Long. 76°33'34" W. C.P. to add freq. 6301.0V MHz toward Auburn, N.Y., on azimuth 357°08'.

4180–C1–P–74, Eastern Microwave, Inc. (KYZ75), High Knob, 1.5 Miles West of Peck's Pond, Pennsylvania. Lat. 41°18'00" N., Long. 75°07'31" W. C.P. to add freq. 6049.0V MHz, via path intercept, to Carbondale, Pa., on azimuth 320°41'.

4181–C1–P–74, Same (KGJ35), Tower Hill, 4.0 Miles NW of Rutland, Pennsylvania. Lat. 41°54'38" N., Long. 77°00'41" W. C.P. to add freq. 6390.0V MHz toward Canisteo Mtn., N.Y., on azimuth 309°40'.

MULTIPOINT DISTRIBUTION SERVICE

50128–C5–P–74, Transnational Films (New), I.D.S. Building, Intersection of 7th and Marquette Streets, Minneapolis, Minnesota. Lat. 44°58'31" N., Long. 93°16'19" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Minneapolis, Minnesota.)

50129–C5–P–74, Midwest Corporation (New), One Shell Square Bldg., New Orleans, Louisiana. Lat. 29°57'00" N., Long. 90°04'16" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: New Orleans, Louisiana.)

50130–C5–P–74, Mr. H. L. Woodbury (New), Preston Tower Bldg., 6211 West Northwest Hwy., Dallas, Texas. Lat. 32°51'58" N., Long. 96°48'00" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Dallas, Texas.)

50131–C5–P–74, M.C.C.A. Service Corporation (New), Athenia Airport Complex, 6335 West Northwest Hwy., Dallas, Texas. Lat. 32°51'57" N., Long. 96°47'51" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Dallas, Texas.)

50132–C5–P–74, Southern Pacific Communications Company (New), Keystone Bldg., 99 High Street, Boston, Massachusetts. Lat. 42°21'14" N., Long. 71°03'18" W. C.P. for a new station on freqs. 2160.75H&V (Visual) and 2156.25H&V (Aural) MHz. (Primary Service Area: Boston, Massachusetts.)

50133–C5–P–74, Same (New), Empire State Bldg., 34th St. and 5th Avenue, New York, New York. Lat. 40°44'54" N., Long. 73°59'10" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25 V&H (Aural) MHz. (Primary Service Area: New York, New York.)

50134–C5–P–74, Same (New), River Park House, 3600 Conshohocken Avenue, Philadelphia, Pennsylvania. Lat. 40°00'17" N., Long. 75°12'10" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Philadelphia, Pennsylvania.)

50135–C5–P–74, Same (New), Wells Fargo Bldg., Post & Montgomery Sts., San Francisco, California. Lat. 37°47'24" N., Long. 122°24'02" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25 V&H (Aural) MHz. (Primary Service Area: San Francisco, California.)

50136–C5–P–74, Same (New), Universal North Bldg., Connecticut Ave. & "T" St., NW., Washington, D.C. Lat. 38°54'56" N., Long. 77°02'46" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Washington, D.C.)

50137–C5–P–74, Intrastate Radio Telephone, Inc., of San Francisco (New), Wells Fargo Bldg., 44 Montgomery St., San Francisco, California. Lat. 37°47'24" N., Long. 122°24'02" W. C.P. for a new station on freqs. 2156.25V (Aural) and 2160.75V (Visual) MHz. (Primary Service Area: San Francisco, California.)

50138–C5–P–74, Cross Country Network, Inc. (New), John Hancock Center, 875 North Michigan Avenue, Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'33" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Chicago, Illinois.)

50139–C5–P–74, Midwest Corporation (New), Commerce Tower Bldg., 911 Main Street, Kansas City, Missouri. Lat. 39°06'12" N., Long. 94°34'58" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Kansas City, Missouri.)

50140–C5–P–74, Airsignal International, Inc. (New), One Shell Plaza Bldg., Intersection of Smith St. & Walker, Houston, Texas. Lat. 29°45'33" N., Long. 95°22'03" W. C.P. for a new station on freqs. 2156.25V (Aural) and 2160.75V (Visual) MHz. (Primary Service Area: Houston, Texas.)

50141–C5–P–74, Southern Pacific Communications Company (New), 200 South Tryon Street, Charlotte, North Carolina. Lat. 35°13'35" N., Long. 80°50'41" W. C.P. for a new station on freqs. 2158.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Charlotte, North Carolina.)

50142–C5–P–74, Same (New), One Williams Center, Tulsa, Oklahoma. Lat. 36°09'18.5" N., Long. 95°59'26" W. C.P. for a new station on freqs. 2158.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Tulsa, Oklahoma.)

50143–C5–P–74, Same (New), Three Commerce Park Square Bldg., 23200 Chagrin Blvd., Beachwood (Cleveland), Ohio. Lat. 41°27'52" N., Long. 81°31'00" W. C.P. for a new station on freqs. 2160.75H&V (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: Cleveland, Ohio.)

50144–C5–P–74, Vidicom, Inc. (New), Arlington Bldg., Charles & Lexington Streets, Baltimore, Maryland. Lat. 39°17'28" N., Long. 76°36'54" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Baltimore, Maryland.)

50145–C5–P–74, Midwest Corporation (New), Clayton Inn Center, 7777 Bonhomme Avenue, Clayton, Missouri. Lat. 38°38'51" N., Long. 90°20'13" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: St. Louis, Missouri.)

50146–C5–P–74, M.C.C.A. Service Corporation (New), 10 South Biscayne Blvd., Miami, Florida. Lat. 25° 46'25" N., Long. 80°11'18" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: Miami, Florida.)

50147–C5–P–74, Same (New), 801 Skinker Blvd., St. Louis, Missouri. Lat. 38°38'13" N., Long. 90°18'14" W. C.P. for a new station on freqs. 2160.75H (Visual) and 2156.25H (Aural) MHz. (Primary Service Area: St. Louis, Missouri.)

50148–C5–P–74, Microband Corporation of America (New), Preston Tower Bldg., 6211 West Northwest Hwy., Dallas, Texas. Lat. 32°51'58" N., Long. 96°48'00" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Dallas, Texas.)

50149–C5–P–74, Airsignal International, Inc. (New), Commerce Tower Bldg., 911 Main Street, Kansas City, Missouri. Lat. 39°06'12" N., Long. 94°34'58" W. C.P. for a new station on freqs. 2156.25H (Aural) and 2160.75H (Visual) MHz. (Primary Service Area: Kansas City, Missouri.)

50150–C5–P–74, Mr. H. L. Woodbury (New), One Shell Plaza Bldg., Houston, Texas. Lat. 29°45'33" N., Long. 95°22'03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50151–C5–P–74, Microband Corporation of America (New), One Shell Plaza Bldg., Houston, Texas. Lat. 29°45'33" N., Long. 95°22'03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50152–C5–P–74, M.C.C.A. Service Corporation (New), One Shell Plaza, Houston, Texas. Lat. 29°45'33" N., Long. 95°22'03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50153–C5–P–74, Private Network, Inc. (New), One Shell Plaza Bldg., Intersection of Smith Street and Walker Ave., Houston, Texas. Lat. 29°45'33" N., Long. 95°22'03" W. C.P. for a new station on freqs. 2160.75V (Visual) and 2156.25V (Aural) MHz. (Primary Service Area: Houston, Texas.)

50154–C5–P–74, Same (New), Empire State Bldg., 34th Street and 5th Avenue, New York City, New York. Lat. 40°44'54" N., Long' 73°59'10" W. C.P. for a new station on freqs. 2160.75V&H (Visual) and 2156.25V&H (Aural) MHz. (Primary Service Area: New York, New York.)

Correction

50114–C5–P–74, correct name of applicant to read: American Television and Communications Corporation. (All other particulars remain same as reported on Public Notice #700, dated May 13, 1974.)

POINT-TO-POINT MICROWAVE SERVICE
(MAJOR AMENDMENTS)

627–C1–P–72, Western Tele-Communications, Inc. (New), Omaha, Nebraska. Lat. 41°12'-57" N., Long. 96°05'04" W. Amend application to change station location transmitting freq. 3770V MHz toward Beebeetown, Iowa, on azimuth 34°50'.

4024–C1–P–73, Same (New), Beebeetown, Iowa. Lat. 41°31'28" N., Long. 95°47'54" W. Amend application to change station location transmitting freq. 3730V MHz toward Omaha, Nebr., on azimuth 215°02' and 3730V MHz toward Defiance, Iowa, on azimuth 43°34'.

4025–C1–P–73, Same (New), Defiance, Iowa. Lat. 41°05'09" N., Long. 95°24'05" W. Amend application to change station location transmitting freq. 3770V MHz toward Beebeetown, Iowa, on azimuth 223°50'; and 3770V MHz toward Audubon, Iowa, on azimuth 105°03'.

4026–C1–P–73, Same (New), Audubon, Iowa. Lat. 41°43'00" N., Long. 94°49'02" W. Amend application to change station location transmitting freq. 3730 MHz toward Defiance, Iowa, on azimuth 285°26' and 3730 MHz toward Bayard, Iowa, on azimuth 47°27'.

4027–C1–P–74, Same (New), Bayard, Iowa. Lat. 41°56'02" N., Long. 94°29'59" W. Amend application to change station location transmitting freq. 3770H MHz toward Audubon, Iowa, on azimuth 227°39'; and 3770H MHz toward Woodward, Iowa, on azimuth 100°44'.

4028–C1–P–73, Same (New), Woodward, Iowa. Lat. 41°50'52" N., Long. 93°54'11" W. Amend application to change station location transmitting freq. 3730H MHz toward Bayard, Iowa, on azimuth 281°08'; and 3730H MHz toward Des Moines, Iowa, on azimuth 133°06'.

634–C1–P–72, Same (New), Des Moines, Iowa. Lat. 41°35'34" N., Long. 93°32'27" W. Amend application to change station location transmitting freq. 3770H MHz toward Woodward, Iowa, on azimuth 313°20'; and 3770V MHz toward Mingo, Iowa, on azimuth 48°10'.

633–C1–P–74, Same (New), Mingo, Iowa. Lat. 41°45'09 N., Long. 93°13'08" W. Amend application to change station location transmitting freq. 3730V MHz toward Des Moines, Iowa, on azimuth 228°19' and 3730H MHz toward Ewart, Iowa, on azimuth 103°09'.

4029–C1–P–73, Same (New), Ewart, Iowa. Lat. 41°38'11" N., Long. 92°39'00" W. Amend application to change station location transmitting freq. 3770H MHz toward Mingo, Iowa, on azimuth 283°35' and 3770H MHz toward Williamsburg, Iowa, on azimuth 93°51'.

4030–C1–P–73, Same (New), Williamsburg, Iowa. Lat. 41°36'15" N., Long. 92°02'40" W. Amend application to change station location transmitting freq. 3730V MHz toward Ewart, Iowa, on azimuth 274°15' and 3730H MHz toward Downey, Iowa, on azimuth 90°32'.

4031–C1–P–73, Same (New), Downey, Iowa. Lat. 41°35'52" N., Long. 91°23'50" W. Amend application to change station location transmitting freq. 3770H MHz toward Williamsburg, Iowa, on azimuth 270°58' and 3770H MHz toward Plainview, Iowa, on azimuth 82°24'.

4032–C1–P–73, Same (New), Plainview, Iowa. Lat. 41°39'28" N., Long. 90°46'51" W. Amend application to change station location transmitting freq. 3730H MHz toward Downey, Iowa, on azimuth 262°49' and 3730H MHz toward Shady Beach, Iowa, on azimuth 106°26'.

4033–C1–P–73, Same (New), Shady Beach, Iowa. Lat. 41°31'17" N., Long. 90°10'23" W. Amend application to change station location transmitting freq. 3770H MHz toward Plainfield, Iowa, on azimuth 286°51' and 3770V MHz toward Hazelhurst, Ill., on azimuth 38°44'.

4034–C1–P–73, Same (New), Hazelhurst, Illinois. Lat. 41°58'06" N., Long. 89°41'30" W. Amend application to change freqs. to 3730V MHz toward Shady Beach, Iowa, on azimuth 219°03' and 3710V MHz toward Byron, Ill., on azimuth 71°11'.

644–C1–P–72, Same (New), Byron, Illinois. Lat. 42°04'25" N., Long. 89°16'22" W. Amend application to change station location and freq. 3750V MHz toward Hazelhurst, Ill., on azimuth 251°28' and 3770V MHz toward Kings, Ill., on azimuth 68°38'.

645–C1–P–72, Same (New), Kings, Illinois. Lat. 42°12'53" N., Long. 88°47'05" W. Amend application to change station location on freq. 3730V MHz toward Byron, Ill., on azimuth 248°58' and 3730H MHz toward Starks, Ill., on azimuth 121°12'.

647–C1–P–72, Same (New), Starks, Illinois. Lat. 42°04'57" N., Long. 88°29'26" W. Amend application to change station location and change freq. to 3770H MHz toward Kings, Ill., on azimuth 301°14' and 3750H MHz toward Chicago, Ill., on azimuth 105°32'.

650–C1–P–72, Same (New), Chicago, Illinois. Lat. 41°53'57" N., Long. 87°37'24" W. Amend application to change freq. to 3710H MHz toward Starks, Ill., on azimuth 286°07'.

5703–C1–P–70, Same (New), Change station location to corner of Marquett Ave. and 8th St., Minneapolis, Minnesota. Lat. 44°58'34" N., Long. 93°16'18" W. Frequency 5989.7H MHz toward Ellsworth, Wis., on azimuth 113°37'.

5704–C1–P–70, Western Tele-Communications, Inc. (New). Change station location to 5.5 Miles WNW of Ellsworth, Wisconsin. Lat. 44°45'42" N., Long. 92°35'23" W. Frequency 6212.0H MHz toward Minneapolis, Minn., on azimuth 294°05'; freq. 6182.4H MHz toward Lake City, Minn., on azimuth 159°17'.

5705–C1–P–70, Same (New). Change station location to 7.0 Miles West of Lake City, Minnesota. Lat. 44°26'49" N., Long. 92°25'25" W. Frequency 5960.0V MHz toward Ellsworth, Minn., on azimuth 339°24' and freq. 59°0.0H MHz toward Rochester Repeater, Minn., on azimuth 191°41'.

8156–C1–P–73, Same (New). Delete point of communication and change station location to 4.2 Miles West of Rochester, Minnesota. Lat. 44°01'30" N., Long. 92°32'40" W. Frequency 6212.0H MHz toward Lake City, Minn., on azimuth 11°35' and freq. 6226.9H MHz toward Chatfield, Minn., on azimuth 119°24'.

5707–C1–P–70, Same (New). Change station location to Chatfield, 2.0 Miles SE of Predmore, Minnesota. Lat. 43°55'15" N., Long. 92°17'22" W. Frequency 5974.8V MHz toward Rochester Repeater, Minn., on azimuth 299°35' and freq. 5945.2H MHz toward Rushford, Minn., on azimuth 112°03'.

5708–C1–P–70, Same (New). Change freq. and station location to 3.5 Miles SW of Rushford, Minnesota. Lat. 43°46'23" N., Long. 91°47'23" W. Frequency 6197.2H MHz toward Chatfield, Minn., on azimuth of 292°24' and 6315.9H MHz toward La Crosse Repeater, Wis., on azimuth 87°11'.

5709–C1–P–70, Same (New). Delete point of communication and change station location to 5.0 Miles East of La Crosse, Wisconsin. Lat. 43°47'41" N., Long. 91°07'38" W. Frequency 5945.2H MHz toward Rushford, Minn., on azimuth 267°38' and 5974.8V MHz toward Norwalk, on azimuth 86°28'.

5712–C1–P–70, Same (New). Change station location to 10.5 Miles West of Reedsburg, Wisconsin. Lat. 43°34'49" N., Long. 90°12'06" W. Frequency 5945.2V MHz toward Norwalk, Wis., on azimuth 307°13' and 5974.8H MHz toward Lake Wisconsin, Wis., on azimuth 104°07'.

5713–C1–P–70, Same (New). Change station location to Lake Wisconsin, 8.5 Miles East of Baraboo, Wisconsin. Lat. 43°27'47" N., Long. 89°34'23" W. Frequency 6226.9H MHz toward Reedsburg, Wis., on azimuth 284°-35'; freq. 6226.9V MHz toward Columbus, Wis., on azimuth 101°19'; freq. 10.715V MHz toward Madison, Wis., on azimuth 170°24'.

5715–C1–P–70, Same (New). Change azimuth to point of communication. Location: Madison, Wisconsin. Lat. 43°03'09" N., Long. 89°28'42" W. Frequency 11,685H MHz toward Lake Wisconsin on Azimuth 350°28'.

8157–C1–P–73, Western Tele-Communications, Inc. (New). Change station location to 3.5 miles ENE of Columbus, Wisconsin. Lat. 43°22'10" N., Long. 88°56'37" W. Frequency 5974.8V MHz toward Lake Wisconsin on azimuth 281°45'; freq. 5974.8V MHz toward Plat on azimuth 104°30'.

8153–C1–P–73, Same (New). Change point of communication, frequency and station location to Plat, 4.0 Miles ESE of Hartford, Wisconsin. Lat. 41°15'05" N., Long. 88°19'-40" W. Frequency 6197.2V MHz toward Columbus on azimuth 284°55'; freq. 5945.2H MHz toward New Berlin on azimuth 158°25'.

5720–C1–P–70, Same (New). Change frequency and point of communication to Milwaukee, Wisconsin. Lat. 43°02'20" N., Long. 87°55'04" W. Frequency 10,775V MHz toward New Berlin on azimuth 247°40'.

5722–C1–P–70, Same (New), Change station location to Salem, 3.0 Miles South of Paddock Lake, Wisconsin. Lat. 42°31'53" N., Long. 88°05'18" W. Frequency 5945.2V MHz toward New Berlin on azimuth 351°53'; freq. 5974.8H MHz toward Chicago, Ill., on azimuth 151°11'.

5724–C1–P–70, Same (New). Change azimuth, change location to Chicago, Illinois. Lat. 41°53'57" N., Long. 87°37'24" W. Frequency 6197.2V MHz toward Salem, on azimuth 331°29'.

9319–C1–P–72, West Texas Microwave Company. Amended to change coordinates of Station WPE26 to Lat. 35°11'28" N., Long. 101°51'48" W. (All other particulars remain same as reported on Public Notice #607, dated July 31, 1972.)

6645–C1–P–73, Microwave Transmission Corporation. Amend to change frequency to 11,405H MHz toward changed receive point of communication at Hayward, Calif. Lat. 37°38'22" N., Long. 122°06'58" W. (All other particulars remain same as reported on Public Notice #683, dated January 14, 1974.)

3005–C1–P–74, New England Telephone and Telegraph Company (KCL57), Providence, Rhode Island. Amend to change freq. from 2162.0H to 2168.4H MHz toward Kingston, R.I. (KFE36). (All other particulars remain same as reported on Public Notice #637, dated February 11, 1974.)

3007–C1–P–74, Same (KFE36), Kingston, Rhode Island. Amend to change freq. 2112.0H to 2118.4H MHz toward Providence, R.I. (All other particulars remain same as reported on Public Notice #687, dated February 11, 1974.)

618–C1–P–71, Microwave Service Company (New). Change station location to 1.9 Miles NW of Holman, Alabama. Lat. 33°17'32" N., Long. 87°51'15" W. (All other particulars remain same as reported on Public Notice, dated August 10, 1970, and July 6, 1971.)

[FR Doc.74–12246 Filed 5–28–74;8:45 am]

FEDERAL ENERGY OFFICE

ADVISORY COMMITTEE

Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest, in connection with the performance of the duties delegated to the Federal Energy Office by Executive Order No. 11748, to establish the Energy Forecasting Advisory Committee.

A description of the nature and purpose of this Committee is contained in its Charter which is published below.

Dated: May 22, 1974.

JOHN C. SAWHILL,
Administrator.

ENERGY FORECASTING ADVISORY COMMITTEE

CHARTER

A. *Establishment*

The Administrator, Federal Energy Office, having determined, after consultation with the Director, Office of Management and Budget, that it is in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order #11748, dated December 4, 1973, which delegated to the Administrator, Federal Energy Office, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159); and Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended, hereby establishes the Energy Forecasting Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, Functions and Administrative Provisions*

1. *Objectives and scope of activities.* The objective of the Energy Forecasting Advisory Committee is to advise the Administrator, Federal Energy Office (FEO), with respect to methodologies which will augment and improve forecasts of energy supply and demand.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewal as required by Section 14 of Pub. L. 92-463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in Paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $20,000.00 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately two times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in Paragraph 2 above.

Dated: May 22, 1974.

JOHN C. SAWHILL,
Administrator.

[FR Doc.74-12253 Filed 5-23-74;2:31 pm]

FEDERAL POWER COMMISSION

[Docket Nos. RP72-155 and RP73-104]

EL PASO NATURAL GAS CO.

Order Clarifying Prior Order, Rejecting Substitute Tariff Sheets, and Denying Rehearing

MAY 20, 1974.

On April 29, 1974, El Paso Natural Gas Company (El Paso) filed a motion to clarify our order issued in the above captioned proceedings on March 29, 1974, and to accept and make effective the substitute tariff sheets tendered therewith. In the alternative, El Paso applied for rehearing of the March 29 order.

In its motion to clarify, El Paso stated that on November 29, 1973, El Paso tendered for filing a notice of a minor rate increase. The proposed increase was filed to compensate El Paso for the increase in the weighted average cost of purchasing clean, high pressure, pipeline quality gas in, generally, the Permian Basin area, occurring between June 12, 1970 and December 31, 1973. This filing was rejected.[1] At that time, El Paso had no PGA clause in effect with respect to the seven FS Rate Schedules[2] for which the increase was proposed. The rejection was without prejudice to El Paso's right to resubmit the proposal concurrently with the filing of an acceptable PGA clause.[3] To state that such rejection was without prejudice to El Paso's right to resubmit the proposal was not, however, to state that the resubmittal would be approved, nor was it a waiver of the requirements of the Natural Gas Act or the regulations thereunder. Any such increase must conform with the statute and regulations.

On February 14, 1974, El Paso tendered for filing new tariff sheets to establish a new PGA clause—Clean High Pressure Gas for the seven FS Rate Schedules. (n. 2, supra). El Paso also tendered for filing an initial adjustment of rates under the proposed PGA clause—Clean High Pressure GAS. The tariff sheets establishing the PGA clause were accepted and permitted to become effective March 17, 1974; the proposed adjustment was, however, rejected.[4]

Our reasoning for such rejection is clear and was restated by El Paso in its motion for clarification. We restate it here.

Rate adjustments for purchased gas costs can be made only after establishing a current base cost of purchased gas.[5] Upon examination of the instant filing, we have determined that the base cost of purchased gas established by the proposed PGAC—Clean High Pressure Gas would be the current 26.8785¢ per Mcf and not the 19.343¢ per Mcf cost of purchased gas in June, 1970. Therefore, no purchased gas rate adjustment is appropriate and accordingly, we shall reject the tendered sheet.[6]

We note that this rejection is also without prejudice to El Paso's right to make a rate increase filing to recover the claimed increases in purchased gas costs in conformity with section 4 of the Natural Gas Act and the regulations thereunder. As there is no increase or decrease in the current base cost of purchased gas, no PGA clause rate adjustment is appropriate. We find no further clarification necessary, and since El Paso's Substitute Tariff Sheets do not conform to our prior order, we shall reject them.

El Paso requests rehearing should the Commission disagree with El Paso's interpretation set forth in its motion for clarification. Since we do disagree, we hereinafter treat the application for rehearing.

El Paso's Specification of Error in its application is that rejection by this Commission of El Paso's proposed initial adjustment of its rates pursuant to its approved PGAC—Clean High Pressure Gas provision[7] is arbitrary and the consequences are unjust and unreasonable. Simply stated, we cannot agree that to require a jurisdictional company to conform to the Natural Gas Act and the regulations thereunder is arbitrary. The rejection of El Paso's proposed increases involved in these proceedings[8] was based solely on the non-conformity of such increases with the regulations. Order 452-A[9] indeed did not proscribe the right of a pipeline company to make a rate increase filing in conformity with section 4 of the Natural Gas Act and the regulations thereunder. El Paso has not yet done this and our rejection of this proposed initial increase is neither arbitrary, unjust nor unreasonable.

The Commission finds. (1) Good cause exists to reject El Paso's substitute tariff sheets as hereinafter ordered.

(2) El Paso's application for rehearing raises no new facts or points of law which would provide an adequate basis for modifying our prior order rejecting the proposed initial rate increase under its PGAC—Clean High Pressure Gas Applicable to the seven FS rate schedules involved herein.

The Commission orders. (A) The proposed Substitute Tariff Sheet No. 1-D to FPC Gas Tariff, Original Volume No. 2A is rejected and El Paso shall within 30 days of the issuance of this order file a substitute tariff sheet which properly restates the base cost of purchased gas in conformity with this order and our order of March 29, 1974 in this proceeding.

[1] Letter order issued December 27, 1973 in Docket No. RP74-43.

[2] Rate Schedules FS-3, FS-6, FS-7, FS-10, FS-12, FS-31 and FS-32 to Original Volume No. 2A.

[3] *Cf. Southern Natural Gas Company*, Docket Nos. RP72-91, *et al.*, issued October 31, 1972; *Northern Natural Gas Company*, Docket No. RP73-48, issued March 27, 1973.

[4] See Commission Order No. 452 issued April 14, 1972 and Commission Order No. 452-A issued June 13, 1972.

[5] March 29 order.

[6] March 29 order at 3.

[7] FPC Gas Tariff, Original Volume No. 2A, approved by the March 29 order.

[8] Supra, n. 1; Supra, n. 4.

[9] Issued June 13, 1972.

(B) El Paso's application for rehearing, filed on April 29, 1974, is denied.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12217 Filed 5-28-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating an Additional Member

MAY 21, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. Membership. An additional member of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission is as follows:

Brigadier General William R. Wray, Director of Facilities, Department of the Army.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12216 Filed 5-28-74;8:45 am]

[Docket No. CP74-294]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 24, 1974.

Take notice that on May 14, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-294 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the operation of certain sales measuring station facilities utilized for the delivery of natural gas to Southern Union Gas Company (Southern Union) for resale in the state of Oklahoma, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has established 12 minor sales measuring stations in the state of Oklahoma, on an emergency basis pursuant to § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22), in order to deliver natural gas to Southern Union for resale to certain rural consumers for irrigation pump engine fuel. The application states that these consumers are right-of-way grantors of Applicant, each having "tap-clauses" in their easements, and were relying on their entitlement to gas services from Applicant's pipelines to fuel their irrigation pump engines to assure successful crops. Applicant states that such service provided to similar consumers, pursuant to Applicant's Rate Schedule X-32 of its FPC Gas Tariff, Original Volume No. 2, was authorized by the Commission's orders issued in Docket No. CP72-224 on December 26, 1972 (48 FPC 1523), and February 23, 1973 (49 FPC 474).

Applicant proposes to continue the operation of such measuring stations on a long-term basis for the delivery of natural gas to Southern Union, for resale to such consumers, pursuant to Applicant's Rate Schedule X-32. Applicant estimates total installed costs of the 12 measuring stations to have been $11,080 and total annual gas requirements for the aforementioned consumers to be 47,-034 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12353 Filed 5-28-74;8:45 am]

[Docket Nos. E-7718, E-8435]

PENNSYLVANIA ELECTRIC CO.

Order Directing Commission Staff To File Comments

MAY 20, 1974.

On March 20, 1972, Pennsylvania Electric Company (Penelec) filed in Docket No. E-7718: (1) A request for an investigation under section 206 of the Federal Power Act of Penelec's supplemental power rate in its fixed rate, fixed term contract providing supplemental and wheeling service to Allegheny Electric Cooperative (Allegheny), and (2) a proposed rate schedule for supplemental service to Allegheny and supporting testimony for the rates contained therein. By order of June 1, 1972, the Commission, inter alia, granted Penelec's request for a section 206 investigation and set appropriate procedural dates.

After a series of settlement discussions between Penelec and Allegheny, without the participation of the Commission Staff, Penelec filed, on December 11, 1972, a proposed settlement agreement which would increase rates for wheeling and supplemental power service to Allegheny Electric Cooperative (Allegheny) and increase the amount of power to be wheeled by Penelec from the Power Authority of the State of New York (PASNY) to Allegheny. The proposed effective date for the settlement agreement was November 10, 1973. The settlement was noticed on December 22, 1972, but no comments were received from any party or the Commission Staff.

On October 5, 1973, Penelec tendered for filing in Docket No. E-8435, a contract[1] identical to that submitted with the settlement agreement and requested that it be made effective November 10, 1973, as provided in the settlement, since the then effective fixed rate, fixed term contract for supplemental and wheeling service was due to expire on November 9, 1973, pursuant to 30 months contractual notice of termination given to Allegheny by Penelec.

By order of November 9, 1973 in Docket No. E-8435, the Commission accepted the proposed contract for filing and permitted it to become effective, subject to refund, on November 10, 1973, pending Commission action on the settlement agreement.

The settlement agreement provides that annual revenues from the supplemental service to Allegheny will increase by approximately $2,313,445 and from the wheeling service to Allegheny by approximately $666,250 based upon sales for the twelve months ended November 30, 1973. The settlement agreement also prohibits any change in the settlement rates from becoming effective prior to May 10, 1975.

In reviewing the record in these dockets, we note that our staff has not

[1] Designated as Rate Schedule No. 70 and Supplements 1 through 4 thereto.

filed any comments with regard to the settlement agreement. We believe it would be in the public interest for our staff to file comments concerning this settlement agreement, and we shall direct the staff to do so. We shall also grant to any interested party the opportunity to respond to staff's comments.

The Commission finds: Good cause exists to direct the Commission Staff to file written comments with the Commission Secretary concerning the lawfulness of the settlement agreement.

The Commission orders: (A) On or before May 29, 1974, the Commission Staff shall file written comments with the Commission Secretary regarding the settlement agreement filed in Docket No. E-8435.

(B) Comments by any party in response to Staff's comments shall be filed on or before June 6, 1974.

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

By the Commission.[1]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-12342 Filed 5-28-74;8:45 am]

[Docket No. RP74-37-11]

MISSISSIPPI CHEMICAL CORP.

Petition for Permanent and Interim Relief From Curtailment Provisions

MAY 20, 1974.

Take notice that on May 9, 1974, Mississippi Chemical Corporation (MCC) filed a petition for interim extraordinary relief from the currently effective curtailment plan of United Gas Pipe Line Company (United) and from the five step curtailment plan proposed by United pursuant to Commission Opinion Nos. 647 and 647-A, issued in Docket Nos. RP71-29 and RP71-120.

MCC seeks an order directing United to deliver to MCC at its Pascagoula, Mississippi, fertilizer manufacturing plant 21,906 Mcf of natural gas per day. MCC states that it requires these gas volumes on a permanent basis in order to be able to continue its fertilizer manufacturing operations by the use of natural gas as a feedstock, for which no other raw material may be substituted, and as a process fuel, for which there is no alternate fuel. MCC states that in order to forestall irreparable injury to MCC, its farmer-owners, and the national food supply, it requests that interim relief be granted during the pendency of the above petition.

MCC asserts that it is a corporation duly organized and existing under the laws of the State of Mississippi. MCC is engaged in the business of manufacturing and distributing chemical fertilizers and is a cooperative association with 21,000 stockholder-patrons, virtually all of which are farmers or associations of farmers to whom MCC supplies chemical fertilizers at MCC's cost of production. MCC states that it is the primary source of fertilizer in Alabama, Mississippi, Louisiana and Arkansas, and that it is a significant source in Texas, Missouri, Georgia and Florida. Approximately 150,000 farmers in Alabama, Mississippi, Louisiana and Arkansas are dependent on MCC for their fertilizer. These farmers are said to cutlivate an estimated 5,000,000 acres.

The natural gas requirements at MCC's Pascagoula plant complex have been provided by United since completion of the plant in 1958. Service at the Pascagoula plant is pursuant to a contract entered into between United and MCC on March 9, 1957, as amended on various subsequent dates. The contract, which is to continue in effect through 1982, provides for the firm sale and delivery of 22,000 Mcf of natural gas per day. A third sulfuric acid plant is scheduled for completion in late 1974. MCC owns at Pascagoula product storage facilities, maintenance facilities, railroad facilities, dock facilities, raw material storage facilities and other facilities related to the manufacture, storage and distribution of such products. The sulfuric acid plants do not require natural gas in their operations, but the principal raw material utilized in the production of anhydrous ammonia is natural gas.

A shortened notice period may be in the public interest.

Any person desiring to be heard or to make protest with reference to said petition should on or before May 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The instant petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-12218 Filed 5-28-74;8:45 am]

[Docket No. E-8274]

VIRGINIA ELECTRIC AND POWER CO.

Order Granting Motion To Withdraw Suspended Rate Schedule and Contract Supplement and Providing for Interest To Be Paid on Refunds

MAY 20, 1974.

On July 31, 1972 Virginia Electric and Power Company (VEPCO) tendered for filing (1) a proposed supplement to its rates to Cooperative Customers entitled Excess Facilities Service, and (2) a revision of Electric Service Specifications for Prince William Electric Cooperative (Prince William) to provide service to that Cooperative under the terms of the Excess Facilities Service Supplement. By letter from the Commission's Secretary dated August 31, 1972 VEPCO was informed that its submittal was deficient. On January 2, 1974, VEPCO responded to the Secretary's letter by resubmitting updated versions of the originally filed supplements which would establish two separate monthly charges to VEPCO's REA Cooperative Customers: (1) a charge of 1.57% of the estimated installed cost of excess distribution facilities (rated below 69 kv), and (2) a monthly charge of 1.37% of the estimated installed cost of excess transmission facilities (rated at or above 69 kv). VEPCO's supplement to its contract with Prince William also provides for relay service under the new rate schedule to the cooperative.

On February 1, 1974 we issued an order in this docket accepting VEPCO's proposed rate schedule and contract supplements, suspending the use thereof until February 3, 1974 and establishing procedural dates.

By motion filed March 18, 1974, VEPCO sought to extend the dates of this proceeding to allow consolidation with VEPCO's anticipated wholesale rate increase filing which the company intends to file on or about September 1, 1974. On April 3, 1974, the Commission issued its Notice Denying Motion for Extension of Time disapproving VEPCO's motion.

On April 11, 1974, VEPCO filed a motion to withdraw its suspended rate schedule and contract supplement. In support of its motion VEPCO states that its staff is currently involved in preparing rate cases to be submitted to this Commission and to North Carolina's regulatory agency and is also preparing for a hearing scheduled to begin May 16, 1974 before the Virginia State Corporation Commission. VEPCO also states that total annual revenues from the excess facilities provided Prince William are approximately $33,000 and no other excess facilites are currently being supplied. According to VEPCO, efforts at reaching a settlement of the issues in this case have been unsuccessful. The company concludes that under these circumstances it is unable to justify the time and expense of a separate hearing in this docket.

VEPCO also states that upon granting of its motion, it will refund to Prince William the difference between the rates collected under the excess facilities provision and the rates that Prince William would have paid in the absence of the excess facilities' rate schedule. In addition, VEPCO states that those facilities already installed under its agreement with its customers will not be removed or disconnected.

VEPCO states that its motion for withdrawal is made pursuant to § 35.17 (a) of the Commission's regulations under the Federal Power Act. In addition, the company requests special permission

[1] Commissioner Brooke's dissenting statement filed as part of original document.

to refile the subject rate schedule and contract supplement within one year, again citing § 35.17(a) of the regulations. Since this regulation applies to withdrawal of rate schedules during the period of suspension, its restrictions do not apply to the present case because VEPCO's rate schedule has been in effect, subject to refund, since February 3, 1974.

Notice of VEPCO's motion was issued on April 18, 1974 with comments or protests due on or before April 23, 1974. No comments or protests have been filed to date.

Upon consideration of VEPCO's motion we find that the company has shown good cause to allow withdrawal of its filing. However, pursuant to § 35.19(a) of our regulations, we shall require that VEPCO pay interest to its customers at the rate of 7 percent per annum on those sums to be refunded.

The Commission finds. Good cause exists to grant VEPCO's motion to withdraw its filing in Docket No. E–8274, as hereinafter ordered and conditioned.

The Commission orders. (A) The Motion of Virginia Electric and Power Company to withdraw Suspended Rate Schedule and Contract Supplement, filed on April 11, 1974, is hereby granted.

(B) VEPCO shall be required to pay interest at the annual rate of 7 percent on those monies representing the difference between the rates collected under the excess facilities rate schedule and the rates that Prince William would have paid in the absence of the excess facilities rate schedule, calculated from February 3, 1974 until the day of refund.

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

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–12219 Filed 5–28–74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKMANAGERS CORP. AND MIDLAND FINANCIAL CORP.

Acquisition of Additional Shares of Bank

Bankmanagers Corp. ("Bankmanagers"), and its subsidiary, Midland Financial Corporation ("Midland"), both of Milwaukee, Wisconsin, have applied in separate applications, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Midland to acquire directly, and for Bankmanagers to acquire indirectly, through a rights offering, 20,380 additional voting shares of Midland National Bank, Milwaukee, Wisconsin. 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 Chicago. Any person wishing to comment on the application should submit his 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 11, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–12205 Filed 5–28–74;8:45 am]

CHEMICAL FINANCIAL CORP.

Order Approving Formation of Bank Holding Company and Engaging in Data Processing Activities

Chemical Financial Corporation, Midland, Michigan, has applied for the Board's approval under sec. 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Chemical Bank and Trust Company, Midland, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

In a related matter, Applicant has applied for the Board's approval under sec. 4(c)(8) of the Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of Regulation Y to engage in data processing activities through the acquisition of Bank's present wholly-owned subsidiary, Westley's Data Processing, Inc., Midland, Michigan ("Westley's"). Westley's provides data processing services for Bank and, additionally, processes financial, banking, and related economic data for other customers. As a result of the proposal, Westley's will become a direct subsidiary of Applicant. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in sections 3(c) and 4(c)(8) of the Act.

Applicant was organized by Bank's directors for the purpose of becoming a bank holding company and has not engaged in any activities since its formation. Bank controls deposits of $116.8 million, representing one-half of 1 percent of the total deposits in commercial banks in Michigan.[1] Bank controls about 24.5 percent of deposits in commercial banks in its primary banking market, thereby ranking as the second largest organization in the market.[2] Since Applicant has no present banking subsidiaries, acquisition of Bank by Applicant would not eliminate any existing competition nor would it give Applicant a dominant position in any market. Therefore, competitive considerations are consistent with approval of the application.

Since Applicant is a newly-formed corporation, its financial and managerial resources and future prospects will depend primarily on those of Bank, which are regarded as generally satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that Applicant's acquisition of Bank would be in the public interest and that the application should be approved.

Applicant also proposes to acquire 100 percent of Westley's. Westley's provides data processing services for Bank and, additionally, processes other financial, banking, and related economic data such as account billing, accounts receivable, accounts payable, general ledger, and payroll accounting for other business enterprises and for public entities. Additionally, excess computer time is made available to customers on a basis where Westley's only provides the facility and essential operating personnel. Westley's had gross billings of $800,000 in 1972. Since Westley's is presently wholly-owned by Bank, the transfer of ownership to Applicant would merely be part of a corporate reorganization and there would be no effect on existing competition. At the time Bank acquired an interest in Westley's in 1968, there were no adverse competitive effects resulting from such acquisition. Moreover, Bank's acquisition of Westley's was in the public interest since it enabled Westley's to expand its data processing activities in the area at a time when such facilities were not widely available.

There is no evidence in the record indicating that consummation of the proposal to acquire Westley's would result in any unfair competition, undue concentration of resources, conflicts of interests, or unsound banking practices. On the other hand, approval of the application to acquire Westley's should enable the latter to remain a viable organization serving the data processing needs of the area.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application to acquire Westley's is hereby approved. This determination is subject to conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

Accordingly, the applications are approved for the reasons summarized

[1] All banking data are as of June 30, 1973.

[2] This banking market is approximated by the Bay City-Midland RMA excluding the western corner of Saginaw County.

above. The acquisition of Bank shall not be executed before the thirtieth calendar day following the effective date of this Order. The acquisition of Bank and Westley's shall be executed not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12207 Filed 5-28-74;8:45 am]

CONIFER GROUP INC.

Order Approving Acquisition of Bank

The Conifer Group Inc., Worcester, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 79.98 percent of the voting shares of Merchants Bank and Trust Company of Cape Cod, Barnstable (P.O. Hyannis), Massachusetts ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been received. The Federal Reserve Bank of Boston has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two subsidiary banks and is the eighth largest banking organization and bank holding company in Massachusetts, with aggregate deposits of $265.4 million representing 2.0 percent of total deposits of commercial banks in the state.[1] Acquisition of Bank (deposits of $10.3 million) will have a nominal effect on state-wide concentration, increasing Applicant's share of commercial bank deposits in Massachusetts by .1 percent, which would not change Applicant's ranking within the state.

Bank operates two offices and is the eighth largest of nine commercial banks located in the Barnstable banking market (which is approximated by Barnstable County), controlling 5.0 percent of the total deposits in commercial banks in that market. The market is somewhat concentrated, with the four largest banking organizations controlling 69.4 percent of total commercial bank deposits. Three of the banking organizations in this market are affiliated with Boston-based bank holding companies considerably larger than Applicant.

Applicant's two banks operate in markets separate and distinct from Bank's market. Berkshire Bank and Trust Company, Pittsfield, Massachusetts, with deposits of $77.5 million, operates in the Berkshire County market; Guaranty Bank and Trust Company, Worcester, Massachusetts, with deposits of $187.9 million operates in the Worcester Ranally Metropolitan Area, and its closest office to Bank is 100 miles distant. As a result of the distances involved, Applicant's subsidiary banks derive negligible amounts of business from Bank's market.

The potential for competition between Applicant and Bank to intensify in the future is slight. Massachusetts law restricts branching to the home office county, and therefore, Applicant's subsidiary banks cannot branch into Barnstable County, where Bank derives substantially all of its business. In view of the low ratio of population to commercial banking offices in Barnstable County, it is not likely that Applicant would seek to enter by establishing a *de novo* bank. In view of the above considerations, approval of the proposed acquisition will have no adverse competitive effects and may in fact have the procompetitive effect of strengthening Bank's position in the Barnstable market.

The financial and managerial resources and prospects of Applicant and its present subsidiary banks are satisfactory. Present managerial resources of Bank are adequate. Affiliation with Applicant will provide Bank with additional management depth and greater financial resources, particularly in view of Applicant's intention to inject equity capital into Bank, which should improve Bank's prospects and its competitive viability. It is this Reserve Bank's judgment that banking factors lend significant weight in favor of approval of the application.

Although there is no evidence in the record to indicate that the banking needs of the area are currently not being satisfied by existing financial institutions, Applicant proposes to offer through Bank increased and improved services such as trust services, credit cards, and municipal finance consulting services, that would provide customers in the area an additional competitive banking source. The convenience and needs factors lend weight toward approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order the Federal Reserve Bank of Boston, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective May 16, 1974.

[SEAL] FRANK E. MORRIS,
President.

[FR Doc.74-12201 Filed 5-28-74;8:45 am]

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Citizens Bank and Trust Company, Quincy, Florida. 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 Atlanta. 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 18, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12203 Filed 5-28-74;8:45 am]

HAMILTON BANCSHARES, INC.

Order Approving Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to First American Bank, Memphis, Tennessee ("Bank"). The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Atlanta has considered the application and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Tennessee, controls fourteen banks with aggregate deposits of $637 million or approximately 6 percent of deposits in all commercial banks of the State. (All banking data are as of June 30, 1973, and reflect acquisitions and formations approved through April 1, 1974.) Acquisition of Bank would increase Applicant's share of Tennessee commercial bank deposits by less than one percent and would not change Applicant's rank in size. No undue concentration of banking resources in Tennessee would result.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[1] All banking data are as of October 17, 1973.

The relevant market is the Memphis banking market, including the Southhaven area of DeSoto County Mississippi, the West Memphis area of Crittenden County, Arkansas, and all of Shelby County, Tennessee, except the Millington area. Fifteen banking organizations have total deposits of $2,622 million in this market. The market is highly concentrated, with the three largest banking organizations holding approximately 87 percent of total deposits. Bank holds $22.6 million in deposits or 0.86 percent of commercial bank deposits in the market area. This acquisition would be Applicant's initial entry into the market. Applicant's closest subsidiary bank, the Grand Junction office of Hardeman County Savings Bank, is located 40 miles from Bank. There is no significant present competition between Bank and Applicant's closest subsidiary bank; future competition appears unlikely because of the distance involved and Tennessee's restrictions on branching. Thus, the acquisition would have no significant anticompetitive effects.

The financial condition and managerial resources of Applicant, Applicant's subsidiary banks, and Bank are considered to be generally satisfactory, in view of Applicant's commitment to add equity capital to two subsidiary banks. Banking factors are consistent with approval herein.

There is no evidence that the banking needs of the community are not being served; however, the expertise of Applicant's staff will be used to promote bank services such as new types of loans and trust services. Therefore, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the acquisition should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective May 17, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-12202 Filed 5-28-74;8:45 am]

HIGH PLAINS BANK CORP.

Order Approving Formation of Bank Holding Company

High Plains Bank Corp., Kiowa, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 94.78 per cent of the voting shares of The Kiowa State Bank, Kiowa, Colorado ("Bank").

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank (deposits of $4.6 million) is located in the small community of Kiowa (population of 250), located 35 miles southeast of the Denver metropolitan area, and is the second largest of three banking organizations in the relevant banking market,[1] controlling approximately 25 per cent of the total commercial bank deposits therein. (All banking data are as of June 30, 1973.) The largest bank holds almost 54 per cent and the smallest banks holds approximately 21 per cent of the total deposits in the relevant market. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's present management or operation, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources and future prospects of Applicant depend upon those of Bank. In view of Bank's past record of earnings, it appears that Applicant would be able to finance the debt incurred in acquiring Bank without placing an undue strain on Bank's resources. The financial condition of Bank is considered satisfactory and its management has been strengthened by the individuals responsible for forming Applicant. Prospects for Applicant and Bank are regarded as favorable. As a subsidiary of Applicant, Bank should be able to continue its present range of banking services. Accordingly, these considerations are consistent with approval of the application. It is the Board's judgment that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above, provided that the transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12197 Filed 5-28-74;8:45 am]

[1] The relevant banking market is approximated by Elbert County and portions of Douglas and Arapahoe Counties.

MERCANTILE BANCORPORATION INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 per cent of the voting shares of Bank of Memphis, Memphis, 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 17, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12204 Filed 5-28-74;8:45 am]

NCNB CORP.

Order Approving Acquisition of Blanchard & Calhoun Mortgage Company

NCNB Corporation, Charlotte, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly all of the voting shares of Blanchard & Calhoun Mortgage Company ("Blanchard"), Augusta, Georgia, a company that engages in the activities of originating, selling and servicing mortgage loans for its own account or the account of others, and selling credit life, and credit accident and health insurance to its mortgage customers. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 32850). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

Applicant's only banking subsidiary, North Carolina National Bank ("Bank"), Charlotte, North Carolina, controls deposits of $1.9 billion,[1] representing 18.6 percent of the total deposits in commercial banks in the State, and is the second largest banking organization in North Carolina. Applicant engages in a number of nonbanking activities including insurance brokerage, small business financing, consumer financing, investment advisory services, and trust services. Applicant also engages in mortgage lending and servicing activities through Bank and two mortgage banking subsidiaries: NCNB Mortgage Corporation, Charlotte, North Carolina, which has a mortgage servicing portfolio of $315 million (as of June 30, 1973), and is the third largest mortgage banking company in North Carolina and 81st largest in the nation; and C. Douglas Wilson & Co., Greenville, South Carolina, which has a mortgage servicing portfolio of $276 million (as of June 30, 1973), and is the largest mortgage company in South Carolina and 92nd largest in the nation. Applicant's two existing mortgage banking subsidiaries combined would rank 41st in the nation in terms of volume of loans services.

Blanchard is the 8th largest mortgage company headquartered in Georgia, with a mortgage servicing portfolio of $123 million (as of June 30, 1973). Blanchard operates four offices in Georgia,[2] and engages primarily in the origination, sale, and servicing of 1–4 family residential mortgage loans and interim construction loans. In addition, Blanchard acts as agent for the sale of credit life and credit accident and health insurance to its borrowers.

Applicant's subsidiaries engaged in mortgage banking presently operate primarily in North Carolina and South Carolina, and there is no existing competition between Blanchard and Applicant's mortgage banking subsidiaries in the residential mortgage market of 1–4 family homes or in the interim construction loan market. There is some existing competition between Blanchard and C. Douglas Wilson & Co., in Aiken County, South Carolina, with respect to servicing of loans, but the elimination of this small amount of existing competition is not regarded as presenting any significant adverse effects.

Although Applicant has the resources to enter *de novo* into the mortgage markets where Blanchard is located, the area is presently served by numerous competing mortgage banking firms and financial institutions, and many likely potential entrants into the Georgia markets will remain after this acquisition. Therefore, the instant proposal can be approved without a substantial lessening of potential competition. Further, in view of Blanchard's relatively small size in each of the cities where its offices are located,[3] Applicant will not acquire a dominant position among mortgage bankers in any of these areas upon consummation of this transaction. The Board is of the view that approval of the application, insofar as it relates to Blanchard's mortgage banking activities, would not have any significant adverse effects on existing or potential competition in any relevant market.

Blanchard also sells credit life, and credit accident and health insurance. Due to the limited nature of these insurance activities, it does not appear that Applicant's acquisition of Blanchard's insurance activities would have any significant effect on existing or future competition.

It is anticipated that following consummation of the proposed acquisition, Applicant will provide Blanchard with a reliable source of relatively low cost financing with which to provide interim construction loans in the Georgia markets in which it operates; and Applicant will provide Blanchard with access to additional sources of funds in a variety of financial markets which will enable Blanchard to compete more effectively in the State. There is no evidence in the record [4] indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in §225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[5] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12200 Filed 5-28-74;8:45 am]

[1] All banking data are as of June 30, 1973.

[2] The offices are located in the cities of Augusta, Macon, Warner Robins, and Savannah.

[3] Blanchard's estimated share of the 1–4 family residential mortgage market in each of the cities in which its offices are located is less than 5 per cent.

[4] Dissenting Statement of Governors Brimmer and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Voting against this action: Governors Brimmer and Wallich.

SECURITY BANCORP, INC.

Order Approving Acquisition of United Bankers Life Insurance Company

Security Bancorp, Inc., Southgate, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of United Bankers Life Insurance Company, Phoenix, Arizona, a company to be organized *de novo* to engage in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 10496). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank, Security Bank and Trust Company, Southgate, Michigan, with deposits of $354 million representing about 1.5 per cent of total deposits in commercial banks in Michigan.[1]

Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Michigan. Such insurance would be directly underwritten by an insurer qualified to underwrite in Michigan and will thereafter be assigned or ceded to Company under a reinsurance agreement. However, at this time the direct writer has not qualified in Michigan to underwrite credit accident and health insurance. Applicant has indicated that it may be some months before contractual arrangements will be finalized between Company and the direct underwriter. Moreover, no rates for the underwriting of credit accident and health insurance have been established yet. Due to the uncertainty surrounding the proposal to underwrite credit accident and health insurance, the Board cannot accurately assess whether benefits to the public will result from Applicant's engaging in the activity. Accordingly, the Board cannot approve the credit accident and health portion of the application.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure repayment of a loan in the event of death or disability of a borrower. In connection with this addition of credit life and credit accident and

[1] All banking data are as of June 30, 1973.

health underwriting to the list of permissible activities for bank holding companies, the Board has stated that

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates to consumers at 3.3 per cent below the maximum rate of 60 cents authorized by Michigan. The Board believes that a reduction of this magnitude of the price of credit life insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefit, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provides support for approval of the application to underwrite credit life insurance.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application to underwrite credit life insurance is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective May 17, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12198 Filed 5-28-74;8:45 am]

UB FINANCIAL CORP.

Proposed Acquisition of Anvil Thrift

UB Financial Corp., Phoenix, Arizona, 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 Anvil Thrift, Glendale, California. Notice of the application was published on April 8, 1974, in the Los Angeles Times, a newspaper circulated in Los Angeles, California; and on April 17, 1974, in The Register, a newspaper circulated in Santa Ana, California.

Applicant states that the proposed subsidiary would engage in the activities of an industrial loan company, as permitted under the laws of California, including issuance of investment certificates and passbooks; making loans and purchasing, selling, and discounting notes, trust receipts, choses in action, chattel mortgages, conditional sales contracts, security agreements, mortgages and deeds of trust; and acting as an insurance agent or broker with respect to the sale of credit life, credit accident, health and disability, collision, public liability, uninsured motorist, towing and labor, medical payment, marine and inland marine, fire and extended coverage, casualty, mortgage redemption and mortgage cancellation insurance; all directly related to loans and extensions of credit made by Anvil Thrift. 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 San Francisco.

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 18, 1974.

Board of Governors of the Federal Reserve System, May 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-12206 Filed 5-28-74;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Order Approving Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of First National Bank of Merritt Island, Merritt Island, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Florida, controls 43 banks with aggregate deposits of $1.4 billion, representing 6.7 per cent of total deposits in commercial banks in the State.[1] The acquisition of Bank would increase Applicant's share of deposits by less than one-tenth of one percentage point and would not change Applicant's rank among State banking organizations nor significantly increase the concentration of banking resources in the State.

Bank (deposits of $26 million) is the third largest of seven banks in the Central Brevard banking market, which includes Cape Canaveral, Cocoa, Cocoa Beach, and Merritt Island, Florida. Bank controls approximately 16 per cent of the total deposits in that market; the two larger banks in the market, which are subsidiaries of bank holding companies, hold 31 per cent and 19 per cent, respectively, of market deposits. Although the market is marginally attractive for *de novo* entry, the present proposal would not raise significant barriers to entry by the many other potential entrants into the market. This proposal would represent Applicant's initial entry into the Central Brevard market. Applicant's closest subsidiary banking office to Bank is located 17 miles north, and each of the banks obtains a slight amount of loans and deposits from the other's service area. None of Applicant's other subsidiaries competes with Bank. Accordingly, no meaningful amount of existing competition between Applicant and Bank would be eliminated by the proposed acquisition. Moreover, it does not appear that the proposed acquisition would have any adverse effect on potential competition in view of the distances separating Applicant's subsidiaries and Bank, the presence of banks in the intervening areas, and the restrictions placed on branching by State law.

The financial and managerial resources and prospects of Applicant are regarded as satisfactory in view of Applicant's commitment to increase capital in certain of its subsidiary banks. The financial and managerial resources of Bank are generally satisfactory. Bank has recently experienced slow growth, and it appears that affiliation with Applicant will enhance its prospects by enabling it to compete more effectively with the other banks within the Central Brevard market. Considerations relat-

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[1] All data are as of June 30, 1973, unless otherwise indicated, and include formations and acquisitions approved by the Board through April 15, 1974.

ing to the banking factors are consistent with approval of the application. Applicant proposes to expand and improve Bank's services by offering trust services and assisting Bank with data processing services, investment services, business development, and mortgage lending services. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application.

In considering this application, the Board has examined a covenant not to compete contained in an agreement between Applicant and directors of Bank. It appears that the provisions of the covenant are reasonable in duration, scope, and geographic area. Therefore, the Board is of the view that the agreement not to compete by the directors of Bank does not preclude an approval of the application based upon other considerations previously discussed herein. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record,[2] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective May 20, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-12199 Filed 5-28-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, June 3, 1974, from 10:30 a.m. to 3 p.m., Room 5334, General Services Administration Building, 18th and F streets, NW., Washington, D.C. This meeting will be for the purpose of arriving at selection recommendations for the Site Development, International Center, Chancery Section, Washington, D.C. (GS-OOB-03417).

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463."

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-12271 Filed 5-28-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARTISTS-IN-SCHOOLS ADVISORY PANEL

Notice of 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 Artists-in-Schools Advisory Panel to the National Endowment for the Arts will be held at 10 a.m. on May 30 and 31, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on May 30 from 9 a.m. until 12 noon on a space available basis. Accommodations are limited. The remaining portion of this meeting on May 30 and May 31 is for the purpose of Panel review, discussion, evaluation, and guidelines under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-12261 Filed 5-28-74;8:45 am]

MUSIC ADVISORY PANEL

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Music Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on May 29, 1974 in the 8th floor conference room of the McPherson Building, 1425 K St. NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD W. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-12262 Filed 5-28-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 23, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Post-Camp Uses and Effects of YCC Experiences, Form, Single time, Collins, Individual youth enrolled in YCC camps in Summer 1973.

ENVIRONMENTAL PROTECTION AGENCY

Survey of Users of Industrial Flare Systems, Form, Single time, Weiner, Petroleum refiners and chemical manufacturers.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Local Government Finances (School Systems), Form F-33, Annual, Ellett, Officials of school systems.

[2] Dissenting Statement of Governors Mitchell and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[3] Voting for this action: Governors Sheehan, Bucher, Holland, and Wallich. Voting against this Action: Vice Chairman Mitchell and Brimmer. Absent and not voting: Chairman Burns.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Semiannual Statistical Report on Fair Hearings in Public Assistance Including Medical Assistance, Form SRS NCSS 105, Semiannual, Caywood, State Public Assistance agencies.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration:
Application for Title III Planning and Administrative Grant in Aid, Form ED 301, Occasional, Evinger (x).
Quarterly Financial Report on Administrative Expenses EDA Planning Grants, Form ED 301-3, Quarterly, Evinger (x).

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife:
Notice of Transfer or Sale of Migratory Waterfowl, Form 3-186, Occasional, Evinger (x).
Annual Report Live Migratory Bird Inventory, Form 3-202, Annual, Evinger (x).
Application for Migratory Bird Permit, Form 3-200, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12343 Filed 5-28-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 22, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: National School Lunch and Child Food Service Survey, Form, Single time, Lowry, School food service Directors.
Forest Service: YCC Environmental Awareness Questionnaire, Form, Annual, Planchon, Enrollees in youth conservation corps program.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute for Education: Professional Vocational Teacher Education Modules Product Survey, Form, Single time, Planchon, Teacher educators and administrators in state educational department and 13-14-year institutions.

Health Resources Administration: Hospital Purchases of Major Capital Equipment, Form HRABHSR 0429, Single time, Weiner, Hospital personnel.

REVISIONS

None.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-12344 Filed 5-28-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

ADVISORY COMMITTEE

Notice of Establishment

In accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-578) and section 6 of OMB guidelines on Advisory Committee Management (Circular No. A-63 Rev.), and after consultation with the Office of Management and Budget, Committee Management Secretariat, the Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation has determined that the establishment of a Community Advisory Group is in the public interest in connection with the performance of duties imposed on the Corporation by section 9(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (Pub. L. 92-578).

The Advisory Group will serve as a conduit to the Corporation for ideas and responses to the evolving development plan for the Pennsylvania Avenue Area and will represent diverse community interests in the Washington area. It will provide a forum through which to foster local initiative and participation in connection with the planning and development of the Corporation's project.

The Advisory Group will consist of nine private members appointed by the Chairman of the Corporation, representing business, professional and community interest groups from the Washington area. The selection of the members will be based partly on recommendations obtained from local agencies and associations to reflect as broad a spectrum of interests as possible. Members will serve without compensation or reimbursement of expenses and will be administratively supported by the staff of the Corporation.

The charter for the Community Advisory Group will be filed in accordance with Pub. L. 92-463 and OMB Circular No. A-63 Rev. on or before June 18, 1974.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-12260 Filed 5-28-74;8:45 am]

TARIFF COMMISSION

[337-33]

CERTAIN DISPOSABLE CATHETERS AND CUFFS THEREFOR

Notice of Dismissal of Investigation

Notice is hereby given that the United State Tariff Commission on May 21, 1974, on the basis of submissions and for other reasons, dismissed the complaint and terminated its investigation without a finding in Investigation No. 337-33, Certain Disposable Catheters and Cuffs Therefor.

Notice of the public hearing held on May 8, 1974, for the purpose of allowing complainants opportunity to show cause why the complaint should not be dismissed and the investigation terminated was published in the FEDERAL REGISTER on May 1, 1974 (38 FR 15185).

By order of the Commission:

Issued: May 22, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12289 Filed 5-28-74;8:45 am]

[337-36]

DOXYCYCLINE

Notice of Investigation, Scope of Investigation and Hearing

A complaint was filed with the U.S. Tariff Commission on April 13, 1973, on behalf of Pfizer, Inc., New York, New York, alleging there to be importation and sale in the United States of doxycycline, and alleging that such importation and sale are unfair methods of competition or unfair acts within the meaning of section 337 of the Tariff Act of 1930 (19 USC 1337) for the reason that doxycycline is covered by the claims of U.S. Patent No. 3,200,149. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930. International Rectifier Corp., Los Angeles, California, Rachelle Laboratories, Inc., Long Beach, California, and USV Pharmaceutical Corp., New York, New York, have been named as importers and/or distributors of the subject drug.

Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, the United States Tariff Commission, on May 16, 1974, *Ordered*:

(1) That for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to the alleged violations in the importation and sale in the United States of doxycycline covered under claims 9 and 10 of U.S. Patent No. 3,200,149, owned by complainant, Pfizer, Inc.

(2) That a public hearing be held on July 9, 1974, at 10 a.m., e.d.t., in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

The Commission decided not to recommend at this time that the President is-

sue a temporary exclusion order pursuant to section 337(f) of the Tariff Act of 1930 (19 USC 1337(f)).

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10837). The complaint was served upon the named parties and all known interested parties and has been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building and in the New York City office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission:

Issued: May 22, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12289 Filed 5-28-74;8:45 am]

[337-37]

GOLF GLOVES

Notice of Investigation and Hearing

A complaint was filed with the U.S. Tariff Commission on November 8, 1972, and a supplement thereto on May 16, 1973, on behalf of Anthony J. Antonious and the Ajac Glove Corporation, both of Ellicott City, Maryland, alleging there to be importation and sales in the United States of certain golf gloves, and alleging that such importation and sales are unfair methods of competition or unfair acts within the meaning of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) by reason of the golf gloves being covered by the claims of U.S. Patent No. 3,588,917. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930. Spalding, a division of Questor Corporation, of Toledo, Ohio; Leonard Cecil, of Bethesda, Maryland; O. F. Mossberg & Sons, Inc., of North Haven, Connecticut; Lordon Company, of Yonkers, New York; Mario Herrero S.L., of New York, New York; Charles A. Eaton Company, of Brockton, Massachusetts; and Clover Golf Company, Inc., of Brooklyn, New York, have been named by complainant as importers and distributors of the subject product.

Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in the said complaint, as supplemented, the U.S. Tariff Commission, on May 21, 1974, *Ordered:*

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to the asserted violations of said section by the alleged importation and sale in the United States of golf gloves covered by claims 1, 2, or 9 of U.S. Patent No. 3,588,917; and

(2) That a public hearing be held on July 1, 1974, at 10 a.m., e.d.t., in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C. 20436. All parties concerned with be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

The Commission decided not to recommend at this time that the President issue a temporary exclusion order pursuant to section 337(f) of the Tariff Act of 1930 (19 USC 1337(f)).

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on January 26, 1973 (38 FR 2502). Notice of an extension of time for filing written views was published in the FEDERAL REGISTER on February 21, 1973 (38 FR 4738). The complaint, as supplemented, was served upon all known interested parties. The complaint has been available for inspection by interested persons continually since issuance of the notice of initiation of the preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building, and also in the New York City office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission.

Issued: May 23, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-12288 Filed 5-28-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Notice of Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., June 19, 1974, at The Conference Board in the Fifth Floor Conference Room, 845 3rd Avenue, New York, New York. The agenda for the meeting is as follows:

1. Opening Remarks.
2. Status of the Consumer Price Index Revision Program.
3. Review of FY 1974 Appropriations.
(a) CPI—expanded monthly pricing.
(b) WPI—expansion of petroleum and transaction prices.
(c) IPC—expansion of export and import price indexes.
4. Discussion of FY 1975 Budget Proposals.
(a) WPI—revision program.
(b) IPC—expansion of program.
(c) Annual Consumer Expenditure Survey.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C., this 21st day of May 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-12228 Filed 5-28-74;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Notice of Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 10 a.m., June 11, 1974, at the Patrick Henry Building in Room 3001, 601 D Street, NW., Washington, D.C. The agenda for the meeting is as follows:

1. Review of work in progress.
2. OWIR 1975 budget and expected program; 1976 budget proposals.
3. Report of the BRAC subcommittee on the General Wage Index.
4. Pension research and Federal government data sources.
5. Proposed studies relating to amended Fair Labor Standards Act.
6. Changes in the PATC survey.
7. Recent Steel Industry Labor Agreement.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 21st day of May 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-12227 Filed 5-28-74;8:45 am]

Manpower Administration

NATIONAL MANPOWER ADVISORY COMMITTEE SUBCOMMITTEE ON RESEARCH, DEVELOPMENT AND EVALUATION

Notice of Meeting

The National Manpower Advisory Committee's Subcommittee on Research, Development and Evaluation will meet at the Patrick Henry Building on May 31. Appointed by the Secretary of Labor in 1962 the Subcommittee on Research, Development and Evaluation makes recommendations to the National Manpower Advisory Committee on problems arising from the design and operation of research, development and evaluation programs under the Manpower Development and Training Act. Members of the Subcommittee are chosen by the Secretary of Labor from representatives of labor, management and the educational community. The chairman is Dr. F. Ray Marshall of The University of Texas.

At its meeting of May 31 the Subcommittee on Research, Development and Evaluation will discuss a research strategy on migrant workers; the impact of government policies on manpower; plans for evaluating implementation of the Comprehensive Employment and Training Act; and general guidelines for future manpower research and development.

The meeting will be held in Conference Room 3001 in the Patrick Henry Building starting at 9:30 a.m., and is expected to adjourn soon after 4:00 p.m. The meeting will be open to the public.

Signed at Washington, D.C., this 22d day of May 1974.

WILLIAM B. HEWITT,
Associate Manpower Administrator.

[FR Doc.74-12359 Filed 5-28-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 517]

ASSIGNMENT OF HEARINGS

MAY 23, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-31389 Sub 178, McLean Trucking Company, now assigned July 8, 1974, at Lansing, Mich., is cancelled and the application is dismissed.

MC 111375 Sub-67, Pirkle Refrigerated Freight Lines, Inc., now assigned June 24, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

MC-F-12001, Interstate Motor Freight System—Purchase (Portion)—Great Lakes Express Co., is continued to June 24, 1974, in Room 305, 1252 W. Peachtree Street NW., Atlanta, Ga.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now assigned June 10, 1974, at New York, N.Y., is postponed to July 15, 1974, at New York, N.Y., in Room B-2231, 26 Federal Plaza.

No. 35960, Sunkist Growers, Inc., Et Al., v. The Akron, Canton & Youngstown Railroad Company, Et Al., now being assigned hearing July 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35858, Consumers Steel & Supply Co., Et Al., v. Chicago and North Western Transportation Company, Et Al., No. 35858 Sub 1, Erman-Howell Division of Luria Steel & Trading Co. v. Chicago and North Western Transportation Company, Et Al., No. 35858 Sub 2, B. A. Jacobson Co., Inc., & Its Division Geneva Iron & Metal Co., v. Elgin, Joliet and Eastern Railway Company, now being assigned pre-hearing conference July 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12282 Filed 5-28-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

MAY 23, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065.1(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 10, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-19277 (Sub-No. E1), filed April 25, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. (1) *Commodities* (except boats, oil field equipment, and airplanes and airplane parts) the transportation of which because of their size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 lbs. or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (east and south of Stephens, Habersham, White, Lumpkin, Dawson, Pickens, Bartow, and Floyd Counties), North Carolina (east and south of Dare, Tyrrell, Washington, Martin, Pitt, Greene, Wayne, Johnston, Harnett, Moore, and Richmond Counties), South Carolina (east and south of York, Cherokee, Spartanburg, Greenville, Pickens, and Oconee Counties); between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Lake Counties in California, on the one hand, and, on the other points in Alabama (except Lauderdale and Colbert Counties), Georgia, Mississippi (east and south of Itawamba, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, Washington, Charkey, and Issaquena Counties), North Carolina, Tennessee (east and south of Scott, Fentress, Overton, Jackson, Smith, Wilson, Cannon, Rutherford, Maury, and Lawrence Counties), Virginia (east and south of Loudoun, Fauquier, Culpeper, Madison, Rockingham, Augusta, Rockbridge and Alleghany, Buchanan, and Dickenson Counties).

Between points in Sonoma, Yolo, Napa, Solano, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties, California, on the one hand, and, on the other, points in Alabama, Connecticut (east and south of Litchfield, New Haven, and Fairfield Counties), Delaware, Georgia, Kentucky (east and south of Martin, Floyd, Magoffin, Breathitt, Clay, Laurel, and Whitley Counties), Maine (east and south of Somerset, Franklin, and Oxford Counties), Maryland (east and south of Carroll and Frederick Counties), Massachusetts (east and south of Franklin, Hampshire, and Berkshire Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Tallahatchie, Leflore, Humphreys, Yazoo, Hinds, Copiah, Franklin, Jefferson, and Adams Counties), New Jersey (east and south of Bergen, Morris, Essex, Union, Middlesex, and Mercer Counties), New York, North Carolina, Pennsylvania (east and south of Bucks, Berks, and Lancaster Counties), Rhode Island, South Carolina, Tennessee (east and south of Macon, Sumner, Robertson, Cheatham, Dickson, Hickman, Perry, Decatur, and Hardin Counties), West Virginia (east and south of Hampshire, Grant, Tucker, Randolph, Webster, Nicholas, Fayette, Kanawha, Boone, Logan, Lincoln, and Wayne Counties), and the District of Columbia; between points in Butte, Yuba, Sierra, Sutter, Nevada, Placer, El Dorado, Sacramento, Alpine, Amador, San Joaquin, Calaveras, Mono, Tuolumne, Stanislaus, Mariposa, Mercer, Madera, and Fresno Counties, California, on the one hand, and, on the other, points in Alabama (except Lauderdale and Colbert Counties), Connecticut (east and south of Hartford and New Haven Counties), Delaware, Georgia, Kentucky (east and south of Martin, Floyd, Knott, Perry, Leslie, Knox, and Whitley Counties), Maine (east and south of Aroostock, Piscataqus, Somerset, Franklin, Androscoggin, Cumberland, and York Counties), Maryland (east and south of Carroll and Frederick Counties), Massachusetts (east and south of Worcester County), Mississippi (east and south of Tishomingo, Lee, Prentiss, Pontotoc, Calhoun, Grenada, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Amite Counties), New York (east and south of Putnam and Orange Counties), New Jersey (east and south of Passaic, Morris, and Warren Counties), North Carolina, Pennsylvania (east and south of Northampton, Lehigh, Berks, and Lancaster Counties), Rhode

Island, South Carolina, Tennessee (east and south of Picket, Overton, Jackson, Smith, Wilson, Williamson, Maury, and Lawrence Counties), Virginia (east and south of Clark, Frederick, Shenandoah Counties) and the District of Columbia.

Between points in Inyo, Tulare, Kings, and Kern Counties, in California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Lawrence, Winston, Marion, and Lamar Counties), Connecticut, Delaware, Georgia (east and south of Catoosa and Walker Counties), Maine, Maryland, Massachusetts, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties), New Hampshire, New Jersey, New York (east and south of Essex, Hamilton, Herkimer, Otsego, and Broome Counties), North Carolina, Pennsylvania (east and south of Susquehanna, Sullivan, Luzerne, Columbia, Northumberland, Dauphin, Cumberland, Huntingdon, and Fulton Counties), Rhode Island, South Carolina, Vermont, Virginia (east and south of Buchanan and Russell Counties), West Virginia (east and south of Preston, Barbour, Upshur, Braxton, Clay, Kanawha, Boone, Logan, and Mingo Counties), and the District of Columbia; between points in San Luis Ibispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Pickens Counties), Connecticut, Delaware, Georgia, Kentucky (east and south of Lawrence, Morgan, Magoffin, Breathitt, Clay, Knox, and Whitley Counties), Maine, Maryland, Massachusetts, Mississippi (east and south of Kemper, Newton, Smith, Simpson, Jefferson Davis, Lawrence, and Walthall Counties), New Hampshire, New Jersey, New York (east and south of St. Lawrence, Herkimer, Chenango, and Broome Counties), North Carolina, Pennsylvania (east and south of Bradford, Lycoming, Clinton, Centre, Clair, Cambria, Westmoreland, and Fayette Counties), South Carolina, Tennessee (east and south of Campbell, Morgan, Cumberland, Bledsoe, Sequatchie, and Marion Counties), Vermont, Virginia, West Virginia (east and south of Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Cabell, and Wayne Counties), and the District of Columbia.

Between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Lee, Macon, Bullock, Pike, Coffee, and Geneva Counties), Connecticut (east and south of Litchfield and Fairfield Counties), Delaware, Georgia (east and south of Franklin, Banks, Hall, Forsyth, Cherokee, Cobb, Douglas, and Carroll Counties), Maine (east and south of Aroostook, Piscataquis, Somerset, Franklin, Oxford Counties), Maryland (east and south of Cecil, Harford, Baltimore, Howard, Montgomery Counties), Massachusetts (east and south of Worcester County), New Hampshire (east and south of Carroll, Belknap, Merrimack, and Hillsborough Counties), New Jersey (east and south of Middlesex County), North Carolina (east and south of Surry, Wilkes, Alexander, Burke, Rutherford, and Polk Counties), Rhode Island, and the District of Columbia; between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Lauderdale and Colbert Counties), Connecticut, Delaware, Georgia, Kentucky (east and south of Greenup, Carter, Rowan, Menifee, Powell, Estill, Madison, Rockcastle, Lincoln, Casey, Russell, and Cumberland Counties, Maine, Maryland, Massachusetts, Mississippi (east and south of Tishomingo, Prentiss, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), New Hampshire, New Jersey, New York (east and south of Jefferson, Oswego, Onondaga, Cayuga, Seneca, Yates, and Steuben Counties), Rhode Island, South Carolina, Tennessee (east and south of Clay, Smith, Wilson, Williamson, Maury, and Lawrence Counties), Vermont, Virginia, West Virginia (east and south of Wetzel, Tyler, Ritchie, Wirt, Jackson, Mason, Cabell, and Wayne Counties), and the District of Columbia. The commodities sought in (2) above are restricted to those commodities which are transported on trailers

The purpose of this filing as to A (1) above is to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Ariz., including Yuma, (2) points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crochett, and Val Verde Counties, Texas, and (3) points in Florida; and as to A (2), to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Arizona, including Yuma, (2) points in Texas, and (3) points in Florida.

B. (1) *Commodities* (except boats), and (except oil field equipment), the transportation of which because of their size or weight require the use of special equipment, and (2) Self-propelled articles, each weighing 15,000 lbs. or more and related machinery, tools, parts, and supplies in connection therewith, between points in Yuma County, Ariz., on the one hand, and, on the other, points in Alabama (east and south of Limestone, Lawrence, and Marion Counties), Delaware, Georgia, Kentucky (east and south of Boyd, Carter, Elliott, Rowan, Menifee, Powell, Estill, Madison, Garrard, Lincoln, Casey, Adair, Metcalf, Barren, and Allen Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Franklin, St. Lawrence, Lewis, Oswego, Onondago, Cayuga, Schuyler, and Steuben Counties), North Carolina, Pennsylvania (east and south of Tioga, Potter, Cameron, Clearfield, Cambria, Westmoreland, and Fayette Counties), Rhode Island, South Carolina, Tennessee (east and south of Robertson, Cheatham, Williamson, Maury, and Giles Counties), Vermont, Virginia, and the District of Columbia.

Between points in Maricopa, Gila, Pinal, Graham, Greenlee, Pima, Cochise, and Santa Cruz Counties, Arizona, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Cullman, Winston, Marion, and Lamar Counties), Connecticut, Delaware, Georgia, Kentucky (east and south of Martin, Floyd, Knott, Perry, Leslie, and Harlan Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Franklin, Hamilton, Fulton, Otsego, Chenango, and Broome Counties), North Carolina, Pennsylvania (east and south of Bradford, Lycoming, Clinton, Centre, Clair, and Somerset Counties), Rhode Island, South Carolina, Tennessee (east and south of Claiborne, Union, Anderson, Roane, McMinn, and Hamilton Counties), Vermont, Virginia, West Virginia (east and south of Monongalia, Marion, Harrison, Doddridge, Gilmer, Calhoun, Roane, Putnam, Lincoln, and Wayne Counties), and the District of Columbia; between points in Mohave, Coconin, Navajo, Apache, and Yavapai, Counties, Arizona, on the one hand, and, on the other, points in Alabama (east and south of Dekalb, Marshall, Blount, Walker, Marion, and Lamar Counties), Connecticut, Delaware, Georgia (east and south of Murray, Whitfield, Walker, and Chattosa Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Rensselaer, Greene, Ulster, Sullivan Counties), North Carolina (east and south of Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham, and Cherokee Counties), Pennsylvania (east and south of Pike, Monroe, Carbon, Schuylkill, Lebanon, and Lancaster Counties), Rhode Island, South Carolina, Vermont (east and south of Orleans, Lamoille, Washington, Addison, Rutland, and Bennington Counties), Virginia (east and south of Tazewell, Russell, and Washington Counties), West Virginia (east and south of Mineral, Grant, Tucker, Randolph, Webster, Nicholas, Fayette, Summers, and Mercer Counties), and the District of Columbia; between points in Valencia, Catron, Grant, Hidalgo, Luna, Bernalillo, Socorro, Sierra, Dona Ana, Torrance, Lincoln, Otero, Guadalupe, DeBaca, Chaves, Eddy, Curry, Roosevelt, and Lea Counties, New Mexico, on the one hand and on the other, points in Alabama (east and south of Cherokee, Etoway, Saint Clair, Jefferson, Bibb, Perry, Dallas, Wilcox, Monroe, Conecuh, and Escambia Counties), Connecticut (east and south of Hartford and Middlesex Counties), Delaware, Georgia (east and south of Towns, Union, Fannin, Gilmer, Gordon, and Floyd Counties), Maine, Maryland (east and south of Carroll and Frederick Counties), Massachusetts, New Hampshire (west of Belknap and Hillsborough Counties), New Jersey (west and south of Bergen, Essex, Morris, Hunterdon, and Somerset Counties), New York (west and

south of Putnam and Rockland Counties), North Carolina (west and south of Surry, Wilkes, Alexander, Burke, McDowell, Buncombe, and Henderson Counties), Pennsylvania (east and south of Northampton, Lehigh, Berks, and Lebanon Counties), Rhode Island, South Carolina, Virginia (east and south of Loudoun, Clarke, Warren, Page, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Floyd, and Carroll Counties), and the District of Columbia.

Between points in San Juan, McKinley, Rio Arriba, Sandoval, Taos, Santa Fe, Colfax, Mora, San Miguel, Union, Harding, and Quay Counties, New Mexico, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Calhoun, Saint Clair, Shelby, Chilton, Autauga, Dallas, Wilcox, Monroe, and Escambia Counties), Georgia (east and south of Rabun, Habersham, White, Lumpkin, Dawson, Cherokee, Bartow, and Polk Counties), North Carolina (east and south of Rockingham, Forsyth, Davie, Iredell, Lincoln, and Cleveland Counties), South Carolina, and Virginia (east and south of Westmoreland, Caroline, Hanover, Goochland, Powhatan, Amelia, Prince Edward, Charlotte, and Halifax Counties). The commodities sought in (2) above are restricted to those commodities which are transported on trailers. The purpose of this filing as to those commodities described in B(1) above is to eliminate the gateways of (1) points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glascock, Reagan, Crockett, and Val Verde Counties, Tex., and (2) points in Florida; and as to those commodities described in B(2), to eliminate the gateways of (1) points in Texas, and (2) points in Florida.

C. (1) *Commodities* (except boats) and (except oil field equipment), the transportation of which because of their size or weight require the use of special equipment), and (2) *Self-propelled articles* (except oil field equipment) each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies in connection therewith, between points in New Mexico, on the one hand, and on the other, points in Arkansas and Louisiana. The purpose of this filing as to (1) above is to eliminate the gateway of points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex., and as to (2), to eliminate the gateway of points in Texas.

D. (1) *Airplane parts, and airplane supplies and equipment*, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif., on the one hand, and, on the other, points Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (south of Floyd, Bartow, Pickens Dawson, Lumpkin, White, Habersham, and Stephens Counties), Mississippi (east and south of Noxubee, Winston, Neshoba, Scott, Smith, Simpson, Jefferson Davis, and Walthall Counties), Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), South Carolina (east and south of Oconee, Pickens, Greenville, Spartanburg, Cherokee, and York Counties); between points in Sonoma, Napa, Yolo, Marin, Solano, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, and Monterey Counties, Calif., on the one hand, and, on the other, points in Alabama, Georgia, Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Yazoo, Madison, Hinds, Copiah, Franklin, and Amite Counties), South Carolina, Tennessee (east and south of Clay, Jackson, Smith, Wilson, Williamson, Maury, Lewis, and Wayne Counties); between points in Inyo, Tulare, Kings, and Kern Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Winston, Marion, and Lamar Counties), Georgia, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties), between points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Pickens Counties), Georgia, Mississippi (east and south of Kemper, Newton, Smith, Simpson, Jefferson Davis, and Walthall Counties), South Carolina and Tennessee (east and south of Campbell, Morgan, Cumberland, Bledsoe, Sequatchie, and Marion Counties), between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Talladega, Shelby, Chilton, Autauga, Lowndes, Wilcox, Monroe, Conecuh, and Escambia Counties), Georgia (east and south of Hart, Franklin, Banks, Jackson, Barroe, Gwinnett, De Kalk, Fulton, and Carroll Counties), South Carolina (east and south of Greenville, and Anderson Counties);

Between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi (east and south of Tishomingo, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), South Carolina, and Tennessee (east and south of Clay, Smith, Wilson, Williamson, Maury, and Lawrence Counties); and (2) Guided missile parts, and guided missile supplies and equipment used in the maintenance, servicing, repair, and operation of guided missiles, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (south of Floyd, Bartow, Pickens, Dawson, Lumpkin, White, Habersham, and Stephens Counties), Mississippi (east and south of Noxubee, Winston, Neshoba, Scott, Smith, Simpson, Jefferson Davis, and Walthall Counties), Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), South Carolina (east and south of Oconee, Pickens, Greenville, Spartanburg, Cherokee and York Counties); between points in Sonoma, Napa, Yolo, Marin, Solano, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, and Monterey Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermilion Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Yazoo, Madison, Hinds, Copiah, Franklin, and Amite Counties) and South Carolina; between points in Inyo, Tulare, Kings and Kern Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Winston, Marion, and Lamar Counties), Georgia, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties).

Between points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles and Orange Counties, California, on the one hand, and, on the other, points and places in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Picken Counties), Georgia, Mississippi (east and south of Kempre, Newton, Smith, Jefferson Davis, and Walthall Counties), and South Carolina; between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Talladega, Shelby, Chilton, Autauga, Lowndes, Monroe, Conecuh, and Escambia Counties), Georgia (east and south of Hart, Franklin, Banks, Jackson, Barrow, Gwinnett, Dekalb, Fulton, and Carroll Counties), South Carolina (east and south of Greenville, and Anderson Counties); between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, Mississippi (east and south of Hishomingo, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), and South Carolina. The operations proposed in (2) above are restricted against the transportation (a) of dangerous commodities, and (b) of any of the sought commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-25798 (Sub-No. E10), filed April 16, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Frozen foods,* in containers, in vehicles equipped for temperature control, from points in that portion of Illinois south of Illinois Highway 17, and west of Illinois Highway 88, and points in Indiana south of Indiana Highway 26 to points in Georgia on and east of a line beginning at the intersection of U.S. Highway 221, and the Georgia-South Carolina State line, thence along U.S. Highway 221 to its intersection with U.S. Highway 1, thence south on U.S. Highway 1 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–35890 (Sub-No. E1), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street NE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (a) *New furniture,* crated, from points in Connecticut and Massachusetts to points in Minnesota, Missouri, and Wisconsin. (b) *New furniture,* cartoned or uncrated, from points in Illinois, Minnesota, Missouri, and Wisconsin to points in Connecticut, Massachusetts, and Rhode Island. (c) *New furniture,* uncrated, between points in New Jersey, on the one hand, and, on the other, points in Minnesota. (d) *New furniture,* cartoned or uncrated, between the District of Columbia, on the one hand, and, on the other, points in Minnesota and Wisconsin. (e) *New furniture,* uncrated, between points in Iowa, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania. (f) *New furniture,* cartoned or uncrated, from North Bennington, and East Arlington, Vt., to points in Minnesota, Missouri, and Wisconsin. (g) *New furniture,* uncrated, from North Bennington and East Arlington, Vt., to points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Texas, and Utah. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC–35890 (Sub-No. E4), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *New furniture,* cartoned or uncrated, from North Bennington, Vt., and East Arlington, Vt., to points in Illinois. (B) *New furniture,* uncrated, from North Bennington and East Arlington, Vt., to points in Iowa. (C) *New furniture,* uncrated, from Grand Rapids, Lowell, Otsego, and Holland, Mich., to points in Vermont. (D) *New furniture,* uncrated, from points in Rhode Island, to points in Ohio. The purpose of this filing is to eliminate the gateway of Jamestown, N.Y.

No. MC–35890 (Sub-No. E5), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *New furniture,* cartoned or uncrated, between points in New Jersey, on the one hand, and, on the other, points in Wisconsin. (B) *New furniture,* uncrated, from points in Iowa and Minnesota to points in Virginia. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and Warren County, Pa.

No. MC–35890 (Sub-No. E6), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth Street SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* uncrated, from points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin to points in Vermont. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and Jamestown, N.Y.

No. MC–35890 (Sub-No. E7), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* uncrated, (a) from points in Chautauqua and Cattaraugus Counties, N.Y., to points in North Carolina; and (b) from Warren and Youngsville, Pa., to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC–82492 (Sub-No. E2), filed May 12, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by persons engaged in the manufacturing, processing, and milling of grain products (except chemicals, frozen foods, uncooked bakery goods, and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Archbold, Ohio, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Beatrice Foods Co., at Archbold, Ohio. The purpose of this filing is to eliminate the gateway of Hillsdale, Mich.

No. MC–82492 (Sub-No. E3), filed May 12, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* when moving in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to points in Minnesota located on and south of U.S. Highway 12. Restriction: The operations sought herein are restricted to the transportation of shipments originating at Columbus, Ohio. The purpose of this filing is to eliminate the gateway of Bentheim, Allegan County, Mich.

No. MC–95540 (Sub-No. E212), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods,* from points in Delaware (except those south of the Chesapeake and Delaware Canal), to points in Texas. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC–100666 (Sub-No. E21), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmet Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting:

Proposal 1:

Paper and paper products (except those commodities which because of size or weight require the use of special equipment and commodities in bulk), from the plantsite and storage facilities of the Weyerhaeuser Company at or near Valliant, Okla., to points in Arizona, California, Connecticut, Delaware, Florida, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Utah, Vermont, Washington, and Wyoming, and points in that part of Georgia on, south, and east of a line beginning at the junction of the Alabama-Georgia State line and U.S. Highway 80, thence along U.S. Highway 80 to the junction of U.S. Highway 80 and U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line, and points in that part of New York on and east of a line beginning at the junction of the Pennsylvania-New York State line and New York Highway 17, thence along New York Highway 17 to the junction of New York Highway 17 and New York Highway 8, thence along New York Highway 8 to the junction of New York Highway 8 and New York Highway 7, thence along New York Highway 7 to the junction of New York Highway 7 and New York Highway 30, thence along New York Highway 30 to the United States-Canadian International Boundary line, and points in that part of North

Carolina on and east of a line beginning at the junction of the North Carolina-South Carolina State line and Interstate Highway 95, thence along Interstate Highway 95 to the junction of Interstate Highway 95 and North Carolina Highway 87, thence along North Carolina Highway 87 to the junction of North Carolina Highway 87 and U.S. Highway 501, thence along U.S. Highway 501 to Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, and points in that part of Pennsylvania on and east of a line beginning at the junction of the Maryland-Pennsylvania State line and Interstate Highway 83, thence along Interstate Highway 83 to the junction of Interstate 83 and Interstate Highway 81, thence along Interstate Highway 82 to the New York-Pennsylvania State line, and points in that part of South Carolina on and east of a line beginning at the junction of the Georgia-South Carolina State line and U.S. Highway 301, thence along U.S. Highway 301 to the junction of Interstate Highway 95 and U.S. Highway 301, thence along Interstate Highway 95 to the South Carolina-North Carolina State line, and points in that part of Virginia beginning at the junction of the Virginia-North Carolina State line and Interstate Highway 85, thence along Interstate Highway 85 to the junction of Interstate Highway 95 and thence along Interstate Highway 95 to the junction of U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and the District of Columbia. The purpose of the filing of proposal 1 is to eliminate the gateway of Ashdown, Ark.

Proposal 2:

Paper and paper products, from the origin described in proposal 1 above, to points in Florida, and points in that part of Georgia on, south, and east of a line beginning at the junction of the Alabama-Georgia State line and U.S. Highway 80, thence along U.S. Highway 80 to the junction of U.S. Highway 80 and U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line, and points in that part of New York on and east of a line beginning at the junction of the Pennsylvania-New York State line and New York Highway 17, thence along New York Highway 17 to the junction of New York Highway 17 and New York Highway 8, thence along New York Highway 8 to the junction of New York Highway 8 and New York Highway 7, thence along New York Highway 7 to the junction of New York Highway 7 and New York Highway 30, thence along New York Highway 30 to the United States-Canadian International Boundary line, and points in that part of North Carolina on and east of a line beginning at the the junction of the North Carolina-South Carolina State line and Interstate Highway 95, thence along Interstate Highway 95 to the junction of Interstate Highway 95 and North Carolina Highway 87, thence along North Carolina Highway 87 to the junction of North Carolina 87 and U.S. Highway 501, thence along U.S. Highway 501 to Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, and points in that part of Pennsylvania on and east of a line beginning at the junction of the Maryland-Pennsylvania State line and Interstate Highway 83, thence along Interstate Highway 83 to the junction of Interstate Highway 83 and Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line, and points in that part of South Carolina on and east of a line beginning at the junction of the Georgia-South Carolina State line and U.S. Highway 301, thence along U.S. Highway 301 to the junction of Interstate Highway 95 and U.S. Highway 301, thence along Interstate Highway 95 to the South Carolina-North Carolina State line, and points in that part of Virginia beginning at the junction of the Virginia-North Carolina State line and Interstate Highway 85, thence along Interstate Highway 85 to the junction of Interstate Highway 85 and Interstate Highway 95, thence along Interstate Highway 95 to the junction of Interstate Highway 95 and U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay. The purpose of the filing of proposal 2 is to eliminate the gateway of Elizabeth, La.

No. MC–100666 (Sub-No. E53), filed April 21, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplingen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and molding*, from Covington, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC–100666 (Sub-No. E64), filed May 3, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe* (except Oilfield commodities as described by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from the plant site and warehouse facilities of Celanese Piping Systems, Inc., Louisville, Ky., to points in Alabama on, south, and west of a line beginning at the junction of Interstate Highway 98 and the Alabama-Mississippi State line, thence southeast along Interstate Highway 98 to the junction with Alabama Highway 225, thence north on Alabama Highway 225 to the junction of Alabama Highway 225 and Interstate Highway 65, thence north along Interstate Highway 65 to the junction of Interstate Highway 65 and Alabama Highway 41, thence south on Alabama Highway 41 to the Alabama-Florida State line, restricted to traffic originating at the above named plant site. The purpose of this filing is to eliminate the gateway of Columbia, Miss.

No. MC–107002 (Sub-No. E3), filed April 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Mobile, Ala., to points in Indiana and Michigan. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (B) *Chemicals* (except carbon disulphide, carbon tetrachloride, caustic soda, sulphuric acid, and chlorine), in bulk, in tank vehicles, from Mobile, Ala., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of LeMoyne, Ala. (C) *Chemicals* (except petrochemicals) in bulk, in tank vehicles, from Mobile, Ala., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Decatur, Ala.

No. MC–107478 (Sub-No. E3), filed April 7, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as *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 Roanoke, Va., on the one hand, and, on the other, points in Georgia, on, east, and south of a line extending from the Georgia-Alabama State line near Dothan, Alabama, thence along Georgia Highway 62 to Albany, thence along Georgia Highway 257 to Cordele, thence along Georgia Highway 257 to Hawkinsville, thence along Georgia Highway 26 to Dublin, thence along U.S. Highway 319 to Wrightsville, thence along Georgia Highway 78 to it's intersection with the county line of Jenkins County, to it's junction with the county line of Screven County, thence along the Northern boundary of Screven County to the Georgia-South Carolina State line at the Savannah River. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC–107478 (Sub-No. E4), filed April 11, 1974. Applicant: OLD DOMINION FREIGHT LINE, 1791 Westchester Drive, P.O. Drawer 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 Norfolk, Va., on the one hand, and, on the other, points in South Carolina and Georgia on, east, and south of a line extending from the Georgia-Alabama State line near Texas, Ga., and thence along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Atlanta, thence along U.S. Highway 278 to Union Point, thence along Georgia Highway 44 to Washington, thence along U.S. Highway 378 across the Georgia-South Carolina State line to McCormick, South Carolina, thence along U.S. Highway 378 to Saluda, thence along U.S. Highway 178 to Pelion, thence along South Carolina Highway 215 to Macedon, thence along South Carolina Highway 6 to St. Matthews, thence along U.S. Highway 601 to the Lake Marion, thence along Lake Marion to the Santee River, thence along the Santee River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC-107478 (Sub-No. E6), filed April 21, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 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 Baltimore, Md., on the one hand, and, on the other, points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Atlanta, thence along U.S. Highway 78 to Monroe, thence along Georgia Highway 83 to the Morgan County Line, thence north along the Morgan County line to the Greene County line, thence east along the Greene County line to Georgia Highway 77, thence along Georgia Highway 77 to the Broad River, thence along the Broad River to the Georgia-South Carolina State line (except Augusta, Ga.). The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC-107478 (Sub-No. E9), filed April 16, 1974. Applicant: OLD DOMINION FREIGHT, INC., P.O. Drawer 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 Suffolk, Va., on the one hand, and, on the other, points in Georgia and South Carolina on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to Atlanta, thence along U.S. Highway 78 to Monroe, thence along Georgia Highway 83 to its intersection with the Morgan County line, thence north along the Morgan County line to the Greene County line, thence east along the Greene County line to its intersection with Georgia Highway 77, thence along Georgia Highway 77 to the Broad River, thence along the Broad River to the Georgia-South Carolina State line, thence south along the Georgia-South Carolina State line to its intersection with U.S. Highway 378, thence east along U.S. Highway 378 to Saluda, S.C., thence along U.S. Highway 178 to Orangeburg, thence along U.S. Highway 301 to Lake Marion, thence along Lake Marion to the Santee River, thence along the Santee River to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC-107478 (Sub-No. E10), filed April 22, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Drawer 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 the District of Columbia, on the one hand, and, on the other, points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line, and extending east along Georgia Highway 34 to its intersection with Interstate Highway 85, thence along Interstate Highway 85 to its intersection with Interstate Highway 285, thence along Interstate Highway 285 to its intersection with U.S. Highway 78, thence along U.S. Highway 78 to Georgia Highway 83, thence along Georgia Highway 83 to the Morgan County line, thence north along the Morgan County line to the Greene County line, thence east along the Greene County line to its intersection with Georgia Highway 77, thence along Georgia Highway 77 to the Broad River, thence along the Broad River to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C., and points within 15 miles thereof.

No. MC-109172 (Sub-No. E1), filed May 3, 1974. Applicant: NATIONAL MOTOR FREIGHT dba, National Transfer, Inc., 5265 Utah Avenue, Seattle, Wash. 98134. Applicant's representative: George S. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *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 points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points within 3 miles of Seattle, Wash., including Seattle.

(B) *Construction materials* (except Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points in Washington on and east of a line extending north and south through Cascade Tunnel, Wash.

(C) *Building materials and equipment, stoves, office furniture and equipment, and fixtures*, between points in King, Snohomish, and Skagit Counties, Wash., on the one hand, and, on the other, points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oregon.

(D) *Construction materials*, between points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., on the one hand, and, on the other, (a) points in that part of Washington east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2, and (b) Ephrata, Wash.

(E) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, (1) between points in King and Pierce Counties, Wash., and Benton, Clackamas, Clatsop, Columbia, Douglas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, Oreg., on the one hand, and, on the other, (a) points in that part of Washington east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2, and (b) Ephrata, Wash.; and (2) from (a) Ephrata Wash., and (b) points in that part of Washington, east of the western boundaries of Okanogan and Chelan Counties, Wash., and north of U.S. Highway 2, to points in Josephine County, Oreg.

(F) *Ore and ore concentrates*, to the extent that such commodities to be transported are of such size and weight that they require the use of special equipment, from points in Josephine County, Oreg., to (a) Ephrata, Wash., and (b) points in that part of Washington east of the western boundaries of Okanogan and Chelan Counties, Wash.,

and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Seattle, Wash.

No. MC–110525 (Sub-No. E237), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC–110525 (Sub-No. E238), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in New York. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E239), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky on and west of Interstate Highway 65, to those points in that part of North Carolina on and east of U.S. Highway 401. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E240), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky, on and east of Interstate Highway 65, to points in Oregon. The purpose of this filing is to eliminate the gateways of Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E243), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky to those points in that part of Virginia on and north of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to Richmond, thence along Interstate Highway 64 to Norfolk. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E244), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky, on and east of Interstate Highway 65, to points in Washington. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E245), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except bituminous products and materials), in bulk, in tank vehicles, from points in Kentucky to those points in that part of West Virginia on, north, and east of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to Charleston, thence along U.S. Highway 60 to Lewisburg, thence along U.S. Highway 219 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E246), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Connecticut. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E247), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Delaware. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E248), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to the District of Columbia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E249), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Maine. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E250), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Maryland. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E251), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Michigan. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E252), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in New Hampshire. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E253), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles,

from points in Louisiana to points in New Jersey. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E254), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in New York. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E255), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined by *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to Baton Rouge, thence along Louisiana Highway 1 to the Gulf of Mexico, to those points in that part of Ohio on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. 256), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Rhode Island. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E257), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 19335, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Massachusetts. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Newark, N.J.

No. MC–110525 (Sub-No. E258), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Louisiana to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–114045 (Sub-No. E25), filed May 9, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock Cornish game hens*, from Providence, R.I., to points in Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Oklahoma City, Okla.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12285 Filed 5–28–74;8:45 am]

[Notice 91]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 18, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75027. By order of May 21, 1974, the Motor Carrier Board approved the transfer to Mary E. Elbs, doing business as Fred Elbs, Villa Grove, Ill., of Certificate No. MC–80767 issued June 7, 1941, to Fred Elbs, Villa Grove, Ill., authorizing the transportation of livestock and agricultural products from Villa Grove, Ill., to Indianapolis, Ind.; feed, grain, grain products, and fertilizer from Indianapolis, Ind., to Villa Grove, Ill.; and coal from points in Parke and Clay Counties, Ind., to points in Champaign and Douglas Counties, Ill. Nichols, Jones, McCown & Lincoln, attorneys for transferor and transferee, P.O. Box 251, Tuscola, Ill.

No. MC–FC–75146. By order of May 21, 1974, the Motor Carrier Board approved the transfer to Forbes Refrigerated Transport, Inc., Wilson, N.C., of the operating rights in Certificates Nos. MC–19105 (Sub-No. 19), MC–19105 (Sub-No. 22), MC–19105 (Sub-No. 23), MC–19105 (Sub-No. 24), MC–19105 (Sub-No. 28), MC–19105 (Sub-No. 31) and MC–19105 (Sub-No. 33) issued July 10, 1964, July 26, 1967, April 4, 1968, February 9, 1970, December 9, 1970, April 12, 1972, and April 12, 1972, respectively to Forbes Transfer Company, Inc., Wilson, N.C., authorizing the transportation of various commodities, from and to specified points and areas in North Carolina, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, West Virginia, South Carolina, Tennessee, Virginia, Massachusetts, and the District of Columbia. William R. Rand, P.O. Box 2008, Wilson, N.C. 27893, attorney for applicants.

No. MC–FC–75158. By order entered May 22, 1974, the Motor Carrier Board approved the transfer to Russell E. Alltop, doing business as Abbott's Transfer, Wheeling, W. Va., of the operating rights set forth in Certificate No. MC–18305, issued November 19, 1963, to Lloyd J. Abbott, doing business as Abbott's Transfer, Wheeling, West Virginia, authorizing the transportation of household goods, between points in Ohio and Marshall Counties, W. Va., on the one hand, and, on the other, points in West Virginia, Ohio, and Pennsylvania; and brick and stone siding, lumber, and furnaces, from Wheeling, W. Va., to points within 25 miles of Wheeling, including Wheeling. James R. Stiverson, 50 West Broad St., Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–75160. By order of May 22, 1974, the Motor Carrier Board approved the transfer to Coastal Van & Storage, Inc., Elmwood Park, N.J., of the operating rights in Certificate No. MC–59934 (Sub-No. 10) issued April 24, 1974, to Main Trucking & Rigging Co., Inc., Elmwood Park, N.J., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New Jersey, Connecticut, New York, Massachusetts, Pennsylvania, Maryland, Virginia, Ohio, Michigan, Illinois, and the District of Columbia, and between Brooklyn, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Ronald I. Shapss, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–12278 Filed 5–28–74;8:45 am]

[Notice 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5296 (Sub-No. 2 TA), filed May 10, 1974. Applicant: LACY'S EXPRESS, INC., 81 West Pitman Street, Penns Grove, N.J. 08069. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Linoleum and accessories* used in the installation of linoleum, and window shades, serving Bristol, Pa., as an off-route point in connection with applicant's regular route operations between Philadelphia, Pa., and Salem, N.J., for 180 days. SUPPORTING SHIPPER: S. Wolf & Sons, Inc., 1017 Arch Street, Philadelphia, Pa. 19107. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

NOTE.—Authority sought to serve an off-route point in connection with authorized regular route operation.

No. MC 44639 (Sub-No. 79 TA), filed May 15, 1974. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 1 Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and *wearing apparel and materials supplies* used in the manufacture of wearing apparel when moving in the same vehicle and at the same time with wearing apparel, loose, on hangers, between Culpeper, Va., on the one hand, and, on the other, Rutherford, N.J., and New York, N.Y., for 180 days. SUPPORTING SHIPPER: Southern Garment Mfg. Co., East Street Extension, Culpeper, Va. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 107496 (Sub-No. 954 TA), filed May 15, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Union, Ill., for 150 days. SUPPORTING SHIPPER: Southern California Chemical, P.O. Box 432, Union, Ill. 60180. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

No. MC 110525 (Sub-No. 1095 TA), filed May 13, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent methanol*, in bulk, in tank vehicles, from Pittsfield, Mass., to Waterford, N.Y., for 180 days. SUPPORTING SHIPPER: General Electric Plastics, 1 Plastics Avenue, Pittsfield, Mass. 01201. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 117940 (Sub-No. 128 TA), filed May 14, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to shipments originating at the plantsite and facilities utilized by John Morrell and Company located at or near Amarillo, Tex., for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 South La Salle St., Chicago, Ill. 60604. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 124511 (Sub-No. 23 TA), filed May 15, 1974. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 411 North 7th Street, Suite 1301, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Gerald, Mo., to points in Oklahoma, Texas, Kansas, Indiana, Michigan, Illinois, Iowa, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Bull Moose Tube Company, P.O. Box 214, Gerald, Mo. 63037. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127651 (Sub-No. 26 TA), filed May 14, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham Street, Marsfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallet and pallet parts*, from Rhinelander, Wis., to Eaton, Ind., for 180 days. SUPPORTING SHIPPER: Marplex Products Co., Inc., Box 279, Rhinelander, Wis. 54501. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 129325 (Sub-No. 7 TA), filed May 13, 1974. Applicant: DIAZ MOTOR FREIGHT, INC., 2829 Frenchmen Street, New Orleans, La. 70122. Applicant's representative: Calvin A. Diaz, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Orleans, La., to points in North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Primary Steel, Inc., P.O. Box 10426, New Orleans, La. 70181. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 134922 (Sub-No. 80 TA), filed May 13, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Screw conveyors, bucket elevators, idlers, pulleys, and component parts*, restricted against the transportation of commodities in bulk and those which because of

size or weight require the use of special equipment, from the plantsite of FMC Corp., Lee County, Miss., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: FMC Corporation, P.O. Box 1370, Tupelo, Miss. 38801. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136023 (Sub-No. 2 TA), filed May 14, 1974. Applicant: WILLIAM L. SMITH, doing business as CIRCLE S. TRUCKING, 2042 Eastes, Bend, Oreg. 97701. Applicant's representative: Russell M. Allen, 1200 Jackson Towers, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, (1) from points in Grant and Umatilla Counties, Oreg., to points in Clark County, Wash., and (2) from points in Grant and Umatilla Counties, Oreg., to points in Nez Perce County, Idaho, for 180 days.

NOTE.—Applicant states that it will tack. SUPPORTING SHIPPER: Blue Mt. Forest Products, Inc., P.O. Box 1161, Pendleton, Oreg. 97801. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97214.

No. MC 138404 (Sub-No. 5 TA), filed May 14, 1974. Applicant: DALE FOWLER AND MERLE THRAPP, doing business as D & M TRANSPORT, P.O. Box 38, Sprague ville, Iowa 52074. Applicant's representative: Dale Fowler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel paving joint roadway*, from Maquoketa, Iowa, to points in Illinois, Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Texas, West Virginia, Kansas, Oklahoma, Arkansas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Wady, Inc., P.O. Box 942, Maquoketa, Iowa 52060. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139292 (Sub-No. 3 TA), filed May 13, 1974. Applicant: SATURN EXPRESS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Arlyn L. Westergren, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Swift Fresh Meats Company at or near Grand Island, Nebr., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Swift Fresh Meats Company, a Division of Swift & Company, G. Dwight Weed, Manager, Motor Carrier Division, 115 West Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 No. 14 St., Omaha, Nebr. 68102.

No. MC 139761 (Sub-No. 1 TA), filed May 13, 1974. Applicant: GEORGE HAND AND J. R. RUTHERFORD, doing business as H & R TRUCKING, 2nd & Cheyenne, Canadian, Tex. 79014. Applicant's representative: Rufus H. Lawson, P.O. Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drilling mud and drilling mud material or ingredients*, dry, in sacks or containers, or in bulk; and (2) *drilling mud and drilling mud materials or ingredients*, liquid, between points in Oklahoma lying on, west, and north of a line beginning at the Kansas-Oklahoma State line, thence over Oklahoma State Highway 34 to its intersection with U.S. Highway 64, thence over U.S. Highway 64 to its intersection with U.S. Highway 281, thence over U.S. Highway 281 to Seiling, Okla., thence over U.S. Highway 60 to its intersection with U.S. Highway 183, thence over U.S. Highway 183 to its intersection with Oklahoma State Highway 9, thence over Oklahoma State Highway 9 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Texas on, north, and west of a line beginning at the Oklahoma-Texas State line, thence over U.S. Highway 62 to its intersection with U.S. Highway 70 to Floydada, Tex., thence over U.S. Highway 70 to its intersection with U.S. Highway 84 at Muleshoe, Tex., thence over U.S. Highway 84 to the Texas-New Mexico State line, for 180 days. SUPPORTING SHIPPERS: Donald O. Raines, District Manager, Baroid Division, Elk City, Okla. 73644; Dale Bray, Warehouse Supervisor, Imco Services, Box 821, Canadian, Tex. 79014; Danne Beason, General Manager, Drilling Fluids Corp., Box 576, Elk City, Okla. 73644; Roy L. Bulls, Secretary & Purchasing, Baker & Taylor Drilling Company, Box 308, Spearman, Tex. 79081; and Carl C. Morrow, Technical Advisor, Milchen Incorporated, 1290 E. First National Center, Oklahoma City, Okla. 73102. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

MOTOR CARRIERS OF PASSENGERS

No. MC 139604 (Sub-No. 1 TA), filed May 9, 1974. Applicant: CHERRY HILL TRANSIT, a Corporation, 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) between Philadelphia, Pa., and Pennsauken, N.J., and (2) between Philadelphia, Pa., and Cherry Hill Township, N.J., for 180 days. SUPPORTING SHIPPERS: (1) Landmark Apartments, Inc., Landmark Suite 110, Cherry Hill, N.J. 08034; (2) Colonial Management, Inc., Frontage Road, Landmark Suite 110, Cherry Hill, N.J. 08034; and (3) Stone & Webster Engineering Corporation, 2500 McClellan Avenue, Pennsauken, N.J. 08109. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-12277 Filed 5-28-74;8:45 am]

[Ex Parte No. 293 (Sub No. 1)]

NORTHEASTERN RAILROAD INVESTIGATION

Rail Services Planning Office Hearings

Pursuant to section 205(d)(1) of the Rail Reorganization Act of 1973, notice is hereby given that the Rail Services Planning Office will conduct a hearing beginning on June 26, 1974 and ending on June 27, 1974 in Harrisburg, Pennsylvania at the William Penn Memorial Museum, 3rd Street between Foster and North Streets, Harrisburg, Pennsylvania.

The hearing will commence at 9:30 a.m. on each day. Additional sessions, based upon need, may be held at the discretion of the presiding officer.

Persons interested in speaking at the hearing should contact Gary Gittings, 278 Federal Building, 228 Walnut Street, P.O. Box 869, Harrisburg, Pennsylvania 17108. Telephone: (717) 782-4419.

The following uniform rules, procedures and practices for the hearings are established:

(1) All oral presentation will be limited to 10 minutes. Appearance times can only be obtained prior to the hearing by contacting the designated contact person on a first-come, first-served basis. Persons waiting until the hearing commences to seek an opportunity to speak will be given the next available time on a first-come, first-served basis. Any person, whether appearing at the hearing or not, may supply for the record any written materials and exhibits by no later than July 12, 1974. All written materials for the record must be on 8½" x 11" paper and submitted in 6 copies.

(2) Persons requesting an appearance time will be asked: their name, address, telephone number, for whom they work, whether they are representing a group, to indicate whether or not they wish aid from the Office of Public Counsel. If assistance is requested, an attorney from the Office of Public Counsel will contact the party prior to the hearing.

(3) The proceeding is legislative, not judicial in nature. It is designed to elicit as many public views as possible on present and future rail service needs in the region. Witnesses will not be required to testify under oath and there will be no cross-examination or rebuttal testimony. Only questions from the presiding officer and the representatives of the Office of Public Counsel will be permitted.

(4) One purpose of the hearings is to inform the public of the pendency of the statutory restructuring plan, and of the opportunities for public participation. Therefore, the usual Interstate Commerce Commission limitations on radio and television news coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room, provided that the conduct of the media representatives and the presence of radio and television equipment does not disturb the orderly conduct of the proceeding. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(5) Written testimony or correspondence which is not submitted at the hearing should be mailed, identified as Harrisburg hearing, directly to:

Rail Services Planning Office
1900 L Street, NW.
Washington, D.C. 20036
(202) 254-3900

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

Issued in Washington, D.C. this 21st day of May, 1974.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-12279 Filed 5-28-74;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Effluent Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

On January 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 1908), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories of the pulp, paper, and paperboard mills category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the pulp, paper, and paperboard category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 430. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semi-Chemical Pulp Segment of the Pulp, Paper, and Paperboard Mills Point Source Category" (January 1974) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Pulp, Paper, and Paperboard Industry" (September 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: The Water Pollution Control Federation; State of Wisconsin—Department of Natural Resources; U.S. Water Resources Council; Flambeau Paper Co.; P. H. Glatfelter Co.; Olinkraft Co.; Consolidated Packaging Corp.; State of New York—Department of Environmental Conservation; State of Montana—Department of Health and Environmental Services; County Sanitation Districts of Los Angeles County; Longview Fibre Co.; Brown Co.; Mead Corp.; Hammermill Co.; Inland Container Corp.; Owens—Illinois Co.; Potlatch Co.; Columbia Corp.; St. Regis Paper Co.; National Council for Air and Stream Improvement; Container Corp. of America; Continental Can Co.; Crown Zellerbach Co.; International Paper Co.; American Paper Institute; Georgia-Pacific Co.; Weyerhauser Co.; Hoerner-Waldorf Corp.; Packaging Corp. of America; Green Bay Packaging Co.; Sealright Co.; State of Indiana; State of Illinois; International Ozone Institute; the U.S. Department of the Interior; U.S. Department of Commerce; and the U.S. Department of Health, Education, and Welfare. The following is a summary of the significant comments and the Agency's response to those comments.

(1) Many commenters felt that the effect of temperature upon biological treatment should be accounted for in a variance which is progressive below a specific base temperature and not just a one-step allowance as in the proposed regulations. It was suggested that such a variance for temperature effects should be applied to BATEA and NSPS as well as BPCTCA. Many suggestions were submitted for the base temperature and for a sliding scale which could be applied. Effluent data for several pulp and paper mills were provided with analyses correlating effluent pollutant levels with the effluent temperatures.

The inclusion in the proposed regulations of a variance for the effects of temperature upon biological treatment systems was to allow for the seasonality of effluent treatment efficiency for mills in Northern climates. However, because of the difficulty in implementing the temperature variance in the issuance and regulation of NPDES permits, the temperature variance was removed from final regulations. The Agency believes that mills located in Northern climates should design their treatment systems to account for the effects of cold temperatures. The limitations, in turn, have been revised to reflect the effects of temperature upon biological treatment systems and other factors such as raw waste load which affect the quality of the final effluent. The final regulations were developed using the maximum month of pollutant discharge of exemplary mills with emphasis on mills located in Northern climates.

(2) Several commenters felt that two stage biological treatment should not be required for BATEA or NSPS. The commenters stated that a well designed one-stage biological system can operate equally as well as a two-stage system and that there is no justification to require mills to add another stage to their one-step biological treatment system to meet the 1983 limitations.

The Agency agrees that a well-designed and operated one-stage biological treatment system can operate equally as well as a two-stage biological system. The intent of including two-stage biological treatment as BATEA was only as an identification of treatment which could meet the limitations. The Agency recognizes that well designed and operated one-stage biological systems will be acceptable as part of BATEA, and the intent was not to require the installation of a second stage to the existing one-stage systems meeting BPCTCA limitations.

(3) Comments were received which stated that several of the mills in the unbleached kraft subcategory chosen as exemplary mills do not represent BPCTCA. The external treatment at these mills includes two-stage biological systems which include aerated stabilization basins followed by storage ponds. The commenters argued that these two-stage systems represent the BATEA since the storage pond's primary purpose is to control the discharge according to the receiving water quality.

The Agency agrees that one of the purposes of the storage ponds is for controlling the discharge to meet receiving water requirements. However, further reductions in BOD5 and TSS generally occur in the storage ponds, as these ponds are frequently described as storage oxidation ponds. The Agency believes that the two-stage biological system represents BPCTCA at these mills. The design and operation of the aerated stabilization basins are such that the storage oxidation ponds are relied upon to remove BOD5 and TSS. Thus, the aerated stabilization basins at these particular mills cannot be specified as the BPCTCA. Therefore, the final effluent data from these particular mills was utilized in developing the limitations. In addition, nearly half of the mills in the unbleached kraft subcategory are using storage oxidation ponds for effluent treatment and thus the two-stage system is an available external technology

for this subcategory. However, the Agency recognizes that many mills do not have land available for these large ponds and thus, the limiations were based upon effluent qualities achievable by one-stage biological treatment systems.

(4) A number of commenters felt that the statistical analysis of exemplary mill data from which the limitations were derived allows mills to be theoretically out of compliance 16.5% and 2.5% of the time for the 30 day and daily maximum limitations, respectively. The commenters stated that the exemplary mills will actually be out of compliance a larger portion of the time as the data is skewed to the high side and thus is not normally distributed, and that the limitations should be revised in order for exemplary mills to meet the limitations. Several suggestions were submitted for reevaluation of the data.

The final regulations reflect the removal of the temperature variance and the development of the limitations based upon the maximum month of pollutant discharge from exemplary mills. Thus, the statistical analysis used in developing the proposed regulations was replaced by determination of the maximum month of pollutant discharge. In effect, the maximum month accounts not only for the effect of temperature on final effluent quality but also for other factors such as raw waste load. Therefore, the limitations have been revised so that exemplary mills will be able to comply with the limitations in the final regulations.

(5) A few commenters felt that the effluent limitations should be influenced by receiving water assimilative capacities at each particular site.

Under the Act, it is not necessary that a showing be made regarding the effect of the pollution discharge upon the quality of the receiving water. Under sections 301, 304 (b) and (c), 306 (b) and (c), and 307(c), the principal means of control is through the adoption of effluent limitations directly applicable to the discharge itself. The effluent limitations are to be based upon defined levels of technology which are specified in the Act. Nevertheless, water quality standards are retained as a secondary means of control and will have their principal applicability in those instances where effluent limitations are not stringent enough to provide for the achievement of water quality standards.

(6) Two commenters stated that no effort was made to analyze the considerable discrepancies between short term survey results and exemplary mill data, and to apply the "analytical factor" which was derived as a result of the short term surveys.

As discussed in the Development Document, the purpose of the short term survey was to evaluate the mill sampling and analytical techniques. A possible result of the evaluation was the development of an analytical factor which could be used to convert, if necessary, all data to a common basis. After considerable effort was made in examination of the mill techniques, it was concluded that the application of an "analytical factor" was not possible because of the wide variations in techniques and resulting data. Instead, the data derived using nonstandard methods or faulty techniques was not utilized in the development of the limitations.

(7) Several commenters felt that the data base does not include an adequate number of mills to represent the subcategories under study.

The data utilized in the development of the proposed regulations included all of the data available at the time. However, the data base has recently been greatly expanded through submission of data to the Agency from individual mills and from the pulp and paper industry technical association and is presented in the Development Document. The resultant data base utilized in developing the final regulations included data and information on 67 mills out of a total of 188 mills. The Agency believes that the data base more than adequately represents the subcategories under study.

(8) Comments were made stating that the technology of mixed-media filtration has not been demonstrated in the pulp and paper industry and thus should not be included as a technology for NSPS.

The Agency believes that the technology of mixed-media filtration is transferrable technology from other industrial categories and from municipal treatment systems. However, since mixed-media filtration has only been demonstrated on a pilot plant scale in the pulp and paper industry, mixed-media filtration has been removed from the identified technologies for new sources, and the limitations were adjusted accordingly.

(9) A large number of comments were made which stated that color removal by reverse osmosis, which is recommended in the proposed regulations as the color removal technology for NSSC mills, has not been demonstrated. It was stated that the mill referenced in the Development Document as demonstrating reverse osmosis for color removal is an atypical mill and is not using reverse osmosis specifically for color removal. It was pointed out that the reduction in color is actually an additional benefit of the reverse osmosis operations for water reuse. Thus, commenters suggested that the limitations for color for the NSSC subcategories should be removed from the final regulations.

The Agency acknowledged in the Development Document that the technology of reverse osmosis for color removal has not been fully demonstrated. Thus, color removal was not included for new sources for the NSSC subcategories. However, the Agency believes that reverse osmosis will be further demonstrated and will be an available technology for color removal by 1983. In addition, the technologies of ion exchange-resin adsorption and ultrafiltration as discussed in the Development Document are projected to be available to reduce color in pulp and paper mill effluents by 1983. Thus, the Agency is recommending reverse osmosis for NSSC mills for color removal for 1983, but other color removal technologies are also projected to be available for implementation in 1983.

(10) Three commenters stated that the variance for hydraulic barking should be increased to more realistically account for waste loads from the process. Several suggestions for additional allowances of BOD5 and TSS were submitted.

Hydraulic barking is not a wide-spread practice in this segment of the industry. Information available indicates that only one mill in the country, which is included in the subcategories under study, uses hydraulic barking. Data from the mill indicate that the mill will be able to meet the regulations without any additional allocation for its hydraulic barking operation. In addition, many State policies have been either to close-up or to phase-out hydraulic barkers. Thus, the hydraulic barking variance was removed from the final regulations.

(11) Several commenters suggested an approach to developing the limitations. Essentially, the approach involved determining average BOD5 raw waste loads for the industry and applying 85% reduction which was said to be representative of biological treatment. To determine the TSS limitations, it was suggested that the mill operating data be used.

The limitations are based upon mills which treat their waste waters by technologies representing BPCTCA. Thus, mill operating data is the basis for the limitations when available and not the application of an assumed pollutant reduction efficiency.

(12) Several comments were received which stated that the differences in total suspended solids concentrations resulting from testing methods utilizing glass fiber filter disks (standard methods) and methods utilizing filter paper (nonstandard methods) were not reconciled in the Development Document as to how the data was evaluated. A conversion factor for nonstandard methods to standard methods of 3 to 1 was suggested for use in the evaluation of data.

The two testing techniques were discussed in the Development Document, and data for mills utilizing nonstandard methods was not used in development of the limitations. Conversion factors for nonstandard methods to standard methods range from less than 2 to more than 10 depending upon the effluent stream sampled. Thus, the Agency feels that use of a conversion factor is not applicable. The discussion of how nonstandard methods and standard methods data was evaluated has been expanded in the Development Document.

(13) Two commenters stated that the limitations should be written for annual averages in order that mills which have controlled discharges can meet the limitations.

The Agency recognizes that mills with controlled discharges, based on receiving water quality, generally have large fluctuations in effluent flow rates, such as no discharge during a period of time when receiving water flows were low and then

possibly double or triple the average discharge rate when receiving water flows were high. These particular mills will have effluent limitations which will be equivalent to the limitations but will not necessarily establish the same daily and 30 day limitations.

(14) Two commenters stated that foam control will probably not be needed after the installation of the internal and external controls and thus, the requirement for foam control should be removed from the limitations.

The Agency concurs that foam control will probably not be required after the internal and external controls are installed. However, foam control is recommended for the mills that could possibly still have a foam problem. It is emphasized that the technologies in the Development Document are not limitation requirements but are technologies identified as capable of achieving the limitations.

(15) One commenter felt that additional subcategories should be added for small mills. Suggestions were provided for what constitutes a small mill and how the limitations should be increased for small mills.

In developing the subcategories, many factors were evaluated as possible bases for establishing subcategories. One of these factors was the size of mills. The Agency concluded that size of mills was not a significant factor for subcategorization because the waste water characteristics and control technologies are independent of plant size.

(16) One commenter felt that the temperature variance should be removed, as mills should select and design pollution control technology for the geographical location and climatic conditions.

The Agency concurs with the concept of selection and design of pollution control technology for the specific geographical location and accompanying climatic conditions. The temperature variance has been removed, and the regulations have been revised to reflect the seasonal effects upon effluent qualities resulting from the pollution control technologies installed at mills located in Northern climates.

(17) Several commenters stated that the proposed limitations for paperboard from waste paper do not account for the effects of the type of waste paper utilized for furnish (fibrous raw materials) upon the raw waste load. In addition to the type of furnish, it was argued that mills producing food-grade products have a significantly different raw waste load than mills producing non-food-grade products. It was suggested that the paperboard from the waste paper subcategory should be further subcategorized to account for the effects of raw material and product.

The Agency has evaluated the greatly expanded data base in order to further determine the effect of furnish and products upon final effluent quality. The Agency agrees that furnish and product do affect the raw waste characteristics. However, the data as presented in the Development Document shows that mills can achieve quality final effluents independent of raw waste load. The limitations were revised based upon the expanded data base.

(18) Several commenters stated that there are other methods of solid waste disposal presently being practiced which are just as acceptable as sanitary landfills. Thus, the requirement of sanitary landfills should be removed from the limitations.

The Agency emphasizes that the technology of sanitary landfills is an option for solid wastes disposal and not a requirement.

(19) It was alleged that the limitations for color removal do not appear to be workable since there is no direct linear relationship between color units and color mass.

The Agency concurs that there is no direct linear relationship between color units and color mass. However, in order for the color limitations to be related to mill production, the Agency defined, for purposes of implementing the color limitations, the following standard relationship used by several other countries: 1 mg/l equals 1 color unit.

(20) Several comments were made that the variabilities of raw waste load were not considered in the development of the limitations.

The BPCTCA limitations are based upon actual mill operating data including both raw waste and final effluent data. The Agency determined that the effects of variations in raw waste load are upon the treatment system and the quality of the final effluent. Thus, the effects of raw waste variability were considered in the development of the limitations through consideration of variations in final effluent quality.

(21) Many commenters stated that the limitations for TSS should be removed or replaced by a settleable solids limitation as the suspended solids in the final effluent from pulp and paper mill biological treatment systems are biological organisms generated during treatment for the removal of BOD and not the fibrous materials contained in mill raw wastes. It was argued that the fibrous materials in the raw waste are removed by primary treatment and that the biological suspended solids in the final effluent from the biological treatment system characteristically do not settle. It was suggested that since the biological solids do not settle and cause problems of sludge beds in receiving wastes and no harm is caused to the environment other than an exertion of BOD which is regulated by the BOD5 limitations, the TSS limitation be removed or replaced by a settleable solids limitation which would measure the potential for sludge bed buildup.

The Agency believes that the TSS in final effluents from pulp and paper mill biological treatment systems are harmful to aquatic environments. The Agency concurs that the fibrous materials in the raw waste should settle out in a well designed and operated primary treatment system. As discussed in Section VI of the Development Document, the Agency believes that the TSS from pulp and paper mill biological treatment systems have the following detrimental effects upon receiving water environments: (1) increases in the turbidity of the receiving water resulting in reduced light transmission and accompanying effects, such as reduced photosynthesis, (2) aesthetic effects, (3) settling of suspended solids to the bottom of receiving waters, and (4) exertion of BOD by the biological suspended solids. The BOD exerted by the biological suspended solids is only partially measured by the BOD5 test, as the BOD20 test would be more descriptive of the oxygen consuming effects. Thus, the Agency believes that suspended solids from pulp and paper mill biological treatment systems are pollutants which cause detrimental receiving water effects. Therefore, the TSS limitation was not removed from the regulations.

(22) Many comments were received that stated that the technology of lime treatment for removal of color has not been fully demonstrated. The commenters stated that a large number of operating problems continue to give difficulty in achieving adequate consistent color removal levels and that specifically, increases of color following color removal during biological treatment are being experienced at two mills employing color removal systems. It was suggested that since the lime treatment technology is still developing, the color removal limitations for new sources should be removed.

The Agency believes that the lime treatment process has been satisfactorily demonstrated and can be applied to new mills. It is the Agency's judgment that the operating problems being experienced by the two full-scale installations are inherent to the specific mills involved. For example, the problem of increases in color levels through the biological treatment systems are not indicative of problems of the lime treatment technology. These are a result of the specific biological systems involved, as color is being leached into the waste water from the ground. In addition, the Agency feels that many of the operating problems can be solved by new mills by being able to design the color removal system into the total mill design rather than adding on the unit operation to an existing mill.

(23) Several commenters stated that the BATEA limitations for color removal should be increased as the mills presently using the recommended lime treatment cannot meet the limitations. Suggestions for increased BATEA limitations were made and data was provided.

It is the Agency's judgment that many of the operating problems of the color removal systems presently in use will be solved before 1983. In addition, mills presently using the color removal systems are not expected to meet the limitations until 1983 by which time the waste water flows will have been reduced through in-plant controls. The reduction in waste water flows will allow the mills to meet the limitations by a reduction in total color discharged per day.

The additional information and data submitted to the Agency during the comment period substantiated the proposed regulations.

(24) It was suggested by several commenters that the color limitation should be removed from the regulations as color has not been established as a pollutant and its inclusion for BATEA and NSPS is not justified.

As discussed in Section VI of the Development Document, the Agency believes that color is a major pollutant parameter and has the following detrimental effects: (1) Color in receiving waters retards sunlight transmission and interferes with photosynthesis thereby reducing productivity of the aquatic community; (2) color alters the natural stream color and is thereby aesthetically displeasing; (3) color has a detrimental effect upon downstream municipal and industrial water users, as color, even when not visually apparent (i.e. turbid streams), must be removed before use in municipal and industrial water supplies; (4) color bodies complex with metal ions, such as iron or copper, forming tar-like residues which remove metals from the stock available to stream organisms for normal metabolism, and the complexes can have direct inhibitory effects on some of the lower scale of organisms in the aquatic community; (5) color is an indicator of potentially inhibitory compounds discharged to the aquatic environment; and (6) color in receiving waters affects fish productivity and fish movements. Therefore, the limitations for color for BATEA and NSPS were not removed from the regulations as the Agency believes that color is a major pollutant parameter.

(25) Two commenters felt that the costs of color removal did not consider many of the engineering problems associated with the application of the massive lime technology.

The Agency is recommending minimum lime treatment for color removal for BATEA limitations and NSPS for two subcategories. The color limitations were based upon the minimum lime process which has been demonstrated by two mills in full-scale. The minimum lime process is less complex than the massive lime process and thus has fewer engineering problems. Therefore, the costs for color removal were for the minimum lime process and not for the massive lime process.

(26) One commenter stated that the NSSC—sodium base limitations were based upon an atypical mill, as approximately one-third of its furnish (fibrous raw material) is waste paper and the waste cooking liquor is spray irrigated. It was argued that these two factors result in an atypical low raw waste load and that the limitations should be based on mills which use NSSC furnish and which have recovery (or incineration) for disposal of their waste liquors.

The Agency concurs that the amount of waste paper used as furnish and the method of liquor disposal have effects upon the raw waste load. Additional data provided to the Agency by individual mills and the pulp and paper technical association has been evaluated and the limitations have been revised to reflect the effect of the type furnish and the waste liquor disposal methods upon raw waste load.

(27) Four comments were received that stated that the recommended technology for mills to achieve the BPCTCA limitations will require mills to install both internal and external controls. It was argued that, in effect, this pushes the 1983 limitations up to 1977 because the intent of the Act was to emphasize external treatment to meet the 1977 limitations and to emphasize internal controls in 1983. It was also suggested that since the 1983 internal technologies are essentially being required in 1977, the costs of achieving the BPCTCA limitations will be substantially higher and the economic impact may be significant.

It is the opinion of the Agency that the Act does not preclude considering some in-plant control changes as part of BPCTCA. Section 304(b)(1)(B) includes consideration of "the process employed" and "process changes" as part of the determination of BPCTCA. Where an in-plant change can be implemented by 1977 and meets the other requirements of section 304(b)(1), there is no reason to differentiate such control measure from any other control measure or practice imposed as part of BPCTCA. The in-plant changes which have been identified as available in 1977 are practices which are in common use in the industry.

(28) One comment was made that the construction schedules for treatment systems presented in the proposed Development Document do not consider many factors, such as review and negotiation, increasingly slow equipment deliveries and the effects of climate upon construction.

The original intent of the inclusion of construction schedules was not that they be specific rules for construction, but that they be guides as to that which can be done and approximately the amount of time that might be involved. The several factors mentioned were considered but the prediction of factors such as increasingly slow equipment deliveries is difficult to foresee.

(29) Two commenters stated that the limitations should be written as net pollutants and mills should be given credit for pollutants in their raw water supply.

The effluent limitations have generally been developed on a gross or absolute basis. However, the Agency recognizes that in certain instances pollutants will be present in navigable waters which supply a plant's intake water in significant concentrations which may not be removed to the levels specified in the limitations by the application of treatment technology contemplated by BPCTCA.

Accordingly, the Agency is currently developing amendments to its NPDES permit regulations (40 CFR Part 125) which will specify the situations in which the Regional Administrator may allow a credit for such pollutants. The regulations will be proposed for public comment in the near future.

(30) Several commenters stated that the Agency should provide a range of effluent limitations instead of a single limitation, as the range would allow the Regional Administrators to determine the appropriate limitation for each mill depending upon the specific conditions at the mills.

The present limitations take differences within an industry into account through subcategorization, rather than by use of ranges of numbers to be varied at the discretion of the office issuing permits. The 28 industries noted in Section 306 of the Act, for example, have already broken some of the broad industrial groups into subgroups such as the chemical industry into inorganic chemicals, organic chemicals, plastics and synthetics, petrochemicals, soaps and detergents, fertilizers, and rubber. The pulp and paper industry has been broken into 5 initial subcategories with 15 sets of limitations. In addition, a second phase of guideline issuance will establish additional subcategories.

(31) Several commenters stated that the exemplary mills as identified in the Development Document were not typical of the mills in each specific subcategory. Analyses of nearly each exemplary mill was provided showing how each mill was atypical. The factors presented which were discussed as atypical operations included the following: external treatment systems designed specifically to meet receiving water quality standards, and low raw waste loads resulting from extensive internal controls.

The Agency contends that the internal and external treatment systems in question which may have been installed to meet water quality requirements in receiving waters are representative of BPCTCA. These systems are in common use which indicates that the technologies are practicable as mills having installed these systems have not been significantly economically impacted. The Agency believes that these systems are normal internal controls and the external systems are achieving normal pollutant reductions. The reasons why the particular controls were installed is not relevant to determination of their availability.

(32) One commenter said that there was no real analysis of the costs of air and water pollution control and the benefits derived.

The limitations, as mandated by the "Act", are technologically based, and benefits are expressed in terms of effluent reduction. Although air pollution control costs were not quantified, consideration was given to this factor when the economic impact was assessed.

(33) One commenter said that while pollution control cost information was provided for a single model mill for each subcategory, costs tend to be higher for smaller mills, and their adverse economics of scale effects should be considered in the economic analysis.

The economic analysis pointed out that costs tended to increase for smaller mills.

As a result, the economic impact analysis focused on the smaller mills in each subcategory. The economic impact was not significant in that no plant closures and loss of production capacity were indicated for unbleached kraft mills; 2.5%–4.2% of production capacity would possibly close for NSSC mills, and 1.7%–2.5% for paperboard from waste paper mills.

(34) Several commenters stated that the costs for pollution control presented in the Development Document and in the Economic Analysis are expressed in 1971 dollars and that these 1971 costs do not reflect the actual costs to the industry in 1977 or 1983. Therefore, the economic impact is understated.

The economic analysis has assumed that the cost of pollution control will increase at a rate similar to the general inflation rate. Therefore, the annual cost of pollution control as a percent of sales, or the capital cost as a percent of plant investment, is expected to be relatively stable. As a result, the economic analysis used these relatively stable parameters for assessing economic impact in 1977 and 1983.

(35) Two commenters stated that the cost of land disposal, as presented in the Appendix of the Economic Analysis, is understated.

The economic impact analysis is essentially an update of a 1971 study which was conducted for the Council on Environmental Quality. The impact projections made in the 1971 study were revised to reflect the actual limitations and such items as the associated costs, the current industry segment status and current projections regarding capacity, and demand. For the purpose of convenience to the reader of the economic analysis, the 1971 study was included in the Appendix. The cost estimates in the Appendix were not those made in the economic analysis. In the case of sludge disposal, for the conditions stated by the commenter, the costs would be fifty percent greater than those shown in the Appendix. Further, the costs of sludge disposal are a small component of the annual costs and their variability does not affect the conclusions of the analysis.

(36) The comment was made that the pollution control costs do not include a reasonable return on investment.

The pollution control cost estimates included the cost of capital which implicity reflect a minimum required return on investment. Because the cost of capital used was the cost of debt, the actual cost of capital to the industry may have been understated. However, the resulting difference in pollution control costs are small and would not affect the conclusions of the economic analysis.

(b) Revision to the proposed regulation prior to promulgation.

As a result of public comments, additional technical data, and continuing review of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) The temperature variance was removed from the regulations because of the difficulty in implementing the temperature variance in the regulation of NPDES permits. The regulations were revised to reflect the seasonality of effluent qualities by utilizing the maximum month of pollutant discharge by exemplary mills.

(2) The definition of production was changed from the maximum seven days production to the annual average production. This change is consistent with the production basis which was used in the development of the limitations.

(3) The technology for suspended solids reduction by mixed-media filtration has been removed from the technologies identified for new sources. The limitations were revised to reflect the removal of mixed-media filtration and has resulted in less stringent limitations for new sources.

(4) The variance for hydraulic barking has been removed due to the trend in the industry to discontinue this processing method. The Agency identified only one mill currently using the process in these subcategories.

(5) Reevaluation of the original data base and evaluation of data received during the comment period in conjunction with removal of the temperature variance resulted in revised limitations for all subcategories.

(6) Through evaluation of the expanded data base and examination of additional information developed within EPA, it was determined that the previously identified exemplary mill in the ammonia base NSSC subcategory did not meet the requirements of BPCTCA and thus, the limitations were revised to reflect the application of BPCTCA.

(7) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The changes that were made to the proposed regulations have resulted in revised limitations. The costs associated with these limitations have not changed substantially and therefore the conclusions of the economic analysis remain unchanged. However, in the case of the NSSC subcategories, the availability of additional information has resulted in the reduction of potential mill closures from six to three.

Overall, the projected impacts of BPCTCA include:

3–6% price increases;

7–10 potential closures out of 188 mills, representing 1–1.4% of capacity; and

810–1,250 potential unemployed persons representing 1.1–1.6% of total employment for these mills.

Industry growth will not be significantly affected by capital requirements associated with these effluent limitations. Expected increased prices and slow growth in capacity for the next few years is primarily a result of the business cycle and the last several years of price controls. With projected higher prices and profitability, the industry will be able to raise sufficient capital for needed expansion.

(d) Cost-benefit analysis.

The deterimental effects of the constituents of waste waters now discharged by point sources within the unbleached kraft, semi-chemical, and paperboard segments of the pulp, paper, and paperboard mills manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Unbleached Kraft and Semi-Chemical Pulp Manufacturing Segment of the Pulp, Paper, and Paperboard Mills Point Source Category" (May 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines PULP, PAPER, AND PAPERBOARD INDUSTRY" (September 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the pulp, paper, and paperboard industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Solid waste control.

Solid waste control must be considered. The waterborne wastes from the pulp, paper, and paperboard industry

may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology, as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be premanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of Section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semi-Chemical Pulp Manufacturing Segment of the Pulp, Paper, and Paperboard Point Source Category," is being published and will be available for purchase from the Government Printing Office, Washington, D.C. 20402 for a nominal fee.

(g) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 430, Pulp, Paper, and Paperboard Manufacturing Point Source Category, to read as set forth below. An order of the Federal District Court for the District of Columbia entered in *NRDC* v. *Train* (Civ. No. 1609–73) on November 27, 1973, required that the Administrator sign final effluent limitations guidelines for this industry category by March 22, 1974. That order was subsequently modified on March 14, 1974, and the date for signing extended until May 6, 1974. Thereafter, on March 15, 1974, the District Court ordered that the effective date for effluent limitations guidelines established by its November 27 order remain applicable and not be affected by the extension of the publication date. The effective date for effluent limitations guidelines for this industry established by the Court's November 27 order is May 21, 1974. Accordingly, good cause is found for the final regulation promulgated as set forth below to be effective upon publication in the FEDERAL REGISTER.

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Unbleached Kraft Subcategory

Sec.

Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

Subpart C—Ammonia Base Neutral Sulfite Semi-Chemical Subcategory

Subpart D—Unbleached Kraft—Neutral Sulfite Semi-Chemical (Cross Recovery) Subcategory

Sec.

Subpart E—Paperboard From Waste Paper Subcategory

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), and 1317(c)) 86 Stat 816 et seq.; Pub L. 92–500.

Subpart A—Unbleached Kraft Subcategory

§ 430.10 Applicability; description of the unbleached kraft subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by unbleached kraft mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account

all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment techonlogy available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	5.6	2.8
TSS	12.0	6.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	11.2	5.6
TSS	24.0	12.0
pH	Within the range 6.0 to 9.0.	

§ 430.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	2.7	1.35
TSS	3.7	1.85
Color	15.0	10.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	5.4	2.7
TSS	7.4	3.7
Color	30.0	20.0
pH	Within the range 6.0 to 9.0.	

§ 430.14 Reserved.

§ 430.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.1	1.55
TSS	7.5	3.75
Color	15.0	10.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	6.2	3.1
TSS	15.0	7.5
Color	30.0	20.0
pH	Within the range 6.0 to 9.0.	

§ 430.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the unbleached kraft subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.15; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

§ 430.20 Applicability; description of the sodium based neutral sulfite semi-chemical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by sodium base neutral sulfite semi-chemical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewaster" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) correspondingly reduced in stringency for that pollutant.

Subpart B—Sodium Based Neutral Sulfite Semi-Chemical Subcategory

§ 430.20 Applicability; description of the sodium based neutral sulfite semi-chemical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by sodium base neutral sulfite semi-chemical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and meth-

ods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/1.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	8.7	4.35
TSS	11.0	5.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	17.4	8.7
TSS	22.0	11.0
pH	Within the range 6.0 to 9.0.	

§ 430.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	4.5	2.25
TSS	5.0	2.5
Color	75 percent removal.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	9.0	4.5
TSS	10.0	5.0
Color	75 percent removal.	
pH	Within the range 6.0 to 9.0.	

§ 430.24 Reserved.

§ 430.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	5.2	2.6
TSS	7.7	3.85
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	10.4	5.2
TSS	15.4	7.7
pH	Within the range 6.0 to 9.0.	

§ 430.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the sodium based neutral sulfite semi-chemical subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Ammonia Base Neutral Sulfite Semi-Chemical Subcategory

§ 430.30 Applicability; description of the ammonia base neutral sulfite semi-chemical subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by ammonia base neutral sulfite semi-chemical mills. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/1.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to

factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitation have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the bests practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	8.0	4.0
TSS	10.0	5.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	16.0	8.0
TSS	20.0	10.0
pH	Within the range 6.0 to 9.0.	

§ 430.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of the pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	6.4	3.2
TSS	5.2	2.6
Color	75 percent removal.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	12.8	6.4
TSS	10.4	5.2
Color	75 percent removal.	
pH	Within the range 6.0 to 9.0.	

§ 430.34 Reserved.

§ 430.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	7.5	3.75
TSS	7.5	3.75
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	15.0	7.5
TSS	15.0	7.5
pH	Within the range 6.0 to 9.0.	

§ 430.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ammonia base neutral sulfite semi-chemical subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.35: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Unbleached Kraft—Neutral Sulfite Semi-Chemical (Cross Recovery) Subcategory

§ 430.40 Applicability; description of the unbleached kraft—neutral sulfite semi-chemical (cross recovery) subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of pulp and paper by combined unbleached kraft and neutral sulfite semi-chemical (NSSC) mills, wherein the spent NSSC cooking liquor is burned within the unbleached kraft chemical recovery system. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Color shall mean that color as measured by the testing method presented in the National Council for Air and Stream Improvement, (Inc.) "Technical Bulletin 253," December 1971. Color units are to be assumed equal to mg/l.

(c) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(d) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors

are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	8.0	4.0
TSS	12.5	6.25
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	16.0	8.0
TSS	25.0	12.5
pH	With in the range 6.0 to 9.0.	

§ 430.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.2	1.6
TSS	4.2	2.1
Color	25.0	12.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	6.4	3.2
TSS	8.4	4.2
Color	37.5	25.0
pH	Within the range 6.0 to 9.0.	

§ 430.44 Reserved.

§ 430.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.8	1.9
TSS	8.0	4.0
Color	25.0	12.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	7.6	3.8
TSS	16.0	8.0
Color	37.5	25.0
pH	Within the range 6.0 to 9.0.	

§ 430.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the unbleached kraft—neutral sulfite semi-chemical (cross recovery) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.45: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Paperboard From Waste Paper Subcategory

§ 430.50 Applicability; description of the paperboard from waste paper subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of paperboard from waste paper. When a plant is subject to effluent limitations covering more than one subcategory, the discharge limitation shall be the aggregate of the limitations applicable to the total production covered by each subcategory.

§ 430.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

(b) Total suspended nonfilterable solids (TSS) shall mean TSS as measured by the technique utilizing glass fiber disks as specified in "Standard Methods for the Examination of Water and Wastewater" (13th Edition).

(c) Production shall be defined as the annual average off the machine (air-dry tons).

§ 430.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	3.0	1.5
TSS	5.0	2.5
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	6.0	3.0
TSS	10.0	5.0
pH	Within the range 6.0 to 9.0.	

§ 430.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms) per 1,000 kg of product	
BOD5	1.3	0.65
TSS	1.6	.8
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	2.6	1.3
TSS	3.2	1.6
pH	Within the range 6.0 to 9.0.	

§ 430.54 Reserved.

§ 430.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of product)	
BOD5	1.5	0.75
TSS	4.0	2.0
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of product)	
BOD5	3.0	1.5
TSS	8.0	4.0
pH	Within the range 6.0 to 9.0.	

§ 430.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the paperboard from waste paper subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR, Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 430.55; *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 430]

PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

Proposed Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 430—Pulp, Paper, and Paperboard Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories of the pulp, paper, and paperboard point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 430) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; *And provided further*, That *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.* (Emphasis added).

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 430.15, 430.25, 430.35, 430.45, and 430.55 of the proposed regulation for point sources within the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories (January 15, 1974; 39 FR 1908), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 430.16, 430.26, 430.36, 430.46, and 430.56 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Unbleached Kraft and Semi-Chemical Pulp Segment of the Pulp, Paper and Paperboard Mills Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Pulp, Paper and Paperboard Industry" (September 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of this material, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of pulp, paper, and paperboard, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of pulp, paper and paperboard. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the pulp, paper, and paperboard category (39 FR 1908; January 15, 1974). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 430) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the unbleached kraft, sodium base neutral sulfite semi-chemical, ammonia base neutral sulfite semi-chemical, unbleached kraft—neutral sulfite semi-chemical (cross recovery), and paperboard from waste paper subcategories, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document the waste waters from all subcategories are similar in types of pollutant contents. The pollutants are organic materials and solids. These waste water pollutants are considered compatible to treatment in a municipal system, and the guidelines should not apply.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 430 be amended to add §§ 430.14, 430.24, 430.34, 430.44, and 430.54 as set forth below. All comments received within thirty days of the publication of this notice of proposed rulemaking will be considered.

Dated: May 17, 1974.

JOHN QUARLES,
Acting Administrator.

Part 430 is proposed to be amended as follows:

Subpart A is amended by adding § 430.14 as follows:

§ 430.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart B is amended by adding § 430.24 as follows:

§ 430.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart C is amended by adding § 430.34 as follows:

§ 430.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart D is amended by adding § 430.44 as follows:

§ 430.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart E is amended by adding § 430.54 as follows:

§ 430.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart F is amended by adding § 430.54 as follows:

§ 430.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 430.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

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